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PUBLIC LAWS AND RESOLUTIONS

OF THE

STATE OF NORTH CAROLINA

PASSED BY THE

GENERAL ASSEMBLY

AT ITS

SESSION OF 1919

BEGUN AND HELD IN THE CITY OF RALEIGH

ON

WEDNESDAY, THE EIGHTH DAY OF JANUARY, A. D. 1919

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CONTENTS

State Government :

Executive Departments	v
Judicial Department	vi
Corporation Commission	vii
Administrative Departments, Boards and Commissions.....	vii
General Assembly	xv
Commissioners of Affidavits.....	xvii
Captions of Public Laws.....	xix
Captions of Resolutions.....	xxxv
Constitution	1
Public Laws	37
Resolutions	555
Index	605

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FOR 1919

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*In coöperation with the United States Department of Agriculture.

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*In coöperation with the United States Department of Agriculture.

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T. F. WINSLOW.....	Commissioner	Hertford
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STATE STANDARD KEEPER

T. F. BROCKWELL.....	Raleigh
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GENERAL ASSEMBLY

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

SENATORS

HON. O. MAX GARDNER, LIEUTENANT GOVERNOR, PRESIDENT, CLEVELAND

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21	WILKINS P. HORTON.....	Pittsboro	Chatham
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23	J. F. SHINN.....	Norwood	Stanly
24	J. L. DELANEY.....	Charlotte	Mecklenburg
24	A. B. PALMER.....	Concord	Cabarrus
25	R. LEE WRIGHT.....	Salisbury	Rowan
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28	JAMES L. SHEEK.....	Mocksville	Davie
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30	W. A. REINHARDT.....	Newton	Catawba
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33	T. OVID TEAGUE.....	Taylorsville	Alexander
34	E. F. LOVILL.....	Boone	Watauga
35	JAMES L. HYATT.....	Burnsville	Yancey
36	HENRY B. STEVENS.....	Asheville	Buncombe
37	O. B. COWARD.....	Webster	Jackson
38	R. D. SISK.....	Franklin	Macon

SENATE OFFICERS

NAME	POSITION	COUNTY
O. MAX GARDNER.....	President	Cleveland
LINDSAY C. WARREN.....	President <i>pro tem</i>	Beaufort
R. O. SELF.....	Principal Clerk	Forsyth
W. D. GASTER.....	Sergeant-at-Arms	Cumberland
C. C. BROUGHTON.....	Reading Clerk	Montgomery
I. W. HUGHES.....	Engrossing Clerk	Beaufort

REPRESENTATIVES

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NAME	POSTOFFICE	COUNTY
W. J. GRAHAM.....	Burlington	Alamance
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R. A. DOUGHTON.....	Sparta	Alleghany
T. C. COXE.....	Wadesboro	Anson
T. A. FARMER.....	Lansing	Ashe
J. H. PRITCHARD.....	Heaton	Avery
W. M. BUTT.....	Bonnerton	Beaufort
J. H. MATHEWS.....	Windsor	Bertie
A. M. KELLY.....	Abbotsburg	Bladen
DEMPSEY L. HEWETT.....	Shallotte	Brunswick
J. D. ECKLES.....	Black Mountain	Buncombe
LUKE H. YOUNG.....	Leicester, R.F.D.	Buncombe
JOSEPH E. WILSON.....	Rutherford College	Burke
A. ST. CLAIR WILLIAMS.....	Concord	Cabarrus
E. G. SUTTLEMYRE.....	Granite Falls	Caldwell
M. L. BURGESS.....	Old Trap	Camden
DAVID M. JONES.....	Beaufort	Carteret
JOHN E. TUCKER.....	Yanceyville	Caswell
J. A. PROPST.....	Conover	Catawba
A. C. RAY.....	Pittsboro	Chatham
T. C. McDONALD.....	Murphy, R. 3.....	Cherokee
J. H. McMULLAN, JR.....	Edenton	Chowan
JAMES PENLAND.....	Hayesville	Clay
O. M. MULL.....	Shelby	Cleveland
WALTER H. POWELL.....	Whiteville	Columbus
GEORGE D. DAIL.....	New Bern	Craven
GEORGE MCNEILL.....	Fayetteville	Cumberland
E. R. JOHNSON.....	Currituck	Currituck
B. G. CRISP.....	Manteo	Dare
A. MACK HIATT.....	Thomasville	Davidson
JOHN F. SMITHDEAL.....	Advance	Davie
STACY R. CHESTNUT.....	Alvin	Duplin
VICTOR S. BRYANT.....	Durham	Durham
BENNEHAN CAMERON.....	Stagville	Durham
R. T. FOUNTAIN.....	Rocky Mount	Edgecombe
R. M. COX.....	Rural Hall, R. 1.....	Forsyth
J. TURNER PARISH.....	Winston-Salem	Forsyth
WILLIAM H. MACON.....	Louisburg	Franklin
DR. S. A. WILKINS.....	Dallas	Gaston
M. A. STROUP.....	Cherryville	Gaston
R. W. GATLING.....	Gates	Gates
W. P. ROSE.....	Tapoca	Graham
D. G. BRUMMITT.....	Oxford	Granville

REPRESENTATIVES—CONTINUED

NAME	POSTOFFICE	COUNTY
W. A. DARDEN.....	Ayden, R.F.D.	Greene
THOMAS J. GOLD.....	High Point	Guilford
W. A. BOWMAN.....	Liberty, R. 2.....	Guilford
C. G. WRIGHT.....	Greensboro	Guilford
J. H. DARDEN.....	Spring Hill	Halifax
F. M. TAYLOR.....	Brinkleyville	Halifax
GEO. K. GRANTHAM.....	Dunn	Harnett
D. L. BOYD.....	Waynesville	Haywood
BROWNLOW JACKSON.....	Hendersonville	Henderson
STANLEY WINBORNE.....	Murfreesboro	Hertford
J. A. HODGIN.....	Red Springs, R. 3.....	Hoke
JOHN M. CLAYTON.....	Engelhard.....	Hyde
HARRY P. GRIER.....	Statesville	Iredell
W. LAFAYETTE MATTHEWSON.....	Mooreville	Iredell
J. N. WILSON.....	Cullowhee	Jackson
J. R. WILLIAMS.....	Clayton	Johnston
PAUL D. GRADY.....	Kenly	Johnston
B. B. COLLINS.....	Maysville	Jones
D. B. TEAGUE.....	Sanford	Lee
JOHN G. DAWSON.....	Kinston	Lenoir
EDGAR LOVE.....	Lincolnton	Lincoln
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GEO. W. WILD.....	Big Pine	Madison
HARRY W. STUBBS.....	Williamston	Martin
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T. J. RENFROW.....	Matthews	Mecklenburg
EDGAR W. PHARR.....	Charlotte	Mecklenburg
S. J. TURNER.....	Bakersville	Mitchell
ROBERT T. POOLE.....	Troy	Montgomery
GEORGE W. WILCOX.....	Carbonton, R.F.D.	Moore
R. M. MOORE.....	Whitakers, R. 2.....	Nash
A. F. MAY.....	Spring Hope	Nash
L. CLAYTON GRANT.....	Wilmington	New Hanover
J. B. STEPHENSON.....	Severn	Northampton
EDWARD W. SUMMERSILL.....	Jacksonville	Onslow
LUECO LLOYD.....	Chapel Hill	Orange
R. C. HOLTON.....	New Bern, R. 1.....	Pamlico
W. O. SAUNDERS.....	Elizabeth City	Pasquotank
JEFF. D. HOCUTT.....	Ashton	Pender
W. F. MORGAN.....	Winfall	Perquimans
J. C. PASS.....	Roxboro	Person
JUNIOUS BROWN.....	Greenville	Pitt
J. C. GALLOWAY.....	Grimesland	Pitt
W. F. SWANN.....	Lynn	Polk
J. ED. SPENCE.....	Cole's Store	Randolph
W. N. EVERETT.....	Rockingham	Richmond
G. B. SELLERS.....	Maxton	Robeson
J. S. OLIVER.....	Marietta	Robeson
JESSE L. ROBERTS.....	Madison	Rockingham
JEFF. E. GARRETT.....	Reidsville	Rockingham
J. C. KESLER.....	Salisbury	Rowan
T. D. BROWN.....	Salisbury	Rowan
PLATO GETTYS.....	Hollis	Rutherford
RICHARD L. HERRING.....	Clinton	Sampson
ALEXANDER E. SHAW.....	Wagram	Scotland
THOMAS R. FORREST.....	Albemarle	Stanly

REPRESENTATIVES—CONTINUED

NAME	POSTOFFICE	COUNTY
EDWIN KISER	King	Stokes
S. O. MAGUIRE	Elkin	Surry
JOHN BURNETT	Bryson City	Swain
G. T. LYDAY	Penrose	Transylvania
H. SEATON SWAIN	Columbia	Tyrrell
R. B. REDWINE	Monroe	Union
B. H. GRIFFIN	Marshville	Union
R. S. MCCOIN	Henderson	Vance
S. BROWN SHEPHERD	Raleigh	Wake
W. H. SAWYER	Raleigh	Wake
R. B. NICHOLS	Zebulon	Wake
JOHN S. DAVIS	Creek	Warren
BENJAMIN F. HALSEY	Roper	Washington
H. MCD. LITTLE	Boone	Watauga
FRED. R. MINTZ	Mount Olive	Wayne
C. R. AYCOCK	Fremont	Wayne
MARCUS G. STEELMAN	Adley	Wilkes
NATHAN BASS	Lucama	Wilson
C. G. BRYANT	Yadkinville	Yadkin
G. ELLIS GARDNER	Burnsville	Yancey

HOUSE OFFICERS

NAME	POSITION	COUNTY
D. G. BRUMMITT	Speaker	Granville
ALEX. LASSITER	Principal Clerk	Bertie
D. P. DELLINGER	Reading Clerk	Gaston
J. H. MORING	Sergeant-at-Arms	Wake
E. J. JENKINS	Assistant Sergeant-at-Arms	Granville
O. P. SHELL	Engrossing Clerk	Harnett

ENROLLING DEPARTMENT

NAME	POSITION	COUNTY
EDMUND B. NORVELL	Chief Clerk	Cherokee
MRS. J. M. WINFREE	Assistant	Wake
W. P. BATCHELOR	Assistant	Wake

COMMISSIONERS OF AFFIDAVITS FOR NORTH CAROLINA RESIDENT
IN OTHER STATES

NAME	ADDRESS	EXPIRATION OF TERM
THOS. J. HUNT	Philadelphia, Pa.	Nov. 19, 1919
D. O. NEWBERRY	Norfolk, Va.	Nov. 2, 1919
WM. T. SHANNONHOUSE	Norfolk, Va.	Mar. 19, 1919
PEARCE HORNE	Washington, D. C.	Feb. 1, 1920
CHAS. E. A. MCCARTHY	New York City	July 11, 1920
THOS. CATO WORSFOLD	London, England	July 21, 1919

CAPTIONS
OF THE
PUBLIC LAWS
SESSION 1919

CHAP.	PAGE
1. An act to authorize the issue of State bonds to pay off the State bonds which fall due on the first day of April, 1919.....	37
2. An act to amend chapter 77 of the Public Laws of 1913, regulating the use of assumed names in partnerships, so as to permit recovery in actions brought by a partnership which has failed to register	39
3. An act to appoint a North Carolina Memorial Building Commission and to provide for the erection of a suitable memorial building in honor and to the memory of all North Carolina citizens who gave their lives, services, or property to the end that the war with Germany and her allies might be won.....	40
4. An act to amend chapter 157 of the Public Laws of 1917, relative to the distilling or manufacturing liquors.....	41
5. An act to require clerks of Superior Courts to notify the Attorney-General of appeals taken in criminal cases, and to allow the defendants to withdraw such appeals before they are docketed in the Supreme Court.....	42
6. An act to amend chapter 275 of the Public Laws of 1917, relating to the manufacture and sale of anti-hog cholera serum.....	42
7. An act to repeal chapter 280, Public Laws of 1917, so as to restore the practice in the trial of issues before a jury after a compulsory reference	43
8. An act to amend Revisal 1905, section 289, as to the cost of the bonds of clerks in the Treasurer's office.....	43
9. An act to coördinate the Illuminating Oil Act and the Gasoline Act, so far as the employment of inspectors and their compensation are concerned.....	43
10. An act to fix the compensation of commissioners appointed to partition real or personal property and of jurors to allot dower, amending section 2791 of the Revisal of 1905, and chapter 18, Public Laws of 1913.....	44
11. An act relating to notes to be issued by the State Treasurer in lieu of bonds	45
12. An act to amend chapter 284, Public Laws 1917, being the Statewide Road Law.....	45
13. An act to amend section 3814 of the Revisal of 1905, relating to the sale of cottonseed meal.....	46

CHAP.	PAGE
14. An act to correct State Grant No. 7999 for land lying in Macon County, said grant was issued to J. Heacock; also to correct the surveyor's plat-----	47
15. An act to amend section 3122 of the Revisal, prescribing a limitation within which a will may be probated-----	47
16. An act to make more definite the allowance to the State Departments of telephone and telegraph charges, and postoffice box rent-----	48
17. An act to amend section 1590 of the Revisal of 1905 of North Carolina, in order to allow funds derived under said section to be temporarily invested in the purchase of certain coupon bonds of the United States of America, and to ratify such investments heretofore made-----	48
18. An act to permit a wife to be a competent witness to testify in refutation of charges attacking her character in cases of criminal conversation-----	49
19. An act to permit the secretary of State of North Carolina to extend corporate charters as provided by section 1, article 8, of the Constitution as amended-----	50
20. An act to repeal section 959 of the Revisal of 1905, and to regulate the conveyances of a married man whose wife has been adjudged a lunatic or insane-----	50
21. An act to authorize the counties, cities and towns, or the governing body of any county, city or town in North Carolina to become a members of any memorial association or other organization for perpetuating the memory of the soldiers and sailors of North Carolina who served the United States in the great World War and to contribute to the cost of erecting any monument or memorial to the memory of such soldiers and sailors-----	51
22. An act to authorize the trial of criminal cases at the February term, 1919, of the Superior Court of Franklin County-----	52
23. An act to allow cities and towns to establish local planning boards--	53
24. An act to amend section 1567 of the Revisal of 1905, in reference to alimony or support-----	53
25. An act to amend section 3621 of the Revisal of 1905, relating to secret assault-----	54
26. An act to amend subsection 2 of section 556 of the Revisal of 1905, relating to counterclaim-----	55
27. An act to require the Attorney-General to compare monthly the warrants of the auditor with the several laws upon which they purport to be drawn-----	55
28. An act to amend section 3142 of the Revisal of 1905, so as to prevent devises and bequests becoming lapsed by the devisee or legatee dying in the lifetime of the testator, provided the devisee or legatee leaves issue surviving him-----	56
29. An act to amend section 59 of chapter 1 of the Revisal of 1905, relative to the competency of dying declarations in certain civil actions-----	56

CHAP.

PAGE

30. An act to amend section 629 of the Revisal of 1905 of North Carolina, so as to permit the sale of mortgaged personal property under execution against the mortgagor.....	57
31. An act to amend section 464 of the Revisal of 1905, relating to lis pendens, and giving the provisions of said section statewide application	57
32. An act to regulate electric light, power, water, and gas companies, and to authorize the Corporation Commission to fix a standard for gas and to prescribe rules and regulations to enforce the same, and to amend chapter 127 of the Public Laws of 1913.....	58
33. An act to amend chapter 264 of the Public Laws of 1917, relating to establishment of reformatories or homes for fallen women by cities and counties.....	58
34. An act to provide for forfeiture of the term when rent is not paid....	59
35. An act to amend chapter 166 of the Public Laws of 1913, fixing the time for holding the courts of Chatham County.....	59
36. An act to protect the health of country communities by requiring the burial of animals, etc., dying of disease.....	60
37. An act to amend chapter 284, Public Laws of 1917, so as to permit the appointment of township road commissions in certain cases....	60
38. An act to provide for the preparation and review of estimates for expenditure and revenue, and to establish a budget system for all State expenditures	61
39. An act to correct the calls of State Grant No. 1982, Macon County..	65
40. An act to place the waters of Holt's Lake under the protection of the United States Bureau of Fisheries.....	65
41. An act to repeal chapter 137, Public Laws, Session 1917, relating to primary elections in Mitchell County.....	66
42. An act for the relief of Fred C. Fisher, an Ex-Confederate soldier, and place him on the pension roll.....	66
43. An act to regulate traveling seed-cotton buyers.....	67
44. An act to amend chapter 154, Public Laws of 1917, entitled "An act to issue bonds of the State for the permanent enlargement and improvement of the State's educational and charitable institutions"	67
45. An act regulating charges for legal advertising in North Carolina....	68
46. An act to amend chapter 170, Public Laws of 1917, relating to public welfare	69
47. An act to permit banks to make loans based on percentage of surplus as well as capital.....	70
48. An act to amend chapter 142 of the Public Laws of 1913, being an act to permit counties in North Carolina to employ bank and trust companies in the capacity of county treasurers, so as to add Craven County in section 4 thereof.....	71
49. An act to amend sections 20 and 21 of the Municipal Finance Act, 1917	71

CHAP.	PAGE
50. An act to permit the refunding of fees paid into the State Treasury under the Primary Law-----	72
51. An act to amend chapter 82 of the Public Laws of 1911, relating to judges' salaries and expenses-----	72
52. An act changing the time when the sheriffs shall make their rounds for the collection of taxes-----	73
53. An act to validate the deeds of corporations in cases where the execution of said deeds is defective, and to validate the probate of deeds of corporations in cases where the order of registration was made on the oath and examination of a subscribing witness--	74
54. An act to amend section 1890 of the Revisal in respect to the procedure in appointing guardians for idiots, inebriates and lunatics	74
55. An act to increase the amount of a bank's paid-in capital stock and permanent surplus, allowed to be invested in bank building-----	75
56. An act to provide additional terms of Superior Court for Pitt County	76
57. An act to authorize the State Treasurer to cover into the general fund of the State the amount paid by Dr. Kemp Plummer Battle	76
58. An act to amend chapter 7, section 231, Revisal of 1905, relating to reserve funds of banks, banking and trust companies-----	77
59. An act to amend section 222 of the Revisal relative to the par value of stock in banks-----	78
60. An act to amend chapter 136 of the Public Laws of 1917, relating to municipal corporations-----	78
61. An act to amend section 2784 of the Revisal of 1905, increasing the pay of registrars and judges of election to three dollars per day, and repealing chapter 760 of the Public Laws, Session 1907-----	79
62. An act concerning compensation for cattle killed on account of tuberculosis and for horses and mules killed on account of glanders---	80
63. An act to transfer the State Prison buildings and grounds at Raleigh to the State Hospital at Raleigh, and to transfer the prisoners to the Caledonia Farm-----	82
64. An act to amend section 5, chapter 102, Public Laws of 1917, relating to special school taxes in North Carolina-----	84
65. An act to regulate and make uniform bills of lading-----	84
66. An act to amend section 64, Revisal of 1905, relating to private sale of personalty by executor or administrator-----	93
67. An act to amend chapter 58, Public Laws of 1911, and chapter 37, Public Laws of 1913, so as to extend the Central Highway to certain counties-----	93
68. An act to reenact chapter 284, Public Laws of 1917, being an act to provide for the issue of bonds for road improvement, for providing for county highway commissioners, and for providing for the improvement of the public roads of the several counties of the State	94
69. An act relating to settlement of distributive shares by administrators	94
70. An act to amend chapter 81, section 3345, of the Revisal of 1905, in regard to the crime of arson-----	95

CHAP.	PAGE
71. An act to prevent the spread of disease from insanitary privies.....	95
72. An act to require county homes to keep records.....	98
73. An act for the relief of sheriffs and tax collectors.....	99
74. An act to establish uniform weights and to protect purchasers of corn meal, grits, hominy, and corn flour.....	100
75. An act to amend section 1238, Volume I, Revisal of 1905, relating to sale of property of corporations.....	101
76. An act to authorize the issue of acceptances.....	101
77. An act to tax dogs in North Carolina and to encourage sheep hus- bandry	102
78. An act to regulate the practice of chiropody (podiatry) in the State of North Carolina, to provide for the establishment of a State Board of Chiropody (podiatry) Examiners, to define the duties and powers of said board, to provide for the examining and regis- tering of chiropodists (podiatrists) in this State, and to provide penalties for the violation of this act.....	104
79. An act to incorporate Lee's Grove Church in Harnett County.....	108
80. An act to regulate the treatment, handling and work of prisoners..._	108
81. An act to place Swain County under the Primary Law.....	110
82. An act to amend chapter 90, Public Laws of 1913, and chapter 245, Public Laws of 1915, providing for the assurance and registration of land titles.....	111
83. An act authorizing savings banks, banking institutions, trust com- panies and insurance companies, organized under the laws of this State, and any person acting as executor, administrator, guardian or trustee, to invest in the Federal Farm Loan Bonds, issued by any Federal Land Bank or Joint-stock Land Bank organized pur- suant to an act of Congress entitled "An act to provide capital for agricultural development, to create standard forms of invest- ment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to create government depositaries and financial agents for the United States and for other purposes," approved July 17, 1916.....	114
84. An act to provide for the listing and valuing of all property, real, personal and mixed, at its real money value.....	115
85. An act to fix and regulate the pay and mileage of jurors.....	128
86. An act to amend chapter 56, Public Laws 1915, relative to the crea- tion of street improvement districts and providing for the payment therefor by issuing bonds.....	129
87. An act to amend chapter 169, Public Laws of 1917, relating to the terms of the Superior Court of Forsyth County.....	129
88. An act to amend chapter 36, Public Laws of North Carolina, Session 1917, relating to the licensing of embalmers in North Carolina..._	130
89. An act to provide for the taking of oaths by corporations.....	130
90. An act to raise revenue.....	131

CHAP.	PAGE
91. An act to amend section 924, Revisal of 1905 of North Carolina, relating to the payment of certain funds into the hands of the clerks of the courts.....	182
92. An act to amend chapter 231, Public Laws of 1917, in relation to the assessment of property and the collection of taxes.....	183
93. An act amendatory of and supplemental to the bill entitled "An act to raise revenue".....	241
94. An act in relation to the practice of veterinary medicine or surgery in North Carolina.....	241
95. An act to amend section 34, chapter 101, Public Laws of 1915, excepting Burke County from the operation of the Primary Election Law.....	242
96. An act to amend House Bill 330, Senate Bill 157, ratified February 7, 1919, relating to State grant in Macon County.....	242
97. An act to create juvenile courts in North Carolina.....	243
98. An act relative to holding the Superior Courts of Richmond County	254
99. An act to appoint justices of the peace for the several counties of North Carolina.....	255
100. An act to provide for the compulsory attendance upon the public schools of children between certain ages and to regulate and restrict the employment of children and to provide for the enforcement of the provisions of this act and of chapter 83, Public Laws 1913, and chapter 857, Public Laws of 1909.....	273
101. An act to make an assault with a deadly weapon with intent to kill a felony.....	276
102. An act to provide a six months school term in every public school district of the State in compliance with section 3, article 9, of the Constitution of North Carolina.....	277
103. An act to authorize the board of commissioners of any county in North Carolina to cooperate with the proper authorities of any county in an adjoining State in the construction of a highway or public road bridge across any stream constituting the State line between North Carolina and an adjoining State, at the joint expense of the two counties.....	281
104. An act to fix the guilt and the punishment for persons obtaining money or other things of value by false representations of physical defects.....	283
105. An act to confer criminal jurisdiction on the April term of the Superior Court of Robeson County.....	284
106. An act to amend section 4119, Revisal of 1905, relating to the election of county boards of education.....	284
107. An act to amend chapter 148, Public Laws of 1917, requiring deeds and agreements and other easements to be placed on record.....	285
108. An act to allow certain corporations to retain the word "trust" in their names.....	285

CHAP.	PAGE
109. An act to amend section 5 of chapter 142, Public Laws of 1917, relating to the compensation of drainage commissioners.....	286
110. An act to prohibit any person from knowingly buying, selling, receiving, disposing of or concealing any automobile, motor car or motor vehicle from which the manufacturer's serial number has been removed for the purpose of concealment so as to perpetrate a fraud	286
111. An act to amend chapter 15, Public Laws of 1913, relative to ascertaining the title to money paid into office of clerk of Superior court	287
112. An act to amend chapter 123, Public Laws 1911, relative to publication of receipts and disbursements of public money.....	287
113. An act to amend chapter 116, Public Laws of 1917, in regard to holding the Superior Courts of Wake County in the Seventh Judicial District	288
114. An act to provide a county school budget for each county in the State, fixing a minimum salary for teachers and a maximum expense fund for incidentals and buildings.....	289
115. An act to amend and reenact chapter 6, Laws 1917, "To encourage road building in North Carolina".....	291
116. An act to tax dogs in North Carolina and to encourage sheep husbandry	292
117. An act to require all officers of the State or any department thereof authorized to collect fees for license taxes, or other moneys, to pay monthly the amounts collected to the State.....	294
118. An act to amend section 2791, Revisal of 1905, relating to allowance to jailers for furnishing prisoners with subsistence.....	296
119. An act to provide for the acceptance of the benefits of an act passed by the Senate and House of Representatives of the United States of America in Congress assembled, to provide for the promotion of vocational education, to provide for the appointment of a State Board for Vocational Education, and to provide for the duties thereof; and to make appropriations for vocational education....	296
120. An act to amend chapter 143 of the Public Laws of 1917, relating to the sale of commercial fertilizers.....	299
121. An act to amend chapter 156, Public Laws of 1913, relating to the regulation and supervision of bond, investment, and other companies	300
122. An act to amend chapter 255, Public Laws of 1917, relating to the State Home and Industrial School for Girls and Women.....	301
123. An act to protect the inchoate right of dower and to prohibit the sale of the home by the husband without the written consent of the wife.....	301
124. An act to amend chapter 146, Public Laws of 1915, relating to the resale of land.....	302

CHAP.	PAGE
125. An act to regulate the manufacture, sale, and distribution of anti-hog cholera serum and hog cholera virus.....	302
126. An act to amend chapter 136, Public Laws of 1917, entitled "An act to provide for the organization and government of cities, towns, and incorporated villages," to make the same conform to the Machinery Act relating to the assessment of property and the collection of taxes.....	303
127. An act to provide for the publishing of a directory of automobile registrations for the better enforcement of the automobile law....	303
128. An act to prescribe the time for holding the courts of the First Judicial District.....	304
129. An act to amend the Constitution of the State of North Carolina....	305
130. An act to amend chapter 64 of the Public Laws of 1917, authorizing the issuance of township bonds.....	306
131. An act to provide for the acceptance of the benefits of an act passed by the Senate and House of Representatives of the United States of America in Congress assembled to provide for the promotion of vocational education, to provide for the appointment of a State Board for Vocational Education and to provide for the duties thereof; and to make appropriations for vocational education....	307
132. An act concerning the partial payment for anti-hog cholera serum and virus used in the respective counties.....	310
133. An act to transfer Washington County from the First Judicial District and put it in the Second Judicial District, and to provide for the holding of the courts of the Second Judicial District.....	310
134. An act to permit public school committees and boards to furnish text-books to patrons of the schools.....	312
135. An act to authorize cities, towns, and counties to aid agricultural, animal, and poultry exhibits.....	313
136. An act to amend section 1 of chapter 5 of part one of chapter 136, Public Laws of 1917, relating to cities and towns.....	313
137. An act to ratify and validate acts of religious, educational and charitable corporations	314
138. An act relating to the establishment of roads, bridges, and ferries....	314
139. An act to amend the Primary Election Law.....	318
140. An act authorizing clerks of Superior Courts to enter judgments in certain cases	318
141. An act to repeal section 1395, Revisal of 1905, of North Carolina, so as to prevent the justices of the peace from abolishing the office of county treasurer.....	318
142. An act to amend chapter 282, Public Laws of 1915, relating to the terms of holding the Superior Courts in Hertford County.....	319
143. An act relating to the incorporation and boundaries of graded school districts	319
144. An act to amend chapter 261, Public Laws of 1917, relating to appropriations for the North Carolina Historical Commission and the North Carolina Legislative Reference Library.....	320

CHAP.	PAGE
145. An act to make appropriations for State institutions.....	321
146. An act to amend and continue chapter 277, Public Laws of 1917, being "An act whereby the historical places of interest in the State of North Carolina may be commemorated by appropriate markers"	326
147. An act to amend chapter 145, Public Laws of 1917, providing for the publication of a roster or blue book.....	327
148. An act to amend chapter 73, Public Laws of North Carolina, 1917, relating to the practice of chiropractic.....	327
149. An act to provide an additional clerk for the office of State Auditor	328
150. An act to secure the attendance of indigent children at school.....	328
151. An act to amend section 1573, Revisal of 1905, relating to the exer- cise of the right of eminent domain.....	329
152. An act to amend section 915, Revisal of 1905, so as to protect pur- chasers of land.....	330
153. An act to authorize and direct the State Auditor to cause to be ex- amined the accounts of county officers of Washington County....	330
154. An act to amend chapter 264, Public Laws of 1915, authorizing Union County to regulate the use of vehicles, motor trucks, etc., on the public roads, and for other purposes.....	332
155. An act to amend section 4827, Revisal of 1905 of North Carolina, and protect the State property.....	333
156. An act to provide for a more speedy determination of uncontested rights and actions upon bills, notes, bonds and other forms of indebtedness	333
157. An act relating to issuance of process from recorders' courts.....	334
158. An act to amend chapter 150, Public Laws of 1909, relative to com- pensation for testing meters.....	334
159. An act to amend chapter 99, Public Laws of 1917, relating to the erection and maintenance of county tuberculosis hospitals.....	335
160. An act for the relief of the Insurance Commissioner and certain employees of the Insurance Department.....	336
161. An act to make all schools organized to teach adult illiterates a part of the State public school system.....	337
162. An act to regulate the time of holding the courts in Henderson County, in the Eighteenth Judicial District.....	338
163. An act allowing Atlantic Township, Currituck County, to become part of Dare County by act of the voters of said township.....	339
164. An act to authorize the board of county commissioners of any county to refuse permission to carnivals and other shows to exhibit in such counties.....	341
165. An act to amend chapter 196, Public Laws of 1913, relating to courts in Wilkes County.....	341
166. An act to amend chapter 188, Public Laws of 1915, relative to re- marking a part of the State line in Brunswick and Columbus counties	342

CHAP.	PAGE
167. An act to fix the times for holding the Superior Courts of New Hanover County	342
168. An act to provide improved marketing facilities for cotton.....	343
169. An act to permit a bank to send for collection a check to the bank upon which the check is drawn.....	348
170. An act to amend chapter 116, Public Laws of 1911, relating to the compensation for indexing the Senate and House Journals.....	349
171. An act to place Reverend J. S. Woodward, an Ex-Confederate veteran of Swain County, on the pension roll.....	349
172. An act to place J. W. Pinnix upon the pension roll.....	349
173. An act to exempt Pender County from the Primary Law.....	350
174. An act to amend House Bill 310, Senate Bill 320, of the Session of 1919, relating to the par value of stock in banks.....	350
175. An act to prohibit telegraph companies from converting intrastate messages into interstate messages.....	350
176. An act to authorize the State Building Commission to grant permission to the board of directors to use certain equipment now in the buildings occupied by the white department of the State School for the Blind and the Deaf.....	351
177. An act to prevent public school teachers from infecting their pupils with tuberculosis	351
178. An act to amend chapter 138, Public Laws of 1917, known as the Municipal Finance Act of 1917.....	352
179. An act to amend chapter 83, Revisal of 1905, of North Carolina, in regard to building and loan associations.....	373
180. An act to amend chapter 831, Public Laws of 1907.....	374
181. An act to provide additional funds for the maintenance of farm-life schools in North Carolina.....	374
182. An act to regulate the sale and distribution of pulverized limestone and marl for agricultural purposes in North Carolina.....	375
183. An act to amend chapter 35, Public Laws of 1917, relating to expenditures for clothing inmates of the State School for the Blind and the Deaf.....	376
184. An act to appoint members of the county boards of education in the respective counties of North Carolina.....	377
185. An act to amend section 2696, Revisal of 1905, as amended by chapter 103, Public Laws of 1917.....	380
186. An act to amend chapter 100, Revisal of 1905 of North Carolina, known as the General Insurance Laws, and amendments and additions thereto.....	382
187. An act to provide for the holding of Superior Courts in the Fourteenth Judicial District.....	383
188. An act to amend chapter 122, Public Laws of 1913.....	384
189. An act to provide for the construction and maintenance of a system of State highways and to enable the State to secure the benefits of Federal aid therefor, and for other purposes.....	385

CHAP.	PAGE
190. An act to provide for the maintenance of the public roads of North Carolina -----	391
191. An act to amend chapter 278, Public Laws of 1917, regarding advisory board of parole-----	392
192. An act to provide for the physical examination and treatment of the school children of the State at regular intervals-----	393
193. An act to validate certain municipal taxes-----	395
194. An act to preserve the lien of judgment by a transfer of the same to a trustee when there are two or more judgment debtors jointly and severally liable for its payment and the same is paid by one of such judgment debtors-----	395
195. An act to amend sections 5353, 5354, 5357 and 5362, Revisal of 1905, relating to the distribution and sale of laws, journals, and Supreme Court reports-----	396
196. An act to amend chapter 115, Public Laws of 1913, permitting the president of the board of trustees of the Appalachian Training School for teachers to execute deed to railway company-----	397
197. An act to regulate the sale of concealed weapons in North Carolina--	397
198. An act to control the distribution of funds to the Cherokee Normal School of Robeson County-----	399
199. An act to change the name of the State Normal and Industrial College and for other purposes-----	400
200. An act to amend chapter 17, Public Laws of 1917, relating to professional nursing -----	401
201. An act to secure uniformity of high school text-books within each county for the different types of high schools-----	401
202. An act to repeal chapter 128, Public Laws 1917, and to provide for the incorporation of rural communities-----	406
203. An act to provide for the erection of a suitable building by the Building Commission for the Board of Agriculture-----	410
204. An act to amend chapter 57, Public Laws of 1917, relating to divorce	411
205. An act to amend section 210, Revisal of 1905, relating to persons disqualified to practice law-----	411
206. An act for prevention of venereal diseases-----	412
207. An act for the relief of Jasper C. Robinson of Yancey County-----	414
208. An act to amend chapter 152, Public Laws of 1917, entitled "An act to amend chapter 442, Public Laws of 1909, enacting a General Drainage Law and providing for the establishment of drainage districts, and the act amendatory thereof, being chapter 67, Public Laws of 1911, and for other purposes"-----	414
209. An act to amend chapter 264, Public Laws of 1915, relating to public roads -----	415
210. An act to amend chapter 109, Public Laws of 1913, relating to vital statistics -----	415
211. An act to amend section 4545, Revisal of 1905, relative to the treatment of Croatan Indians in the insane hospital-----	416

CHAP.	PAGE
212. An act to amend sections 3029 and 3030, Revisal of 1905, relative to owning and operating public warehouses.....	416
213. An act to require the provision of adequate sanitary equipment for public schools.....	417
214. An act to obtain reports of persons infected with venereal diseases	418
215. An act for the repression of prostitution.....	419
216. An act to allow wills of soldiers and sailors dying in service to be probated	421
217. An act to amend section 5, chapter 152, Public Laws of 1917, relating to the election of drainage commissioners in drainage districts already organized.....	422
218. An act to amend the Revisal for further protection to graveyards...	423
219. An act to appropriate the sum of \$2,000 to assist the Daughters of the American Revolution in restoring and preserving the house at Halifax in which the Constitution of North Carolina was written in 1776.....	423
220. An act to amend chapter 204, Public Laws of 1917, increasing the amount of pensions for Confederate soldiers, sailors, and their widows	424
221. An act to provide for the inspection of bottling plants or places where soft drinks are manufactured, prepared or bottled.....	424
222. An act to protect milk supply.....	426
223. An act to place Captain Thomas D. Boone of Hertford County on the pension roll.....	427
224. An act to amend the charter of the Caswell Training School and to more correctly define its object.....	427
225. An act concerning industrial banks, defining the same, and providing for their incorporation and supervision.....	428
226. An act to pay the indebtedness of the State Highway Commission and to amend the State Highway Commission Law.....	430
227. An act to increase the amount of pensions for Confederate soldiers, sailors, and their widows, amending section 4993, Revisal of 1905	430
228. An act for the relief of Mrs. Elizabeth K. Young of Yancey County..	431
229. An act for the relief of Ex-Confederate soldiers, sailors, and widows	432
230. An act to appropriate \$3,000 for vocational education.....	432
231. An act to change the method of electing trustees of the Appalachian Training School	432
232. An act to provide for the creation of a road electorate, a board of road commissioners, and for the improvement of the public roads in the several counties of the State, to become applicable to any county only when ratified by the board of county commissioners for such county.....	433
233. An act to amend chapter 161, Public Laws of 1917, relating to the fixing of salaries in the Treasurer's office.....	444
234. An act to provide punishment for persons operating automobiles while intoxicated	444

235. An act for the relief of Mrs. Rosa Smith and Richard P. Smith of Avery County.....	444
236. An act to amend chapter 90, Public Laws of 1913, being "An act to provide for the assurance and registration of land titles," ratified March 8, 1913.....	445
237. An act to amend chapter 136, Public Laws of 1917, relating to the organization and government of cities, towns, and incorporated villages	448
238. An act to provide for the completion, publication, and distribution of the Consolidated Statutes of North Carolina, and to fix a date when they are in force.....	449
239. An act to provide for the finishing of two stories of the State warehouse building	451
240. An act to amend chapter 59, Public Laws of 1917, being entitled an act to protect very young children.....	452
241. An act to authorize ministers of the gospel to receive vinous liquors for sacramental purposes.....	452
242. An act to authorize public school districts to retain in their treasuries surplus funds from shortened school terms.....	452
243. An act to provide for the location of the State Prison and to issue bonds therefor.....	453
244. An act to amend subchapter S, chapter 136, Public Laws of 1917, relating to protecting against fire of property outside city limits...	454
245. An act relating to cemeteries.....	455
246. An act to expedite all actions and special proceedings whenever any of the defendants are infants, idiots, lunatics, or persons non compos mentis, by permitting a motion for the appointment of a guardian ad litem simultaneously with the beginning of the service by publication.....	455
247. An act to authorize the Governor and Council of State to fix the salaries of the clerks and stenographers in the several departments of the State.....	456
248. An act to validate probates and registrations in cases of defective certificates of officers admitting instruments to registration.....	458
249. An act to authorize building and loan associations to accept Liberty Loan Bonds as security for loans.....	459
250. An act to validate the probate of certain old wills.....	459
251. An act for the relief of Charles V. York, for losses sustained by him in the erection of the State Warehouse on East Morgan Street, Raleigh	461
252. An act to enable State institutions to join the Federal reserve system	461
253. An act affecting bank transactions after twelve o'clock noon on Saturdays and on legal holidays.....	462
254. An act to amend certain sections of the Revisal of 1905, and certain chapters of the Public Laws of 1907, 1911, 1913, 1915, and 1917, all being parts of the Public School Law.....	463
255. An act to provide for the teaching of agriculture, home economics, and manual training in the public schools of North Carolina.....	467

CHAP.	PAGE
256. An act to authorize the board of directors of the State Normal and Industrial College to purchase land.....	469
257. An act to amend chapter 84, Public Laws of 1911, for the establishment and maintenance of county farm-life schools and for the promotion of agriculture and home economics.....	470
258. An act to amend chapter 140, Public Laws of 1917, regulating the use of automobiles.....	471
259. An act to require the custodian of money arising from the sale of real estate and to be held subject to the orders of the court to give bond for an accounting for such money.....	472
260. An act to fix the salary of the Marshal of the Supreme Court, who is also the librarian of said court.....	473
261. An act to create a State reconstruction commission and define its powers and duties.....	473
262. An act to amend chapter 136, Public Laws of 1917, relating to the organization and government of cities, towns and incorporated villages	474
263. An act to exempt boys under twenty-one years of age from working public roads while attending school.....	475
264. An act to regulate the conferring of degrees by educational institutions	475
265. An act to authorize the Governor to issue commissions to commandants or directors of military training at the University and other institutions, colleges, and schools of the State and to the student officers of such institutions.....	476
266. An act providing for coöperation between the State and the United States in the settlement of soldiers, sailors, marines, and others upon State lands and lands acquired under this act; creating a soldier settlement board, defining its powers and duties.....	477
267. An act to provide for licensing threshers of grain in North Carolina and securing reports on the amount of grain threshed.....	479
268. An act to compensate certain janitors for extra services during the meeting of the General Assembly.....	480
269. An act to allow extra compensation for the night watchman and night librarian of the Supreme Court Building.....	481
270. An act to amend chapter 136, Public Laws of 1917, relating to the organization and government of cities, towns and incorporated villages	481
271. An act to provide for the taking of samples of cottonseed meal for analysis	482
272. An act to prevent the use of narrow-tired wagons on the public highways of North Carolina.....	482
273. An act to amend chapter 24, Revisal of 1905.....	483
274. An act to amend section 3374, Revisal of 1905, relating to "enticing labor" and make same apply to tenants.....	484

CHAP.	PAGE
275. An act to amend chapter 6, Public Laws of 1913, relating to liability for damages.....	484
276. An act to equalize the expenses of the Supreme Court reporter with the other employees of the State as to offices.....	485
277. An act to establish a uniform system of recorders' courts for municipalities and counties in the State of North Carolina.....	485
278. An act to amend chapter 101, Public Laws of 1915, relating to primary elections.....	502
279. An act to provide for the purchase of service medals for the soldiers and sailors of North Carolina who served in the world war.....	503
280. An act to make effective chapter 24, Public Laws of 1917.....	503
281. An act to benefit the moral, mental, or physical condition of inmates of penal and charitable institutions.....	504
282. An act extending the time for filing copies of assessment rolls by drainage commissioners.....	505
283. An act to repeal chapter 373, Public Local Laws of 1917, placing Graham County under the Primary Law.....	506
284. An act to create a State commission to associate with the Sulgrave Institution and other related organizations in conjoint celebration in 1921 of the first English settlement in America on Roanoke Island, North Carolina, of the tercentenary of the landing of the Pilgrim Fathers, December 28, 1620, the permanent settlement of Virginia, Magna Charta, Revolution of the British Commonwealth, American Revolution, the adoption of the Constitution of the United States, and those other correlated events which mark the beginnings and development of the free institutions of the United States of America, which celebration is to be held throughout the United States, Great Britain and Ireland, and the overseas dominions of the British Commonwealth and in the Netherlands, and defining the powers and duties of such commission....	506
285. An act to amend chapter 138, Public Laws of 1917 (known as the Municipal Finance Act), as amended by an act (H. B. 787, S. B. 1170), ratified March 7, 1919.....	507
286. An act to place the names of certain persons upon the pension roll of Clay County.....	509
287. An act to designate the eleventh day of November as a legal holiday in North Carolina.....	509
288. An act to amend chapter 761, Public Local Laws of 1913, relating to the injunction and abatement of certain nuisances.....	509
289. An act empowering the commissioners of Caswell County to abrogate in any year the holding of that court for Caswell County which convenes on the second Monday before the first Monday in September.....	510
290. An act to correct errors in House Bill 27, Senate Bill 325, ratified February 21, 1919, relating to bills of lading.....	510

CHAP.	PAGE
291. An act to supplement chapter 138, Public Laws of 1917, known as the Municipal Finance Act, in relation to elections held under said act.....	511
292. An act to amend chapter 140, Public Laws of 1917, relating to the use of automobiles.....	511
293. An act to fix the salaries of the officers of the State of North Carolina	512
294. An act to place Ex-Confederate veterans of Person County on the pension roll.....	512
295. An act to consolidate the board of directors of the Caswell Training School with the hospital board.....	512
296. An act to supplement chapter 136, Public Laws of 1917, providing for the organization and government of cities, towns, and incorporated villages	513
297. An act permitting the exchange of county funding bonds for outstanding notes in lieu of the sale of the bonds.....	513
298. An act relating to the purchasing committee.....	514
299. An act to restore the jurisdiction of Superior Courts.....	514
300. An act to amend section 248, volume one, of the Revisal, relating to bank examiners.....	515
301. An act to permit orphan children to attend the public schools.....	515
302. An act to amend section 7, chapter 264, Public Laws of 1917, providing for the establishment of reformatories or homes for fallen women	516
303. An act to amend chapter 154, Public Laws of 1917, in regard to public buildings, and to provide for a State Architect.....	517
304. An act to restore the provisions of the Code of Civil Procedure in regard to process and pleadings, and to expedite and reduce the costs of litigation.....	519
305. An act to appoint directors for Cullowhee Normal and Industrial School	520
306. An act to define the liability of a bank in error as to nonpayment of a check.....	521
307. An act to provide an automobile for the use of the Executive Mansion	521
308. An act relating to the incorporation of road, school, and other districts	521
309. An act to amend section 4182, Revisal of 1905, relating to the number of directors of the State normal schools for the colored race.....	522
310. An act to provide pensions for Mrs. Martha Leonard and for Mrs. Lucretia Mullis, widows of Confederate soldiers.....	522
311. An act to amend section 97, chapter 200, public Laws of 1917, providing for paying into the State Treasury the unused money.....	523
312. An act to enable all counties to provide funds to pay the cost of constructing or improving roads with Federal aid, and to pay the cost of maintaining such roads.....	523

CHAP.	PAGE
313. An act to authorize the Governor and the Council of State to fix the wages paid certain employees and laborers in the Capitol and State Department buildings-----	528
314. An act to amend S. B. 136 and H. B. 1321, passed at this session of the General Assembly, being an act revising and consolidating the public and general statutes of the State of North Carolina----	529
315. An act to provide for appointment of the county boards of education in the several counties of the State-----	531
316. An act to create the Mount Mitchell Park Commission and to prescribe the duties thereof-----	533
317. An act to provide for repairs at the Governor's Mansion-----	534
318. An act to amend section 3346, Revisal of 1905, relating to the burning of woods -----	535
319. An act to amend section 1253, Revisal of 1905, relating to jurors tax fees-----	535
320. An act to allow the Governor his actual traveling expenses outside the State on business incident to his office-----	535
321. An act to amend House Bill 1315, Senate Bill 1295, Public Laws of 1919, entitled "A bill to be entitled an act to provide for the construction and maintenance of a system of State highways and to enable the State to secure the benefits of Federal aid therefor, and for other purposes"-----	536
322. An act to amend chapter 23, Public Laws of 1917, in regard to absent electors -----	536
323. An act relating to the compensation of the employees in the State Library -----	538
324. An act to amend section 1645, Revisal, in regard to depositions-----	538
325. An act to provide for the establishment of standard packages, grades, State brands, and for other purposes-----	538
326. An act to provide for the admission of insane residents of the State into the State hospitals for the insane-----	542
327. An act to continue in force the provisions of chapter 197, Public Laws of 1917, until 1921, to enlarge the powers of the State Educational Commission, to make an appropriation for expenses of said commission, and to extend the time for said commission's final report until 1921-----	543
328. An act to authorize the State Treasurer to borrow money for the permanent enlargement and improvement of certain educational and charitable institutions of the State, to erect a building for the Agricultural Department, and to amend chapter 154, Public Laws of 1917-----	544
329. An act to require clerks to receive without commission the deposit placed in their hands under chapter 146, Public Laws 1915-----	547
330. An act to amend chapter 150, Public Laws of 1917, relating to the management of hospitals for the insane-----	548

CHAP.	PAGE
331. An act to place Flora A. Brown, widow of H. V. Brown, deceased Confederate soldier, on the pension roll.....	548
332. An act to amend sections 1 and 2 of chapter 42, Public Laws of 1913, relative to public hospitals.....	549
333. An act to further regulate the fishing industry of the State.....	549
334. An act to amend chapter 136, Public Laws passed by the General Assembly of North Carolina at its session in the year 1917, same being an act to provide for the organization and government of cities, towns, and incorporated villages.....	551
335. An act to provide extra compensation for the night watchman of the State Departments Building.....	552
336. An act to amend chapter 270, Public Laws of 1915, being an act to regulate the practice of architecture.....	552
337. An act to amend chapter 101, Public Laws of 1915.....	553
338. An act to build a bridge at the forks of Sandy Mush between the counties of Buncombe and Madison.....	553
339. An act to amend chapter 122, Public Laws of North Carolina, Session 1913, and chapter 279, Public Laws of North Carolina, Session 1917, relative to issuance of road bonds.....	554

CAPTIONS
OF THE
RESOLUTIONS
SESSION 1919

NO.	PAGE
1. Joint resolution informing his Excellency, the Governor, that the General Assembly is organized and ready to proceed with public business -----	555
2. Joint resolution in regard to the death of Theodore Roosevelt-----	555
3. Resolution for joint session to hear the Governor's message-----	556
4. Resolution for joint session to open election returns for State officers -----	556
5. Joint resolution in regard to the memory of W. S. Wilson-----	556
6. Joint resolution inviting the Hon. W. J. Bryan to address the General Assembly of North Carolina in joint session-----	557
7. Memorial to American Peace Commission in France-----	557
8. Joint resolution ratifying a proposed amendment to the Constitution of the United States of America-----	558
9. Joint resolution relating to the death of Edward Kidder Graham, late President of the University of North Carolina-----	559
10. Resolution providing for the appointment of a joint committee on the Code -----	560
11. A joint resolution to authorize the printing of the Governor's message -----	560
12. Joint resolution for the celebration of General Robert E. Lee's birthday -----	561
13. Joint resolution for the printing of one thousand copies of the opinion of the Supreme Court in the case of the Southern Railway Company v. Cherokee County, in relation to taxation-----	561
14. Joint resolution inviting President Woodrow Wilson to visit the State of North Carolina-----	561
15. A resolution authorizing the President of the Senate and Speaker of the House of Representatives to appoint a special committee to draft a law to meet the requirements of the constitutional amendment, Article II, section 29-----	562
16. Resolution relating to the death of Hon. Thomas Settle-----	563
17. A joint resolution requesting the North Carolina delegation in Congress to advocate and support before the Secretary of War of the United States the memorial of the General Assembly relating to a review of the North Carolina troops of the Thirtieth Division and to a review and the demobilization of the entire division in this State -----	563

NO.	PAGE
18. A joint resolution providing that a memorial be sent to the Secretary of War of the United States relating to a review of the North Carolina troops of the Thirtieth Division and to review and the demobilization of the entire division in this State.....	565
19. Joint resolution requiring the State Highway Road Commission to furnish the General Assembly with a full detailed report of funds received and disbursements of same, and showing the amount of work done in each county in the State, the amount expended in such county and the source of the receipts of such funds.....	566
20. Joint resolution inviting the Hon. Josephus Daniels to address the members of the General Assembly.....	566
21. A joint resolution inviting Hon. Henry Morgenthau, former ambassador to Turkey, to address General Assembly.....	567
22. Joint resolution in regard to the death of Dr. Kemp Plummer Battle	567
23. Joint resolution to secure Federal aid at an early date.....	568
24. A joint resolution to endorse and cooperate in the efforts being made by the farmers and business men of the State and South to finance and promote an adequate price for cotton.....	568
25. Joint resolution inviting Governor Harding, President of the Federal Reserve Board, to address the General Assembly.....	569
26. Joint resolution to hear address of Hon. Josephus Daniels, Secretary of the Navy.....	570
27. Joint resolution appointing a joint committee to confer with the Attorney-General as to the status of the laws of North Carolina regulating the manufacture and sale of intoxicating liquors with reference to the prohibition amendment to the Federal Constitution	570
28. Resolution of respect upon the death of Hon. M. H. Justice.....	571
29. Joint resolution relating to the death of Henry Ravenscroft Bryan, late judge of the Superior Court of North Carolina.....	571
30. Resolution for the celebration of the birthday of George Washington	572
31. Joint resolution endorsing the bill now pending in the House of Representatives of the United States providing an appropriation for preparing lands in the various states to be occupied by discharged soldiers, sailors and marines of the United States.....	573
32. Joint resolution to appoint a committee to consider the adjustment of salaries and wages of certain State clerks and employees, and to make a report to this General Assembly.....	574
33. A resolution calling attention of the Secretary of War of the United States to published report of the Provost Marshal General of the United States, reflecting upon the State of North Carolina, and requesting that he cause the same to be corrected.....	575
34. Resolution requesting the opinion of the Supreme Court of North Carolina	576
35. Joint resolution providing for a joint meeting of the Senate and House of Representatives for the purpose of electing trustees of the University	576

NO.	PAGE
36. Resolution regarding the death of Hon. Benjamin B. Winborne.....	576
37. A resolution approving and endorsing the proposed League of Nations	577
38. Joint resolution to pay the expenses of the committee appointed under joint resolution to visit the Appalachian Training School at Boone	578
39. Joint resolution concerning the preservation of a historical relic.....	579
40. Joint resolution in regard to the military laws of the United States of America	579
41. Joint resolution to pay the expenses of the House and Senate Visiting Committee to the Eastern Carolina Training School, Greenville...	580
42. Joint resolution to pay the expenses of the House and Senate Educa- tional Subcommittee while visiting the State's Colored Normal College at Winston-Salem and the Cullowhee Normal and Indus- trial School at Cullowhee.....	580
43. Resolution to pay expenses of the House committee visiting the North Carolina School for the Deaf at Morganton.....	581
44. A joint resolution to appoint a committee composed of members of the Senate and the House of Representatives to draft a bill under which Federal aid for construction of State highways may be made available to the State.....	582
46. Joint resolution to pay the expenses of the committee appointed under joint resolution to visit the Caswell Training School at Kinston, North Carolina	583
47. A joint resolution to pay the expenses of the Subcommittee on Educa- tion of the House and Senate while visiting the State Normal Col- lege and the Colored A. and M. College at Greensboro.....	583
48. Resolution to pay members of the Committee on Education.....	584
49. Resolution in regard to janitors.....	584
50. Joint resolution providing for the payment of the expenses of the State Board of Charities and Public Welfare during the last two years	585
51. Joint resolution providing for the payment of the expenses of the committee to visit the State Farm.....	586
52. Resolution of thanks to Raleigh postoffice.....	586
53. Resolution in behalf of the clerks of the General Assembly.....	587
54. Joint resolution providing for the payment of witnesses subpoenaed for investigation of charges against prison management under resolution number eighteen of the General Assembly of Nineteen hundred and seventeen.....	587
55. Joint resolution in regard to extra pay for the pages of the Senate and the House of Representatives.....	589
56. Resolution of respect upon the death of Charles R. King.....	590
57. A resolution in behalf of the Committee Clerk on Propositions and Grievances in the House of Representatives, and the clerk to the Committee on Education and Constitutional, and the Committee Clerk on Salaries and Fees in the Senate.....	590

NO.	PAGE
58. Joint resolution for the proper observance of the sixtieth birthday of Charles Brantley Aycock in the public schools of the State-----	591
59. Resolution in favor of W. D. Terry-----	592
60. Resolution to pay the expenses of the House Visiting Committee to the State Hospitals at Morganton and Goldsboro-----	592
61. Joint resolution providing additional compensation for the engineer and fireman of the State central heating plant-----	593
62. Joint resolution in regard to the investigation of certain defamatory statements appearing in the report of the United States Provost Marshal-General relating to the administration of the Selective Draft Law in North Carolina-----	593
63. An act to compensate Dan Polk for extra services during meeting of the General Assembly-----	597
64. Joint resolution for the appointment of a committee to draw a bill for the enactment of a law to relieve the citizens of North Carolina against unjust and discriminatory rates charged by fire insurance companies doing business in North Carolina-----	597
65. Joint resolution relative to extra compensation of the night watchman of the State Capitol-----	598
66. Joint resolution concerning the assistant sergeant-at-arms of the Senate and assistant sergeant-at-arms of the House of Representatives -----	598
67. Joint resolution recalling H. B. 584, S. B. 653, entitled "A bill to be entitled an act to provide funds for the improvement of the roads of Duplin County"-----	599
68. A resolution providing compensation for Henry Leonard Howell, clerk of the postoffice substation-----	600
69. Joint resolution making appropriation for entertainment of the regiment returning from overseas, visiting the city of Raleigh-----	600
70. Resolution for the establishment of the Bankhead National Highway	601
71. Resolution in behalf of Mrs. Frank Mitchell, telephone operator-----	602
72. Joint resolution of adjournment of the General Assembly-----	602

CONSTITUTION

OF THE

STATE OF NORTH CAROLINA

PREAMBLE

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

ARTICLE I

DECLARATION OF RIGHTS

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

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

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

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

SEC. 4. That this State shall ever remain a member of the American Union; that the people thereof are a part of the American Nation; that there is no right on the part of the State to secede, and that all attempts, from whatever source or upon whatever pretext, to dissolve said Union, or to sever said Nation, ought to be resisted with the whole power of the State.

Of allegiance to the U. S. government.

SEC. 5. That every citizen of this State owes paramount allegiance to the Constitution and government of the United States, and that no law or ordinance of the State in contravention or subversion thereof can have any binding force.

Public debt.

SEC. 6. The State shall never assume or pay, or authorize the collection of any debt or obligation, express or implied, incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; nor shall the General Assembly assume or pay, or authorize the collection of any tax to pay, either directly or indirectly, expressed or implied, any debt or bond incurred, or issued, by authority of the Convention of the year one thousand eight hundred and sixty-eight, nor any debt or bond incurred or issued by the Legislature of the year one thousand eight hundred and sixty-eight, 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 seventy, except the bonds issued to fund the interest on the old debt of the State, unless the proposing to pay the same shall have first been submitted to the people and by them ratified by the vote of a majority of all the qualified voters of the State, at a regular election held for that purpose.

Bonds issued under ordinance of Convention of 1868 and under acts of 1868, 1868-69, 1869-70 declared invalid.

Exception.

Exclusive emoluments, etc.

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

The legislative, executive and judicial powers distinct.

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

Of the power of suspending laws.

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

Elections free.

SEC. 10. All elections ought to be free.

In criminal prosecutions.

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

Answers to criminal charges.

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

Right of jury.

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

- SEC. 14. Excessive bail should not be required, nor excessive fines imposed, nor cruel or unusual punishment inflicted. Excessive bail.
- SEC. 15. General warrants, whereby any officer or messenger may be commanded to search suspected places, without evidence of the act committed, or to seize any person or persons not named, whose offense is not particularly described and supported by evidence, are dangerous to liberty and ought not to be granted. General warrants.
- SEC. 16. There shall be no imprisonment for debt in this State, except in cases of fraud. Imprisonment for debt.
- SEC. 17. No person ought to be taken, imprisoned, or disseized of his freehold, liberties or privileges, or outlawed or exiled, or in any manner deprived of his life, liberty or property, but by the law of the land. No person to be taken, etc., but by law of the land.
- SEC. 18. Every person restrained of his liberty is entitled to a remedy to inquire into the lawfulness thereof, and to remove the same, if unlawful; and such remedy ought not to be denied or delayed. Persons restrained of liberty.
- SEC. 19. In all controversies at law respecting property, the ancient mode of trial by jury is one of the best securities of the rights of the people, and ought to remain sacred and inviolable. Controversies at law respecting property.
- SEC. 20. The freedom of the press is one of the great bulwarks of liberty, and therefore ought never to be restrained, but every individual shall be held responsible for the abuse of the same. Freedom of the press.
- SEC. 21. The privileges of the writ of *habeas corpus* shall not be suspended. Habeas corpus.
- SEC. 22. As political rights and privileges are not dependent upon, or modified by, property, therefore no property qualification ought to affect the right to vote or hold office. Property qualification.
- SEC. 23. The people of the State ought not to be taxed, or made subject to the payment of any impost or duty, without the consent of themselves, or their representatives in General Assembly, freely given. Representation and taxation.
- SEC. 24. A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed; and, as standing armies in time of peace are dangerous to liberty, they ought not to be kept up, and the military should be kept under strict subordination to, and governed by, the civil power. Nothing herein contained shall justify the practice of carrying concealed weapons, or prevent the Legislature from enacting penal statutes against said practice. Militia and the right to bear arms.
- SEC. 25. The people have a right to assemble together to consult for their common good, to instruct their representatives, and to apply to the Legislature for redress of grievances. But secret political societies are dangerous to the liberties of a free people, and should not be tolerated. Right of the people to assemble together.
- SEC. 26. All men have a natural and inalienable right to worship Almighty God, according to the dictates of their own con- Religious liberty.

sciences, and no human authority should, in any case whatever, control or interfere with the rights of conscience.

Education.

SEC. 27. The people have the right to the privilege of education, and it is the duty of the State to guard and maintain that right.

Elections should be frequent.

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

Recurrence to fundamental principles.

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

Hereditary emoluments, etc.

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

Perpetuities, etc.

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

Ex post facto laws.

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

Slavery prohibited.

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

State boundaries.

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

Courts shall be open.

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

Soldiers in time of peace.

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

Other rights of the people.

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

ARTICLE II

LEGISLATIVE DEPARTMENT

Two branches.

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

Time of assembling.

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

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

Number of senators.

SEC. 4. The Senate Districts shall be so altered by the General Assembly, at the first session after the return of every enumeration by order of Congress, that each Senate District shall contain, as near as may be, an equal number of inhabitants, excluding aliens and Indians not taxed, and shall remain unaltered until the return of another enumeration, and shall at all times consist of contiguous territory; and no county shall be divided in the formation of a Senate District, unless such county shall be equitably entitled to two or more Senators.

Regulations in relation to districting the State for senators.

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

Regulations in relation to apportionment of representatives.

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

Ratio of representation.

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

Qualifications for senators.

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

Qualifications for representatives.

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

Election of officers.

SEC. 10. The General Assembly shall have the power to pass general laws regulating divorce and alimony, but shall not have power to grant a divorce or secure alimony in any individual case.

Powers in relation to divorce and alimony.

Private laws in relation to names of persons, &c.

SEC. 11. The General Assembly shall not have power to pass any private law to alter the name of any person, or to legitimate any person not born in lawful wedlock, or to restore to the rights of citizenship any person convicted of an infamous crime, but shall have power to pass general laws regulating the same.

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

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

Vacancies.

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

Revenue.

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

Entails.

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

Journals.

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

Protest.

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

Officers of the House.

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

President of the Senate.

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

Other senatorial officers.

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

Style of the acts.

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

Powers of the General Assembly.

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

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

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

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

Oath of members.

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

Terms of office.

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

Yeas and nays.

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

Election for members of the General Assembly.

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

Pay of members and officers of the General Assembly.

Extra session.

SEC. 29. The General Assembly shall not pass any local, private, or special act or resolution relating to the establishment of courts inferior to the Superior Court; relating to the appointment of justices of the peace; relating to health, sanitation, and the abatement of nuisances; changing the names of cities, towns and townships, authorizing the laying out, opening, altering, maintaining, or discontinuing of highways, streets, or alleys; relating to ferries or bridges; relating to nonnavigable streams; relating to cemeteries; relating to the pay of jurors; erecting new townships, or changing township lines, or establishing or changing the lines of school districts; remitting fines, penalties, and forfeitures, or refunding moneys legally paid into the public treasury; regulating labor, trade, mining, or manufacturing; extending the time for the assessment or collection of taxes or otherwise relieving any collector of taxes from the due performance of his official duties or his sureties from liability; giving effect to informal wills and deeds; nor shall the General Assembly enact any such local, pri-

Limitations upon power of General Assembly to enact private or special legislation.

vate or special act by the partial repeal of a general law, but the General Assembly may at any time repeal local, private, or special laws enacted by it. Any local, private or special act or resolution passed in violation of the provisions of this section shall be void. The General Assembly shall have power to pass general laws regulating matters set out in this section.

ARTICLE III

EXECUTIVE DEPARTMENT

Officers of the Executive Department.

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

Terms of office.

Qualifications of Governor and Lieutenant-Governor.

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

Returns of elections.

SEC. 3. The returns of every election for officers of the Executive Department shall be sealed up and transmitted to the seat of government by the returning officers, directed to the Speaker of the House of Representatives, who shall open and publish the same in the presence of a majority of the members of both Houses of the General Assembly. The 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, one of them shall be chosen by joint ballot of both Houses of the General Assembly. Contested elections shall be determined by a joint ballot of both Houses of the General Assembly in such manner as shall be prescribed by law.

Oath of office for Governor.

SEC. 4. The Governor, before entering upon the duties of his office, shall, in the presence of the members of both branches of the General Assembly, or before any Justice of the Supreme Court, take an oath or affirmation that he will support the Constitution

and laws of the United States, and of the State of North Carolina, and that he will faithfully perform the duties appertaining to the office of Governor, to which he has been elected.

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

Duties of Governor.

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

Reprieves, commutations and pardons.

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

Annual reports from officers of Executive Department and of public institutions.

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

Commander in chief.

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

Extra sessions of General Assembly.

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

Officers whose appointments are not otherwise provided for.

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

Duties of the Lieutenant-Governor.

SEC. 12. In case of the impeachment of the Governor, his failure to qualify, his absence from the State, his inability to discharge the duties of his office, or, in case the office of Governor

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

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

Duties of other executive officers.

SEC. 13. The respective duties of the Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, and Attorney-General shall be prescribed by law. If the office of any of said officers shall be vacated by death, resignation, or otherwise, it shall be the duty of the Governor to appoint another until the disability be removed or his successor be elected and qualified. Every such vacancy shall be filled by election at the first general election that occurs more than thirty days after the vacancy has taken place, and the persons chosen shall hold the office for the remainder of the unexpired term fixed in the first section of this article.

Council of State.

SEC. 14. The Secretary of State, Auditor, Treasurer, and Superintendent of Public Instruction shall constitute, *ex officio*, the Council of State, who shall advise the Governor in the execution of his office; any three of them shall constitute a quorum. Their advice and proceedings in this capacity shall be entered in a journal to be kept for this purpose exclusively, and signed by the members present, from any part of which any member may enter his dissent; and such journal shall be placed before the General Assembly when called for by either House. The Attorney-General shall be, *ex officio*, the legal adviser of the Executive Department.

Compensation of executive officers.

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

Seal of State.

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

Great Seal of the State," and signed by the Governor and countersigned by the Secretary of State.

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

Department of Agriculture, Immigration and Statistics.

ARTICLE IV

JUDICIAL DEPARTMENT

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

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

Feigned issues abolished.

SEC. 2. The judicial power of the State shall be vested in a Court for the Trial of Impeachments, a Supreme Court, Superior Courts, Courts of Justices of the Peace, and such other courts inferior to the Supreme Court as may be established by law.

Division of judicial powers.

SEC. 3. The Court for the Trial of Impeachments shall be the Senate. A majority of the members shall be necessary to a quorum, and the judgment shall not extend beyond removal from and disqualification to hold office in this State; but the party shall be liable to indictment and punishment according to law.

Trial court of impeachment.

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

Impeachment.

SEC. 5. Treason against the State shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court. No conviction of treason or attainder shall work corruption of blood or forfeiture.

Treason against the State.

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

Supreme court justices.

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

Terms of the supreme court.

SEC. 8. The Supreme Court shall have jurisdiction to review, upon appeal, any decision of the courts below, upon any matter

Jurisdiction of supreme court.

of law or legal inference. And the jurisdiction of said Court over "issues of fact" and "questions of fact" shall be the same exercised by it before the adoption of the Constitution of one thousand eight hundred and sixty-eight, and the Court shall have the power to issue any remedial writs necessary to give it a general supervision and control over the proceedings of the inferior courts.

Claims against the State.

SEC. 9. The Supreme Court shall have original jurisdiction to hear claims against the State, but its decisions shall be merely recommendatory; no process in the nature of execution shall issue thereon; they shall be reported to the next session of the General Assembly for its action.

Judicial districts for superior courts.

SEC. 10. The State shall be divided into nine judicial districts, for each of which a judge shall be chosen; and there shall be held a Superior Court in each county at least twice in each year, to continue for such time in each county as may be prescribed by law. But the General Assembly may reduce or increase the number of districts.

Residence of judges, rotation in judicial districts, and special terms.

SEC. 11. Every judge of the Superior Court shall reside in the district for which he is elected. The judges shall preside in the courts of the different districts successively, but no judge shall hold the courts in the same district oftener than once in four years; but in case of the protracted illness of the judge assigned to preside in any district, or of any other unavoidable accident to him, by reason of which he shall be unable to preside, the Governor may require any judge to hold one or more specified terms in said district, in lieu of the judge assigned to hold the courts of the said district; and the General Assembly may by general laws provide for the selection of special or emergency judges to hold the Superior Courts of any county or district, when the judge assigned thereto by reason of sickness, disability, or other cause, is unable to attend and hold said court, and when no other judge is available to hold the same. Such special or emergency judges shall have the power and authority of regular judges of the Superior Courts, in the courts which they are so appointed to hold; and the General Assembly shall provide for their reasonable compensation.

Power to provide for special or emergency judges.

Power and authority of emergency judges.

Compensation.

Jurisdiction of courts inferior to supreme court.

SEC. 12. The General Assembly shall have no power to deprive the Judicial Department of any power or jurisdiction which rightfully pertains to it as a coördinate 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 other courts prescribed by 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.

- SEC. 13. In all issues of fact, joined in any court, the parties may waive the right to have the same determined by a jury, in which case the finding of the judge upon the facts shall have the force and effect of a verdict by a jury. In case of waiver of trial by jury.
- SEC. 14. The General Assembly shall provide for the establishment of special courts, for the trial of misdemeanors, in cities and towns where the same may be necessary. Special courts in cities.
- SEC. 15. The Clerk of the Supreme Court shall be appointed by the Court, and shall hold his office for eight years. Clerk of supreme court.
- SEC. 16. A Clerk of the Superior Court for each county shall be elected by the qualified voters thereof, at the time and in the manner prescribed by law for the election of members of the General Assembly. Election of superior court clerk.
- SEC. 17. Clerks of the Superior Courts shall hold their offices for four years. Term of office.
- SEC. 18. The General Assembly shall prescribe and regulate the fees, salaries and emoluments of all officers provided for in this article; but the salaries of the judges shall not be diminished during their continuance in office. Fees, salaries and emoluments.
- SEC. 19. The laws of North Carolina, not repugnant to this Constitution or the Constitution and laws of the United States, shall be in force until lawfully altered. What laws are and shall be in force.
- SEC. 20. Actions at law and suits in equity pending when this Constitution shall go into effect shall be transferred to the courts having jurisdiction thereof, without prejudice by reason of the change; and all such actions and suits commenced before, and pending the adoption by the General Assembly of the rules of practice and procedure herein provided for, shall be heard and determined according to the practice now in use, unless otherwise provided for by said rules. Disposition of actions at law and suits in equity, pending when this Constitution shall go into effect, etc.
- SEC. 21. The Justices of the Supreme Court shall be elected by the qualified voters of the State, as is provided for the election of members of the General Assembly. They shall hold their offices for eight years. The judges of the Superior Courts, elected at the first election under this amendment, shall be elected in like manner as is provided for Justices of the Supreme Court, and shall hold their offices for eight years. The General Assembly may, from time to time, provide by law that the judges of the Superior Courts, chosen at succeeding elections, instead of being elected by the voters of the whole State, as is herein provided for, shall be elected by the voters of their respective districts. Justices supreme court, election of.
- SEC. 22. 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. Transaction of business in the superior court.
- SEC. 23. A solicitor shall be elected for each judicial district, by the qualified voters thereof, as is prescribed for members of the General Assembly, who shall hold office for the term of four Solicitors for each judicial district.

years, and prosecute on behalf of the State, in all criminal actions in the Superior Courts, and advise the officers of justice in his district.

Sheriffs and coroners.

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

Vacancies.

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

Terms of office of first officers under this article.

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

Jurisdiction of justices of the peace.

SEC. 27. The several justices of the peace shall have jurisdiction, under such regulations as the General Assembly shall prescribe, of civil actions, founded on contract, wherein the sum demanded shall not exceed two hundred dollars, and wherein the title to real estate shall not be in controversy; and of all criminal matters arising within their counties where the punishment cannot exceed a fine of fifty dollars or imprisonment for thirty days. And the General Assembly may give to the justices of the peace jurisdiction of other civil actions wherein the value of the property in controversy does not exceed fifty dollars. When an issue of fact shall be joined before a justice, on demand of either party thereto, he shall cause a jury of six men to be summoned, who shall try the same. The party against whom judgment shall be rendered in any civil action may appeal to the Superior Court from the same. In all cases of a criminal nature the party against whom judgment is given may appeal to the Superior Court, where the matter shall be heard anew. In all cases brought before a

justice, he shall make a record of the proceedings and file same with the clerk of the Superior Court for his county.

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

Vacancies in office of justices.

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

Vacancies in office of superior court clerk.

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

Officers of other courts inferior to supreme court.

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

Removal of judges of the various courts for inability.

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

Removal of clerks of the various courts for inability.

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

Amendments not to vacate existing offices.

ARTICLE V

REVENUE AND TAXATION

- Capitation tax. SECTION 1. The General Assembly shall levy a capitation tax on every male inhabitant in the State over twenty-one and under fifty years of age, which shall be equal on each to the tax on property valued at three hundred dollars in cash. The Commissioners of the several counties may exempt from capitation tax in special cases, on account of poverty and infirmity, and the State and county capitation tax combined shall never exceed two dollars on the head.
- Exemptions. SECTION 2. The proceeds of the State and county capitation tax shall be applied to the purpose of education and the support of the poor, but in no one year shall more than twenty-five per cent thereof be appropriated to the latter purpose.
- Application of proceeds of State and county capitation tax. SECTION 3. Laws shall be passed taxing, by a uniform rule, all moneys, credits, investments in bonds, stocks, joint-stock companies, or otherwise; and, also, all real and personal property, according to its true value in money: *Provided*, notes, mortgages, and all other evidence of indebtedness given in good faith for the purchase price of a home, when said purchase price does not exceed three thousand dollars, and said notes, mortgages, and other evidence of indebtedness shall be made to run for not less than five nor more than twenty years, shall be exempt from taxation of every kind: *Provided*, that the interest carried by such notes and mortgages shall not exceed five and one-half per cent. The General Assembly may also tax trades, professions, franchises, and incomes: *Provided*, that no income shall be taxed when the property from which the income is derived is taxed.
- Taxation shall be by uniform rule and ad valorem. SECTION 4. Until the bonds of the State shall be at par, the General Assembly shall have no power to contract any new debt or pecuniary obligation in behalf of the State, except to supply a casual deficit, or for suppressing invasions or insurrections, unless it shall in the same bill levy a special tax to pay the interest annually. And the General Assembly shall have no power to give or lend the credit of the State in aid of any person, association or corporation, except to aid in the completion of such railroads as may be unfinished at the time of the adoption of this Constitution, or in which the State has a direct pecuniary interest, unless the subject be submitted to a direct vote of the people of the State, and be approved by the majority of those who shall vote thereon.
- Exemptions. SECTION 5. Property belonging to the State, or to municipal corporations, shall be exempt from taxation. The General Assembly may exempt cemeteries and property held for educational, scientific, literary, charitable or religious purposes; also wearing apparel, arms for muster, household and kitchen furniture, the mechanical and agricultural implements of mechanics and farmers,
- Restrictions upon the increase of the public debt, except in certain contingencies.
- Property exemptions from taxation.

libraries and scientific instruments, or any other personal property, to a value not exceeding three hundred dollars.

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

Taxes levied by county commissioners.

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

Acts levying taxes shall state objects, etc.

ARTICLE VI

SUFFRAGE AND ELIGIBILITY TO OFFICE

SECTION 1. Every male person born in the United States, and every male person who has been naturalized, twenty-one years of age, and possessing the qualifications set out in this article, shall be entitled to vote at any election by the people in the State, except as herein otherwise provided.

Qualifications of elector.

SEC. 2. He shall have resided in the State of North Carolina for two years, in the county six months, and in the precinct, ward, or other election district, in which he offers to vote, four months next preceding the election: *Provided*, that removal from one precinct, ward or other election district to another in the same county shall not operate to deprive any person of the right to vote in the precinct, ward or other election district from which he has removed until four months after such removal. No person who has been convicted, or who has confessed his guilt in open court, upon indictment, of any crime the punishment of which now is or may hereafter be imprisonment in the State Prison, shall be permitted to vote unless the said person shall be first restored to citizenship in the manner prescribed by law.

Qualifications of elector.

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

Qualifications of elector.

General Assembly to provide registration laws.

SEC. 4. Every person presenting himself for registration shall be able to read and write any section of the Constitution in the English language; and before he shall be entitled to vote he shall have paid, on or before the first day of May of the year in which he proposes to vote, his poll tax for the previous year as prescribed by Article V, sec. 1, of the Constitution. But no male person who was on January 1, 1867, or at any time prior thereto, entitled to vote under the laws of any State in the United States wherein he then resided, and no lineal descendant of any such person, shall be denied the right to register and vote at any elec-

Qualifications of elector to register and vote.

Registration of persons entitled to vote without educational qualification.

Permanent record.

tion in this State by reason of his failure to possess the educational qualifications herein prescribed: *Provided*, he shall have registered in accordance with the terms of this section prior to December 1, 1908. The General Assembly shall provide for the registration of all persons entitled to vote without the educational qualifications herein prescribed, and shall, on or before November 1, 1908, provide for making a permanent record of such registration, and all persons so registered shall forever thereafter have the right to vote in all elections by the people in this State, unless disqualified under section 2 of this article: *Provided*, such person shall have paid his poll tax as above required.

Amendment indivisible.

SEC. 5. That this amendment to the Constitution is presented and adopted as one indivisible plan for the regulation of the suffrage, with the intent and purpose to so connect the different parts and to make them so dependent upon each other that the whole shall stand or fall together.

Elections by people and General Assembly.

SEC. 6. All elections by the people shall be by ballot, and all elections by the General Assembly shall be *viva voce*.

Oath of office.

SEC. 7. Every voter in North Carolina, except as in this article disqualified, shall be eligible to office, but before entering upon the duties of the office he shall take and subscribe the following oath:

"I, -----, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as ----- So help me, God."

Disqualification for office.

SEC. 8. The following classes of persons shall be disqualified for office: *First*, all persons who shall deny the being of Almighty God. *Second*, all persons who shall have been convicted or confessed their guilt on indictment pending and whether sentenced or not, or under judgment suspended, of any treason or felony, or of any other crime for which the punishment may be imprisonment in the penitentiary, since becoming citizens of the United States, or of corruption or malpractice in office, unless such person shall be restored to the rights of citizenship in a manner prescribed by law.

When amendment to take effect.

SEC. 9. That this amendment to the Constitution shall go into effect on the first day of July, nineteen hundred and two, if a majority of votes cast at the next general election shall be cast in favor of this suffrage amendment.

ARTICLE VII

MUNICIPAL CORPORATIONS

County officers.

SECTION 1. In each county there shall be elected biennially by the qualified voters thereof, as provided for the election of members of the General Assembly, the following officers: A treasurer, register of deeds, surveyor, and five commissioners.

SEC. 2. It shall be the duty of the commissioners to exercise a general supervision and control of the penal and charitable institutions, schools, roads, bridges, levying of taxes, and finances of the county, as may be prescribed by law. The register of deeds shall be *ex officio*, clerk of the board of commissioners.

Duty of county commissioners.

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

Counties to be divided into districts.

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

Said districts shall have corporate powers as townships.

SEC. 5. In each township there shall be biennially elected by the qualified voters thereof a clerk and two justices of the peace, who shall constitute a board of trustees and shall, under the supervision of the county commissioners, have control of the taxes and finances, roads and bridges of the townships, as may be prescribed by law. The General Assembly may provide for the election of a larger number of the justices of the peace in cities and towns and in those townships in which cities and towns are situated. In every township there shall also be biennially elected a school committee, consisting of three persons, whose duties shall be prescribed by law.

Officers of townships.

SEC. 6. The township board of trustees shall assess the taxable property of their townships and make returns to the county commissioners for revision, as may be prescribed by law. The clerk shall be *ex officio*, treasurer of the township.

Trustees shall assess property.

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

No debt or loan except by a majority of voters.

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

Drawing of money.

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

Taxes to be ad valorem.

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

When officers enter on duty.

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

Governor to appoint justices.

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

Charters to remain in force until legally changed.

Debts in aid of the rebellion not to be paid.

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

Powers of General Assembly over municipal corporations.

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

ARTICLE VIII

CORPORATIONS OTHER THAN MUNICIPAL

Restriction of legislative powers as to corporations.

SECTION 1. No corporation shall be created nor shall its charter be extended, altered, or amended by special act, except corporations for charitable, educational, penal, or reformatory purposes that are to be and remain under the patronage and control of the State; but the General Assembly shall provide by general laws for the chartering and organization of all corporations and for amending, extending, and forfeiture of all charters, except those above permitted by special act. All such general laws and special acts may be altered from time to time or repealed; and the General Assembly may at any time by special act repeal the charter of any corporation.

General laws for organization of corporations.

Alteration or repeal of general or special acts.

Special acts for repeal of charters.

Debts of corporations, how secured.

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

What corporations shall include.

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

General laws for organization and government of municipalities.

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

ARTICLE IX

EDUCATION

Education shall be encouraged.

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

General Assembly shall provide for schools.

SEC. 2. The General Assembly at its first session under this Constitution shall provide by taxation and otherwise for a general and uniform system of public schools, wherein tuition shall be

free of charge to all the children of the State between the ages of six and twenty-one years. And the children of the white race and the children of the colored race shall be taught in separate public schools; but there shall be no discrimination in favor of or to the prejudice of either race.

Separation of the
Races.

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

Counties to be
divided into
districts.

SEC. 4. The proceeds of all lands that have been or hereafter may be granted by the United States to this State and not otherwise appropriated by this State or the United States, also all moneys, stocks, bonds and other property now belonging to any State fund for purposes of education, also the net proceeds of all sales of the swamp lands belonging to the State, and all other grants, gifts or devises that have been or hereafter may be made to the State and not otherwise appropriated by the State or by the terms of the grant, gift or devise, shall be paid into the State treasury, and, together with so much of the ordinary revenue of the State as may be by law set apart for that purpose, shall be faithfully appropriated for establishing and maintaining in this State a system of free public schools, and for no other uses or purposes whatsoever.

What property
shall be devoted
to educational
purposes.

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

County school
fund.

Proviso.

SEC. 6. The General Assembly shall have power to provide for the election of trustees of the University of North Carolina, in whom, when chosen, shall be vested all the privileges, rights, franchises and endowments thereof in any wise 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 or expedient for the maintenance and management of said University.

Election of trustees and provisions for maintenance of the university.

SEC. 7. The General Assembly shall provide that the benefits of the University, as far as practicable, be extended to the youth of the State free of expense for tuition; also that all the property

Benefits of the
university.

which has heretofore accrued to the State or shall hereafter accrue from escheats, unclaimed dividends or distributive shares of the estates of deceased persons shall be appropriated to the use of the University.

Board of education.

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

President and secretary.

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

Powers of board.

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

First session of board.

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

Quorum.

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

Expenses.

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

Agricultural department.

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

Children must attend school.

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

ARTICLE X

HOMESTEADS AND EXEMPTIONS

Exemptions.

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

Homestead.

SEC. 2. Every homestead, and the dwellings and buildings used therewith, not exceeding in value one thousand dollars, to be selected by the owner thereof, or in lieu thereof, at the option

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

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

Homestead exempted from debt.

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

Laborer's lien.

SEC. 5. If the townner 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.

Benefit of widow.

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

Property of a married female secured to her.

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

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

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

How deed for homestead may be made.

ARTICLE XI

PUNISHMENTS, PENAL INSTITUTIONS AND PUBLIC CHARITIES

SECTION 1. The following punishments only shall be known to the laws of this State, viz., death, imprisonment with or without hard labor, fines, removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under this State. The foregoing provision for imprisonment with hard labor shall be construed to authorize the employment of such convict labor

Punishments.

Convict labor.

on public works or highways, or other labor for public benefit, and the farming out thereof, where and in such manner as may be provided by law; but no convict shall be farmed out who has been sentenced on a charge of murder, manslaughter, rape, attempt to commit rape, or arson: *Provided*, that no convict whose labor may be farmed out shall be punished for any failure of duty as a laborer except by a responsible officer of the State; but the convicts so farmed out shall be at all times under the supervision and control, as to their government and discipline, of the penitentiary board or some officer of the State.

Proviso.

Death punishment.

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

Penitentiary.

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

House of correction.

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

House of refuge.

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

The sexes to be separated.

SEC. 6. It shall be required by competent legislation that the structure and superintendence of penal institutions of the State, the county jails and city police prisons secure the health and comfort of the prisoners, and that male and female prisoners be never confined in the same room or cell.

Provision for the poor and orphans.

SEC. 7. Beneficent provisions for the poor, the unfortunate and orphan being one of the first duties of a civilized and Christian State, the General Assembly shall, at its first session, appoint and define the duties of a Board of Public Charities, to whom shall be entrusted the supervision of all charitable and penal State institutions, and who shall annually report to the Governor upon their condition, with suggestions for their improvement.

Orphan houses.

SEC. 8. There shall also, as soon as practicable, be measures devised by the State for the establishment of one or more orphan houses where destitute orphans may be cared for, educated and taught some business or trade.

Inebriates and idiots.

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

Deaf-mutes, blind and insane.

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

Self-supporting.

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

ARTICLE XII

MILITIA

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

Who are liable to militia duty.

Proviso.

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

Organizing, etc.

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

Governor commander in chief.

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

Exemptions.

ARTICLE XIII

AMENDMENTS

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

Convention, how called.

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

How the Constitution may be altered.

ARTICLE XIV

MISCELLANEOUS

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

Indictments.

- Penalty for fighting duel. SEC. 2. No person who shall hereafter fight a duel, or assist in the same as a second, or send, accept, or knowingly carry a challenge therefor, or agree to go out of the State to fight a duel, shall hold any office in this State.
- Drawing money. SEC. 3. No money shall be drawn from the treasury but in consequence of appropriations made by law; and an accurate account of the receipts and expenditures of the public money shall be annually published.
- Mechanic's lien. SEC. 4. The General Assembly shall provide, by proper legislation, for giving to mechanics and laborers an adequate lien on the subject-matter of their labor.
- Governor to make appointments. SEC. 5. In the absence of any contrary provision, all officers of this State, whether heretofore elected, or appointed by the Governor, shall hold their positions only until other appointments are made by the Governor, or, if the officers are elective, until their successors shall have been chosen and duly qualified according to the provisions of this Constitution.
- Seat of government. SEC. 6. The seat of government of this State shall remain at the city of Raleigh.
- Holding office. SEC. 7. No person who shall hold any office or place of trust or profit under the United States, or any department thereof, or under this State, or under any other state or government, shall hold or exercise any other office or place of trust or profit under the authority of this State, or be eligible to a seat in either House of the General Assembly: *Provided*, that nothing herein contained shall extend to officers in the militia, justices of the peace, commissioners of public charities, or commissioners for special purposes.
- Proviso. SEC. 8. 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.
- Intermarriage of whites and negroes prohibited.

INDEX TO STATE CONSTITUTION

- Abuses in assessments and contracting debts by municipal corporations, General Assembly to prevent, A. 8, S. 4.
- Actions at law and equity suits, no distinction, A. 4, S. 1.
 - Pending when Constitution 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.
- Agricultural Department, A. 3, S. 17.
 - In connection with University, A. 9, S. 14.
- Alimony, General Assembly does not secure, A. 2, S. 10.
- Allegiance to United States Government, A. 1, S. 5.
- Amendments, A. 13.
 - Do not vacate existing office, 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.
 - Provisions for orphans and the poor, A. 11, S. 7.
 - Self-supporting, as far as possible, A. 11, S. 14.
- Cities organized by legislation, 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. 10.
 - Removal for inability, A. 4, S. 32.
- Clerk of Supreme Court, A. 4, S. 15.
 - Removal of, A. 4, S. 32.
 - Terms of office of, A. 4, S. 17.
- 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.
- Corporations, municipal, A. 7.
 - Charters remain in force till legally changed, A. 7, S. 12.
 - Power of General Assembly over, A. 7, S. 12.

- Corporations other than municipal, A. 8.
 - Debts of, how secured, A. 8, S. 2.
 - Special charters prohibited, 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 commissioners, election and duty of, A. 7, SS. 1, 2.
- Counties, commissioners divide into districts, A. 7, S. 3.
 - Districts have corporate powers as townships, A. 7, S. 4.
 - Majority of voters necessary to levy taxes, etc., A. 7, S. 7.
 - Money, how drawn from 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, answers 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, S. 16.
 - In aid of rebellion, void, A. 7, S. 13.
- Debt, restrictions upon increase of public, etc., 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, General Assembly does not grant, A. 2, S. 17.
- Disqualification for office, A. 6, S. 5; A. 14, S. 7.
 - Dueling disqualifies, A. 14, S. 2.
- Education, Board of, A. 9, S. 8.
 - Officers, A. 9, S. 9.
 - Expenses, A. 9, S. 13.
 - County school fund, A. 9, S. 5.
 - Encouraged, A. 9, S. 1; A. 1, S. 27.
 - First session of, A. 9, S. 11.
 - Power of, A. 9, S. 10.
 - Property devoted to, A. 9, SS. 4, 5.
 - Quorum, A. 9, S. 12.
- 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.
 - Qualifications of, A. 6, S. 1.
 - Registration of, A. 6, S. 2.
- Eligibility to office, A. 6.
- Emergency judges, A. 4, S. 11.
- 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, distinction abolished, A. 4, S. 1.
 - Pending when Constitution 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, etc., 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, 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 United States, 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.
 - Commutations, pardons, reprieves, A. 3, S. 6.

Governor—Continued.

- 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.
- Justice of peace appointed by, when, A. 7, S. 11.
- 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.
- Resident 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.
- Notes, exempt from tax, A. 5, S. 3.
- 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.

° House of Representatives, representatives, apportionment, A. 2, S. 5.

- Officers of, A. 2, S. 18.
- Term begins when, A. 2, S. 25.
- Qualification 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 crime committed before Constitution 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 as 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, etc., 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 first officers under Constitution, 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.
 - Sacred and inviolable, A. 1, S. 19.
 - Trial by, waived, A. 4, S. 13.
- 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, etc., but by, A. 1, S. 17.
- Laws, *ex post facto* and retrospective, A. 1, S. 32.
 - Private, thirty days notice before passage, A. 2, S. 12.
 - What in force, A. 4, S. 19.
- Legislative Department, distinct, A. 1, S. 8.
- Legislature, two branches of, A. 2, S. 1.
 - Provide for organizing towns, etc., 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.
- Local legislation, prohibited, A. 2, S. 29.
- 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. 4, S. 1.
 - 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, etc., by, A. 8, S. 4.
 - Power of General Assembly over, A. 7, S. 14.
 - Special charters prohibited, A. 8, S. 4.
- Names, personal, how changed, A. 2, S. 11.
- Normal School, to be maintained by General Assembly at University, A. 9, S. 14.
- Oath of Governor, A. 3, S. 4.
- Oath of member of General Assembly, A. 2, S. 24.
- Oath of office, A. 6, S. 4.
- Office, cannot hold two, A. 14, S. 7.
 - Disqualification, A. 6, S. 5.
 - Dueling disqualifies for, A. 14, S. 2.

Office—Continued.

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. 4, S. 5.

Orphans, houses for, A. 11, S. 8.

Provisions 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 General Assembly, A. 2, S. 22.

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. 19.

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.

Qualifications, none, A. 1, S. 22.

Prosecution, criminal, A. 1, S. 11.

Protest, by whom and when made, A. 2, S. 17.

Public debt, increase of, restricted, etc., 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 election 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. 32.

Revenue, A. 2, S. 14; A. 5.

Right of assemblage, A. 1, S. 25.

Jury, A. 1, S. 13.

- Right of 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.
 - 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, 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, A. 9, S. 5.
- Superior Court, open at all times except for jury trials, A. 4, S. 22.
 - Clerk, his election, A. 4, S. 16.
 - Districts, A. 4, S. 10.
 - Judges, election and term, A. 4, S. 21.
 - Residence, A. 4, S. 11.
 - Rotation, A. 4, S. 11.
 - Solicitor for each district, A. 4, S. 23.
 - Special term, A. 4, S. 12.
 - Term, A. 4, S. 17.
 - Vacancy, A. 4, S. 29.
 - 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.
 - Except for necessary expenses, not levied by county, city or town without assent of majority of voters, A. 7, S. 7.

Taxation—Continued.

- Homestead notes exempt, A. 5, S. 3.
- Levied by county commissioners, A. 5, S. 6.
- Of county to be *ad valorem*, A. 7, S. 9.
- Of purchases and sales retrospectively not to be passed, A. 1, S. 32.
- Property, exemptions from, A. 5, S. 5.
- Taxes, acts to levy, to state object, A. 5, S. 7.
- Towns, etc., organized by legislation, A. 8, S. 4.
- Townships, officers of, A. 7, S. 5.
- Treason against State, A. 4, S. 5.
- Treasurer, duties of, A. 3, S. 13.
- University, agricultural department of, mechanics, mining and normal instruction 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.
 - Property devoted to, A. 9, S. 7.
- Vacancies in General Assembly, A. 2, S. 13.
 - 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, 26.

PUBLIC LAWS

OF THE

State of North Carolina

SESSION 1919

PUBLIC LAWS
OF THE
STATE OF NORTH CAROLINA

SESSION 1919

CHAPTER 1

AN ACT TO AUTHORIZE THE ISSUE OF STATE BONDS TO
PAY OFF THE STATE BONDS WHICH FALL DUE ON THE
FIRST DAY OF APRIL, 1919.

Whereas, by virtue of chapter one hundred and thirty-eight of the laws of one thousand eight hundred and seventy-nine, ratified the fourteenth day of March, A. D. one thousand eight hundred and seventy-nine, the State of North Carolina issued a series of State bonds for the purpose of renewing and adjusting a portion of the State debt incurred to aid in the construction of the North Carolina Railroad, and, whereas, the said bonds to the amount of two million seven hundred and twenty thousand (\$2,720,000) are now outstanding and will mature on the first day of April, one thousand nine hundred and nineteen: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of paying off the bonds issued for the purpose of renewing and adjusting a portion of the State debt incurred to aid in the construction of the North Carolina Railroad, issued by virtue of chapter one hundred and thirty-eight of the laws of one thousand eight hundred and seventy-nine, which bonds are now outstanding in the sum of two million seven hundred and twenty thousand dollars (\$2,720,000) and will mature on the first day of April, one thousand nine hundred and nineteen, the State Treasurer is hereby authorized and directed to issue bonds of the State of North Carolina to an amount not to exceed the sum of two million seven hundred and twenty thousand dollars (\$2,720,000), which said bonds may be issued in the discretion of the State Treasurer in one or more series, payable and maturing not exceeding forty years after the first day of April, one thousand nine hundred and nineteen.

SEC. 2. All of said bonds shall bear interest at a rate not exceeding four per cent per annum from the first day of April, one thousand nine hundred and nineteen, until paid, which said inter-

Preamble.

To pay off bonds
and adjust por-
tion of State debt.

Refunding
bonds.

Amount.

Maturity.

Rate of interest.

Payment of interest.	est shall be payable semiannually on the first days of October and April of each and every year, so long as any portion of the said bonds shall remain due and unpaid.
Denomination of bonds.	SEC. 3. That the bonds authorized and directed to be issued by the preceding sections shall be coupon bonds of the denominations of five hundred dollars (\$500) and one thousand dollars (\$1,000) each, as may be determined by the State Treasurer, and shall be signed by the Governor and the State Treasurer and sealed with the Great Seal of the State. The coupons thereon may be signed by the State Treasurer alone, or may have a facsimile of his signature printed, engraved, or lithographed thereon; and the said bonds shall in all respects be in such form as the said State Treasurer may direct, and the coupons thereon shall, after maturity, be receivable in payment of all taxes, debts, dues, licenses, fines, and demands due the State of North Carolina, of any kind whatsoever, which shall be expressed on the face of said bonds. Before selling the bonds herein authorized to be issued, the Treasurer shall advertise the sale and invite sealed bids in such manner as will secure the sale of the bonds at the highest price not less than their par value. He is authorized to accept bids for the entire issue or for any portion thereof, and where the conditions are equal, he shall give the preference of purchase to the citizens of North Carolina; and he is authorized to sell the bonds herein authorized in such manner as will secure the sale of the bonds at the best price not less than their par value. Any balance left in the hands of the State Treasurer from the sale of these said bonds, after paying the said bonds issued for the purpose of renewing and adjusting a portion of the State debt incurred to aid in the construction of the North Carolina Railroad, and the cost of issuing the bonds herein provided for, shall be covered into the general fund.
Form of bonds.	
Coupons legal tender for debt to State.	
Advertisement.	
Sale of bonds.	
Disposition of balance.	
Bonds and coupons exempt from taxes.	SEC. 4. The said bonds and coupons shall be exempt from all State, county, and municipal taxation or assessment, direct or indirect, general or special, whether imposed for the purposes of general revenue or otherwise, and the interest paid thereon shall not be subject to taxation as for income, nor shall said bonds and coupons be subject to taxation when constituting a part of the surplus of any bank, trust company, or other corporation.
Fiduciaries may invest in.	SEC. 5. It shall be lawful for all executors, administrators, guardians, and fiduciaries generally to invest in said bonds.
If bonds are not sold Treasurer may borrow sum necessary to pay bonds matured.	SEC. 6. In the event the said State Treasurer shall not be able to sell any or all of the State bonds herein authorized to be issued, and shall not be able to sell the bonds authorized to be issued by chapter one hundred and fifty-four of the Public Laws of one thousand nine hundred and seventeen, then the said State Treasurer is hereby authorized, empowered and directed, by and with the advice of the Governor and his Council of State, to borrow for a period not exceeding two years and at the lowest rate of interest obtainable, such sum of money as shall be required to pay in full

the bonds of the State of North Carolina payable on April first, one thousand nine hundred and nineteen, and also to the amount of the bonds authorized to be issued by chapter one hundred and fifty-four of the Public Laws of one thousand nine hundred and seventeen; and the said State Treasurer is authorized and empowered to execute and deliver, in the name of the State, notes for the money so borrowed, and to renew the same from time to time, if necessary, but, however, for a total period not longer than two years from April first, one thousand nine hundred and nineteen. And the said State Treasurer, in the event he shall not be able to sell, by the advertisement in this act directed, all of said bonds in this act authorized to be issued and the bonds authorized to be issued by chapter one hundred and fifty-four of the Public Laws of one thousand nine hundred and seventeen, is authorized, empowered and directed to sell thereafter any of said bonds from time to time, as he may be able, until the entire issues are sold, at the best price but not less than the par value thereof and accrued interest.

Treasurer to give notes for money borrowed.

Limit of term of loan.

Bonds may be sold from time to time.

SEC. 7. That chapter one hundred and fifty-six of the Public Laws of the General Assembly of one thousand nine hundred and seventeen is hereby repealed.

Law repealed.

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

Ratified this 27th day of January, A. D. 1919.

CHAPTER 2

AN ACT TO AMEND CHAPTER 77 OF THE PUBLIC LAWS OF 1913, REGULATING THE USE OF ASSUMED NAMES IN PARTNERSHIPS, SO AS TO PERMIT RECOVERY IN ACTIONS BROUGHT BY A PARTNERSHIP WHICH HAS FAILED TO REGISTER.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter seventy-seven of the Public Laws passed by the General Assembly of North Carolina at its session in the year one thousand nine hundred and thirteen be amended by inserting at the end of section four of said act the following words: "*Provided, however,* that the failure of any person or persons owning, carrying on, conducting or transacting business as aforesaid, to comply with the provisions of this act shall not prevent a recovery by said person or persons on any civil action brought in any of the courts of the State of North Carolina."

Law amended.

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

Ratified this 24th day of January, A. D. 1919.

CHAPTER 3

AN ACT TO APPOINT A NORTH CAROLINA MEMORIAL BUILDING COMMISSION AND TO PROVIDE FOR THE ERECTION OF A SUITABLE MEMORIAL BUILDING IN HONOR AND TO THE MEMORY OF ALL NORTH CAROLINA CITIZENS WHO GAVE THEIR LIVES, SERVICES, OR PROPERTY TO THE END THAT THE WAR WITH GERMANY AND HER ALLIES MIGHT BE WON.

Preamble. Whereas, for the first time in the life of our country, United States forces have been called to bear testimony to the strength of America's idealism by crossing an ocean barrier in the face of peculiar dangers and plunging into the fiercest, most desperate and most ruthless war ever waged; and

Preamble. Whereas, in this convulsive struggle for faith among nations for the sacredness of law even among arms, for a just respect for human happiness, and for the freedom of individuals and of nations, the North Carolina soldiers and sailors have performed their duty with such fixed loyalty, such calm endurance of inexpressible horrors, and such unflinching bravery and heroism as to fill the State with an admiration and gratitude that deserves expression; and

Preamble. Whereas, during the entire war the men and women of the State never slackened in their efforts to support the Government at home and the fighters abroad, but gave so freely of their means, contributed so unstintingly in hand and brain service, and complied so generously and readily with every request and restriction of the Government as to merit the approbation of the people of the State: Now, therefore,

The General Assembly of North Carolina do enact:

Memorial Building Commission created.
Of whom composed.

SECTION 1. That a Memorial Building Commission is hereby created, to consist of the Governor, the President of the Senate, the Speaker of the House of Representatives, and nine other well-qualified persons who shall be appointed by the Governor, which shall carry out the provisions of this act and shall be known as "The North Carolina Memorial Building Commission." That the Governor shall be the chairman of said commission.

Body politic and corporate.

SEC. 2. That the said commission shall be, and is hereby, created a body politic and corporate under the name and style of "The North Carolina Memorial Building Commission."

Powers and duties.

SEC. 3. That the said Memorial Building Commission shall have power to fix the time and place of its meetings. The said commissioners shall hold office until the work hereinafter provided for shall have been completed and they shall have made report of the same to the General Assembly and shall have been discharged.

Succession.

In the event of the death or resignation of any member of the said

commission, his successor shall be appointed by the Governor. The said commissioners shall receive no compensation. The position of commissioner under this act shall not be construed to be an office within the meaning of section seven, article fourteen, of the Constitution of North Carolina.

No compensation.

SEC. 4. That as a recognition of the valor and distinguished service of the State's soldiers and sailors, and in the honor and to the memory of all North Carolina citizens who gave their lives, services or property to the end that the war with Germany and her allies might be won, the aforesaid commission is hereby authorized to formulate plans, rules and regulations and to raise by voluntary contributions sufficient funds, as soon as practicable, and to acquire, either by gift, purchase or condemnation, a suitable site at the State Capital, and shall proceed to erect thereon, or, with the consent of the Council of State, on land already owned by the State not otherwise used, a suitable, useful and fireproof memorial building to be used as a depository for preserving, exhibiting and administering the records, relics and memorials of said war, and other historical records and effects of this State, and when said building is completed the same shall be the property of the State of North Carolina.

To raise voluntary contributions.

Acquisition of site, erection of building.
Receive gifts.

Property of State.

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

Ratified this 23d day of January, A. D. 1919.

CHAPTER 4

AN ACT TO AMEND CHAPTER 157 OF THE PUBLIC LAWS OF 1917, RELATIVE TO THE DISTILLING OR MANUFACTURING LIQUORS.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of chapter one hundred and fifty-seven of the Public Laws of nineteen hundred and seventeen be, and the same is hereby, amended by striking out all of said section beginning at the words "Any person" in line nine of the same, and substituting the following: "Any person or persons violating the provisions of this act shall, for the first conviction, be guilty of a misdemeanor, and upon conviction or confession of guilt, punished in the discretion of the court; for the second or any subsequent conviction said person or persons shall be guilty of a felony, and, upon conviction or confession in open court, shall be imprisoned in the State Prison for not less than one year and not exceeding five years, in the discretion of the court.

Law amended.

Provisions of amendment.
First conviction misdemeanor.
Second conviction felony.

Punishment.

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

Ratified this 24th day of January, A. D. 1919.

CHAPTER 5

AN ACT TO REQUIRE CLERKS OF SUPERIOR COURTS TO NOTIFY THE ATTORNEY GENERAL OF APPEALS TAKEN IN CRIMINAL CASES, AND TO ALLOW THE DEFENDANT TO WITHDRAW SUCH APPEALS BEFORE THEY ARE DOCKETED IN THE SUPREME COURT.

The General Assembly of North Carolina do enact:

Revisal amended.
Clerk of Court
to notify Attorney
General of
appeals.

What notice to
contain.

Withdrawal of
appeal.

SECTION 1. That the following shall be added to Revisal, section three thousand two hundred and eighty-one: "The clerk of the Superior Court shall, as soon as may be after execution is stayed, as provided in this section, notify the Attorney-General thereof. Said notice shall give the name of defendant, the crime of which he was convicted and, if the statutory time for perfecting the appeal has been extended by agreement, the time of such extension. If for any reason the defendant should wish to withdraw his appeal before the same is docketed in the Supreme Court, he may go, or be taken, before the clerk of the Superior Court in which he was convicted, and said clerk shall enter such withdrawal upon the record of the case, and notify the sheriff, who shall proceed forthwith to execute the sentence.

SEC. 2. This act shall take effect from and after its ratification. Ratified this 23d day of January, A. D. 1919.

CHAPTER 6

AN ACT TO AMEND CHAPTER 275 OF THE PUBLIC LAWS OF 1917, RELATING TO THE MANUFACTURE AND SALE OF ANTI-HOG CHOLERA SERUM.

The General Assembly of North Carolina do enact:

Law amended.

Price of hog
cholera serum to
be fixed at cost of
production.

SECTION 1. That section one, chapter two hundred and seventy-five, Laws of one thousand nine hundred and seventeen, be repealed and that the following be substituted in lieu thereof:

"Section 1. That the Department of Agriculture shall fix the price of anti-hog cholera serum at such an amount as will cover the cost of production."

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

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

Ratified this 29th day of January, A. D. 1919.

CHAPTER 7

AN ACT TO REPEAL CHAPTER 280, PUBLIC LAWS OF 1917, SO AS TO RESTORE THE PRACTICE IN THE TRIAL OF ISSUES BEFORE A JURY AFTER A COMPULSORY REFERENCE.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter 80 of the Public Laws of 1917 be, and the same is hereby repealed, thus restoring section 519, subsection 5, of the Revisal of 1905. Trial of issues restored.

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

Ratified this 24th day of January, A. D. 1919.

CHAPTER 8

AN ACT TO AMEND REVISAL 1905, SECTION 280, AS TO THE COST OF THE BONDS OF CLERKS IN THE TREASURER'S OFFICE.

The General Assembly of North Carolina do enact:

SECTION 1. That section two hundred and eighty-nine of the Revisal be amended as follows: Strike out the word "twenty" in line fourteen and between the words "exceed" and "cents," and substitute therefor the word "forty." Rate of cost of bonds increased.

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

Ratified this 24th day of January, A. D. 1919.

CHAPTER 9

AN ACT TO COORDINATE THE ILLUMINATING OIL ACT AND THE GASOLINE ACT, SO FAR AS THE EMPLOYMENT OF INSPECTORS AND THEIR COMPENSATION ARE CONCERNED.

The General Assembly of North Carolina do enact:

SECTION 1. The Board of Agriculture shall appoint such a number of inspectors as may be necessary for the purposes of chapter five hundred and fifty-four, Public Laws one thousand nine hundred and nine (Illuminating Oil Act), and chapter one hundred and sixty-six, Public Laws one thousand nine hundred and seventeen (Gasoline Act), not exceeding ten in number, whose compensation shall be fixed by the board, not exceeding five dollars each Board to appoint inspectors.

Compensation of inspectors.

Oath.	per day and actual traveling expenses. Each inspector, before entering upon his duties, shall take an oath of office before some person authorized to administer an oath. The inspector shall have
Power of examination.	power to examine all barrels, tanks or other vessels containing kerosene or other illuminating oil or gasoline, to see if they are properly tagged or stamped as required by the above recited acts of one thousand nine hundred and nine and one thousand nine hundred
To collect samples.	and seventeen; and they shall, as directed, collect samples of such kerosene or other illuminating oils or gasoline offered for sale in the State and send the same to the Department of Agriculture for examination.
Conflicting laws repealed.	SEC. 2. Section two of chapter five hundred and fifty-four, Public Laws of one thousand nine hundred and nine, as amended by chapter one hundred and forty-three, Public Laws one thousand nine hundred and eleven, and section three of chapter one hundred and sixty-six, Public Laws of one thousand nine hundred and seventeen, are hereby repealed so far as they conflict with the provisions of this act.
	SEC. 3. This act shall take effect from and after its ratification. Ratified this 24th day of January, A. D. 1919.

CHAPTER 10

AN ACT TO FIX THE COMPENSATION OF COMMISSIONERS APPOINTED TO PARTITION REAL OR PERSONAL PROPERTY AND OF JURORS TO ALLOT DOWER, AMENDING SECTION 2791 OF THE REVISAL OF 1905, AND CHAPTER 18, PUBLIC LAWS OF 1913.

The General Assembly of North Carolina do enact:

Law amended.	SECTION 1. That section one, chapter eighteen, Public Laws of one thousand nine hundred and thirteen, amending section two thousand seven hundred and ninety-one of the Revisal of one thousand and nine hundred and five of North Carolina, be and the same is hereby amended by striking out the words "two dollars" in line four, and inserting in lieu thereof the words "three dollars."
Compensation increased.	
Law amended.	SEC. 2. That section two, chapter eighteen, Public Laws of one thousand nine hundred and thirteen, be and the same is hereby amended by striking out in line three the words "two dollars." and inserting in lieu thereof the words "three dollars."
Compensation increased.	
	SEC. 3. That this act shall be in force from and after its ratification.
	Ratified this 24th day of January, A. D. 1919.

CHAPTER 11

AN ACT RELATING TO NOTES TO BE ISSUED BY THE
STATE TREASURER IN LIEU OF BONDS.

The General Assembly of North Carolina do enact:

SECTION 1. That all notes authorized to be issued by the State Treasurer in lieu of bonds for borrowed money, the authority to issue which is conferred by an act of this General Assembly entitled "An act to authorize the issue of state bonds to pay off the state bonds which fall due on the first day of April, one thousand nine hundred and nineteen," shall be exempt from all state, county, and municipal taxation or assessment, direct or indirect, general or special, whether imposed for purposes of general revenue or otherwise; and the interest paid thereon shall not be subject to taxation as for income, nor shall said notes be subject to taxation when constituting a part of the surplus of any bank, trust company, or other corporation.

Treasurer's notes.

Exempt from
Taxation.

Interest exempt
as income.

SEC. 2. It shall be lawful for all executors, administrators, guardians or other fiduciaries generally to invest in said notes.

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

Ratified this 27th day of January, A. D. 1919.

CHAPTER 12

AN ACT TO AMEND CHAPTER 284, PUBLIC LAWS 1917,
BEING THE STATEWIDE ROAD LAW.

The General Assembly of North Carolina do enact:

SECTION 1. That section one, chapter two hundred and eighty-four, Public Laws one thousand nine hundred and seventeen, be amended by placing a period in lieu of the colon after the word "petition" in line twenty-two, and by striking out the remainder of said section.

Law amended.

SEC. 2. That section six, chapter two hundred and eighty-four, Public Laws one thousand nine hundred and seventeen, be amended by placing a period in lieu of the semicolon after the word "petition" in line twenty, and by striking out the remainder of said section.

Law amended.

SEC. 3. That section twenty-five, chapter two hundred and eighty-four, Public Laws one thousand nine hundred and seventeen, be amended by striking out all of said section down to and including the word "years" in line eleven, and inserting in lieu thereof the following:

Law amended.

“Sec. 25. Whenever a bond issue or a levy of a special road tax or the appointment of a county road commission is authorized as hereinbefore provided in this act, there shall be and there is herewith created in such county, except as hereinafter provided, a county road commission to be composed of either three or five members, one of whom shall be at all times a member of the minority political party of the county, and who shall be appointed by the board of county commissioners. Should the board of county commissioners decide to appoint three men, in making the first appointments one member shall be appointed for two years, one for four years, and one for six years. Should the board decide to appoint five men, in making the first appointments one member shall be appointed for two years, two for four years, and two for six years. Thereafter all appointments shall be for six years.”

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

Ratified this 27th day of January, A. D. 1919.

CHAPTER 13

AN ACT TO AMEND SECTION 3814 OF THE REVISAL OF 1905, RELATING TO THE SALE OF COTTONSEED MEAL.

The General Assembly of North Carolina do enact:

- Revisal amended. SECTION 1. That section three thousand eight hundred and fourteen of the Revisal of one thousand nine hundred and five be amended by adding and inserting the following words after the words “for sale” in line two thereof, and before the word “any” in line two: “Or shall act as agent of or broker for the manufacturer of or dealer in.”
- Broker or agent forbidden to sell unlicensed fertilizer. SEC. 2. That section five of chapter two hundred and forty-two, Public Laws of one thousand nine hundred and seventeen, be amended by inserting the following words after the words “for sale” in line two thereof, and before the word “any” in line two: “Or shall act as agent of or broker for the manufacturer of or dealer in.”
- Law amended. SEC. 3. That section thirteen of chapter one hundred and forty-three, Public Laws of one thousand nine hundred and nineteen, be amended by inserting the word “broker” between the words “manufacturer” and “or” in line one of said section.
- Goods illegally offered for sale subject to seizure. SEC. 4. This act shall be in force from and after its ratification.
- Law amended. Ratified this 29th day of January, A. D. 1919.
- Broker must secure State license tags.

CHAPTER 14

AN ACT TO CORRECT STATE GRANT 7999 FOR LAND LYING IN MACON COUNTY, SAID GRANT WAS ISSUED TO J. HEACOCK; ALSO TO CORRECT THE SURVEYOR'S PLAT.

The General Assembly of North Carolina do enact:

SECTION 1. That state grant number seven thousand nine hundred and ninety-nine (7999) for land lying in Macon County, issued to J. Heacock upon entry number 12930, be and the same is hereby corrected so that the first call of this grant shall read as follows: "Beginning at a hickory in the line of number 3377, runs thence south 59 degrees west seventy-five (75) poles to a chestnut and stone," and from that point on around with the state grant to the beginning. The surveyor's plat is likewise corrected.

State grant
7,999 corrected.

SEC. 2. This act shall be in force from and after its ratification. Ratified this 30th day of January, A. D. 1919.

CHAPTER 15

AN ACT TO AMEND SECTION 3122 OF THE REVISAL, PRESCRIBING A LIMITATION WITHIN WHICH A WILL MAY BE PROBATED.

The General Assembly of North Carolina do enact:

SECTION 1. That section three thousand one hundred and twenty-two of the Revisal of one thousand nine hundred and five be, and the same is hereby, amended by adding the following to the end of said section as follows:

Revisal amended.

Provided, said will shall not be valid or effective to pass real estate or personal property as against innocent purchasers for value and without notice, unless it is probated or offered for probate within two years after the death of the testator or devisor: *Provided further*, if said will is fraudulently suppressed, stolen or destroyed, or been lost, and an action or proceeding shall be commenced within two years from the death of the testator or devisor to obtain said will or establish the same as provided by law, then the limitation herein set out shall only begin to run from the termination of said action or proceeding, but not otherwise.

Will invalid
against innocent
purchaser unless
probated within
two years.

Proviso:
limitations.

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

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

Ratified this 29th day of January, A. D. 1919.

CHAPTER 16

AN ACT TO MAKE MORE DEFINITE THE ALLOWANCE TO THE STATE DEPARTMENTS OF TELEPHONE AND TELEGRAPH CHARGES, AND POSTOFFICE BOX RENT.

The General Assembly of North Carolina do enact:

Revisal amended. SECTION 1. That section five thousand one hundred and three of the Revisal of one thousand nine hundred and five be amended by adding between the words "postage and" and the word "express" in line seven, the words "telephone, telegraph, postoffice box," so that the whole line would read: "They shall also be allowed all necessary postage and telephone, telegraph, postoffice box and express charges."

Necessary telephone, telegraph expense and postoffice box rent allowed.

SEC. 2. This act shall take effect from and after its ratification. Ratified this 29th day of January, A. D. 1919.

CHAPTER 17

AN ACT TO AMEND SECTION 1590 OF THE REVISAL OF 1905 OF NORTH CAROLINA, IN ORDER TO ALLOW FUNDS DERIVED UNDER SAID SECTION TO BE TEMPORARILY INVESTED IN THE PURCHASE OF CERTAIN COUPON BONDS OF THE UNITED STATES OF AMERICA, AND TO RATIFY SUCH REINVESTMENTS HERETOFORE MADE.

Preamble. Whereas, in various proceedings pending in the Superior Courts of this State under and by virtue of section one thousand five hundred and ninety of the Revisal of one thousand nine hundred and five of North Carolina, wherein lands have been sold and funds collected, temporary reinvestments, awaiting a final investment in real estate, of all or portions of such funds have been made, with the approval of the court, in and by the purchase of coupon bonds of the United States of America (commonly called Liberty Bonds), issued incident to the late war between the United States of America and the Imperial German Government: Now, therefore,

The General Assembly of North Carolina do enact:

Reinvestment of funds in U. S. bonds ratified.

SECTION 1. That all of the aforesaid temporary reinvestments of funds derived from the duly authorized sales of land under section one thousand five hundred and ninety of the Revisal of one thousand nine hundred and five of North Carolina, made with the approval of the court, in and by the purchase of said coupon bonds of the United States of America (commonly called Liberty Bonds), issued incident to the late war between the United States of America and the Imperial German Government, be, and the

same hereby are approved, ratified and declared valid: *Provided, however,* that the commissioners, trustees, or other officers appointed by the court to hold such funds shall hold in their possession such bonds and shall pay to the life tenant and owner of the vested interest in the lands sold, from which the funds were derived and the reinvestment made, only the interest as accruing and evidenced by the coupons attached to said bonds, and that the principal of the said bonds shall be held subject to final reinvestment and subject only to such expense as is provided for in said section one thousand five hundred and ninety of the Revisal of one thousand nine hundred and five of North Carolina.

Proviso: interest to life tenant.

Reinvestment of principal; expenses.

SEC. 2. That the court may authorize the temporary reinvestment of any funds derived from the sale of lands under and by virtue of section one thousand five hundred and ninety of the Revisal of one thousand nine hundred and five of North Carolina in and by the purchase of coupon bonds of the United States of America (commonly called Liberty Bonds), issued incident to the late war between the United States of America and the Imperial German Government, under the terms and subject to the regulations in all respects as set forth in section one of this act.

Temporary reinvestment.

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

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

Ratified this 29th day of January, A. D. 1919.

CHAPTER 18

AN ACT TO PERMIT A WIFE TO BE A COMPETENT WITNESS TO TESTIFY IN REFUTATION OF CHARGES ATTACKING HER CHARACTER IN CASES OF CRIMINAL CONVERSATION.

The General Assembly of North Carolina do enact:

SECTION 1. That section one thousand six hundred and thirty-six of the Revisal of one thousand nine hundred and five be amended by adding to the end of said section the following: "*Provided,* that in all actions of criminal conversation brought by the husband in which the character of the wife is assailed she shall be a competent witness to testify in refutation of such charges."

Revisal amended.

Wife may refute charges against her character.

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

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

Ratified this 29th day of January, A. D. 1919.

CHAPTER 19

AN ACT TO PERMIT THE SECRETARY OF STATE OF NORTH CAROLINA TO EXTEND CORPORATE CHARTERS AS PROVIDED BY SECTION 1, ARTICLE 8, OF THE CONSTITUTION AS AMENDED.

The General Assembly of North Carolina do enact:

What charters may be extended.

SECTION 1. That in all cases where railroad companies have been chartered by the act of the General Assembly of North Carolina during or subsequent to the session of one thousand nine hundred and eleven, but where construction work has not begun in accordance with the provisions of section two thousand five hundred and sixty-four of the Revisal of one thousand nine hundred and five, it shall be lawful for and the duty of the Secretary of State of North Carolina, upon application of any such railroad company and the payment to the State of the same fees as provided for in section one thousand two hundred and thirty-three of the Revisal of one thousand nine hundred and five, to extend from time to time for periods of two years the time within which to begin construction work as required by said section two thousand five hundred and sixty-four; and the fact of extending the time by the Secretary of State, as herein provided, shall, for the period of such extension, fully and to all intents and purposes, renew corporate existence and corporate powers as fully as the same are conferred in the original charter.

Manner of extension.

Term of extension.

Corporate existence and powers renewed.

SEC. 2. This act shall be in force from and after its ratification. Ratified this 30th day of January, A. D. 1919.

CHAPTER 20

AN ACT TO REPEAL SECTION 959 OF THE REVISAL OF 1905, AND TO REGULATE THE CONVEYANCES OF A MARRIED MAN WHOSE WIFE HAS BEEN ADJUDGED A LUNATIC OR INSANE.

The General Assembly of North Carolina do enact:

Section 959 of Revisal repealed.

SECTION 1. That section nine hundred and fifty-nine of the Revisal of one thousand nine hundred and five be and the same is hereby repealed except as hereinafter provided.

Husband of insane wife may convey any real property except homestead.

SEC. 2. Every man whose wife is a lunatic or insane and whose homestead has been allotted, shall have the right to bargain, sell, lease, mortgage, transfer and convey any of his real estate by deed, mortgage deed, deed of trust, or lease, except his homestead, without the signature or private examination of his wife: *Provided*, that the clerk of the Superior Court of the county in which said feme covert was adjudged a lunatic or declared insane, or the

Proviso: clerk of court shall certify such woman as insane.

superintendent of an insane institution of the State, shall certify under his hand and seal that she has been adjudged a lunatic or declared insane, and that her sanity has not been declared restored as is provided by law, which certificate shall be attached to the deed, mortgage deed, deed of trust, or lease.

When the deed, mortgage deed, deed of trust or lease of a married man whose wife is insane or a lunatic shall be executed, probated and registered in accordance with law, it shall convey all the estate and interest as therein intended of the grantor in the land conveyed free and exempt from the dower rights and all other interests of his wife: *Provided*, this section shall not apply to the homestead of the husband.

Such deeds exempt from all interests of wife save in husband's homestead.

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

Ratified this 30th day of January, A. D. 1919.

CHAPTER 21

AN ACT TO AUTHORIZE THE COUNTIES, CITIES AND TOWNS, OR THE GOVERNING BODY OF ANY COUNTY, CITY OR TOWN IN NORTH CAROLINA TO BECOME A MEMBER OF ANY MEMORIAL ASSOCIATION OR OTHER ORGANIZATION FOR PERPETUATING THE MEMORY OF THE SOLDIERS AND SAILORS OF NORTH CAROLINA WHO SERVED THE UNITED STATES IN THE GREAT WORLD WAR AND TO CONTRIBUTE TO THE COST OF ERECTING ANY MONUMENT OR MEMORIAL TO THE MEMORY OF SUCH SOLDIERS AND SAILORS.

The General Assembly of North Carolina do enact:

SECTION 1. That any county, city or town in North Carolina, by resolution first adopted by its governing body, may become a member of any memorial association or organization for perpetuating the memory of the soldiers and sailors of North Carolina who served the United States in the great world war, and may be represented in such association or organization by such person or persons as may be selected and named by the governing body of any such county, city or town.

Who may join and in what manner.

SEC. 2. That any county, city or town in the State of North Carolina, or the governing body of any county, city or town in North Carolina, is hereby authorized and empowered to subscribe, contribute, and pay toward the cost of the erection of any memorial to the memory of the soldiers and sailors of North Carolina who served the United States in the great world war, such sum or sums of money as the governing body of such county, city or town may see fit to subscribe and contribute.

Authorized to make and pay subscriptions.

Payment.

SEC. 3. Any subscription or contribution so made shall be paid out of the general fund of such county, city or town making same, on such terms as may be agreed upon by the governing body of any such county, city or town, and the officers who have the control and management of such association or organization to which subscription and contribution are made.

SEC. 4. This act shall be in force from and after its ratification. Ratified this 30th day of January, A. D. 1919.

CHAPTER 22

AN ACT TO AUTHORIZE THE TRIAL OF CRIMINAL CASES AT THE FEBRUARY TERM, 1919, OF THE SUPERIOR COURT OF FRANKLIN COUNTY.

Preamble.

Whereas, by reason of the epidemic of influenza raging in Franklin County, and other causes, the recent terms of court in Franklin County, at which criminal cases were triable, have not been held;

And, whereas, the criminal calendar of Franklin County has become very much congested on account of the failure to hold said courts, and there are, and have been for several months, a number of defendants confined in the common jail of Franklin County awaiting trial: Now, therefore,

The General Assembly of North Carolina do enact:

February term Franklin Court to try criminal cases in which defendants are now in jail.

SECTION 1. That at the term of the Superior Court to be held in the county of Franklin, convening on the second Monday before the first Monday in March, one thousand nine hundred and nineteen, all criminal cases in which the defendants are now confined in the common jail of Franklin County, as well as all criminal cases in which the defendants desire to enter a submission, shall be tried and disposed of: *Provided, however,* that continuances may be granted as provided by law.

Proviso: continuances may be granted.

Jury.

SEC. 2. That the board of commissioners for Franklin County be, and they are hereby, authorized and directed to draw for said term of court, at their regular meeting on the first Monday in February, one thousand nine hundred and nineteen, eighteen jurors in addition to the list already drawn for service during the first week of said term, and from the combined list of jurors a grand jury for said term shall be drawn as by law provided.

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

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

Ratified this 31st day of January, A. D. 1919.

CHAPTER 23

AN ACT TO ALLOW CITIES AND TOWNS TO ESTABLISH
LOCAL PLANNING BOARDS.

The General Assembly of North Carolina do enact:

SECTION 1. That every city and town in the State is hereby authorized and empowered to create a board to be known as the Planning Board, whose duty it shall be to make careful study of the resources, possibilities and needs of the city or town, particularly with respect to the conditions which may be injurious to the public welfare or otherwise injurious, and to make plans for the development of the municipality. The chief governing body of such city or town desiring to establish such local planning board shall appoint not less than three nor more than five on said board.

Creation of boards.

Duties.

Membership.

SEC. 2. That said board established hereunder shall make a report at least annually to the chief governing body of the city or town, giving information regarding the condition of the city or town, and any plans or proposals for the development of the city or town and estimates of the cost thereof.

Reports, time, manner and contents of.

SEC. 3. The chief governing body of such city or town may appropriate to such local planning board such amount as they may deem necessary to carry out the purposes of its creation, and for the improvement of the municipality, and shall provide what sums, if any, shall be paid to said board as compensation.

Expenses, how met.

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

Ratified this 30th day of January, A. D. 1919.

CHAPTER 24

AN ACT TO AMEND SECTION 1567 OF THE REVISAL OF
1905, IN REFERENCE TO ALIMONY OR SUPPORT.

The General Assembly of North Carolina do enact:

SECTION 1. That section one thousand five hundred and sixty-seven (1567) of the Revisal of nineteen hundred and five (1905) be and the same is hereby amended by substituting for and in lieu of said section the following:

Revisal amended.

Alimony without divorce, when. If any husband shall separate himself from his wife and fail to provide her and the children of the marriage with the necessary subsistence according to his means and condition in life, or if he shall be a drunkard or spend-thrift, or be guilty of any misconduct or acts that would be or constitute cause for divorce, either absolute or from bed and board, the wife may institute an action in the Superior Court of the county in which the cause of action arose to have a reasonable subsistence allotted and paid or secured to her from the estate or

Alimony without divorce. When paid.

How obtained.

Application for subsistence allowing pending trial.

Payment of allowance.

Proviso: five days' notice to be given husband unless he has abandoned wife, or shall be about to move or dispose of property to defeat claim.

Modification or vacation of order.

Verification of complaint.

earnings of her husband. Pending the trial and final determination of the issues involved in such action, and also after they are determined, if finally determined, in favor of the wife, such wife may make application to the resident judge of the Superior Court, or the judge holding the Superior Courts of the district in which the action is brought, for an allowance for such subsistence, and it shall be lawful for such judge to cause the husband to secure so much of his estate or to pay so much of his earnings, or both, as may be proper, according to his condition and circumstances, for the benefit of his said wife and the children of the marriage, having regard also to the separate estate of the wife: *Provided*, that no order for such allowance shall be made unless the husband shall have had five days notice thereof. Such application may be heard in or out of term, orally or upon affidavit, or either or both: *Provided further*, that if the husband shall have abandoned his wife and left the State, or shall be in parts unknown, or shall be about to remove or dispose of his property for the purpose of defeating the claim of his wife, no notice shall be necessary. The order of allowance herein provided for may be modified or vacated at any time, on the application of either party or of any one interested. In actions brought under this section, the wife shall not be required to file the affidavit provided in section one thousand five hundred and sixty-three (1563) of the Revisal of nineteen hundred and five (1905), but shall verify her complaint in the manner prescribed in section four hundred and eighty-nine (489) of the Revisal of nineteen hundred and five (1905).

SEC. 2. This act shall not apply to actions or special proceedings now pending.

SEC. 3. This act shall be in force from and after its ratification. Ratified this 4th day of February, A. D. 1919.

CHAPTER 25

AN ACT TO AMEND SECTION 3621 OF THE REVISAL OF 1905, RELATING TO SECRET ASSAULT.

The General Assembly of North Carolina do enact:

Revisal amended. In secret assaults person assaulted need not be unconscious of presence of assailant.

SECTION 1. That section three thousand six hundred and twenty-one (3621) of the Revisal of one thousand nine hundred and five be, and the same is hereby amended by adding at the end thereof the following words: "This section shall apply to assaults made in such manner and for such purpose, notwithstanding the person so assaulted may have been conscious of the presence of his adversary."

SEC. 2. This act shall be in force from and after its ratification. Ratified this 4th day of February, A. D. 1919.

CHAPTER 26

AN ACT TO AMEND SUBSECTION 2 OF SECTION 556 OF THE
REVISAL OF 1905, RELATING TO COUNTERCLAIM.

The General Assembly of North Carolina do enact:

SECTION 1. That subsection two of section five hundred and fifty-six of the Revisal of one thousand nine hundred and five be amended by adding thereto the following: "Or the court may, in its discretion, order the pleadings to be so amended and the action severed as to entitle the plaintiff to judgment upon all of the claim admitted over and above the setoff or counterclaim pleaded by the defendant; and, upon application of the plaintiff, shall enter judgment for the plaintiff for so much of the claim as is admitted. The action shall thereupon be continued as to subsequent proceedings, as if it had been brought for the remainder of the claim, and the counterclaim or setoff as pleaded by the defendant shall apply thereto. Said remainder of said claim shall in any event be sufficient to cover the full amount of the principal and interest set up by the defendant in the counterclaim or setoff, and an amount in excess thereof, if in the discretion of the court the same is necessary, the court being empowered to designate and determine what part of the plaintiff's claim shall be held for the subsequent proceedings herein referred to."

Revisal amended.

Court may
order pleadings
amended.

Judgment.

Remainder and
counterclaim.

SEC. 2. This act shall be in force and effect from and after its ratification, and shall apply to pending litigation.

Ratified this 4th day of February, A. D. 1919.

CHAPTER 27

AN ACT TO REQUIRE THE ATTORNEY-GENERAL TO COM-
PARE MONTHLY THE WARRANTS OF THE AUDITOR
WITH THE SEVERAL LAWS UPON WHICH THEY PUR-
PORT TO BE DRAWN.

The General Assembly of North Carolina do enact:

SECTION 1. That section five thousand three hundred and seventy-nine of the Revisal be amended as follows: Strike out all of said section commencing with the word "they" in line nine and down to and excluding the word "whenever" in line sixteen, and substitute for the paragraph so stricken out the following: "The Attorney-General shall, as soon as may be after the first day of each month, compare the warrants drawn by the Auditor on the treasury during the preceding month with the several laws under which the same purport to have been drawn, and shall certify whether the Auditor had power to draw such warrants, such cer-

Revisal amended.

Comparison of
warrants.

Certification.

Warrants im-
properly drawn
specified, and
opinion given
with copy to
chairman of
Legislative
Commission.

tificate to be filed with the warrants of the appropriate month. If any are found which, in the opinion of the Attorney-General, he had no power to draw, they shall be specified in such certificate, accompanied by his reasons for the opinion, and a copy of such certificate shall in each instance be furnished forthwith to the chairman of the Legislative Commission."

SEC. 2. This act shall take effect from and after its ratification. Ratified this 4th day of February, A. D. 1919.

CHAPTER 28

AN ACT TO AMEND SECTION 3142 OF THE REVISAL OF 1905, SO AS TO PREVENT DEVISES AND BEQUESTS BECOMING LAPSED BY THE DEVISEE OR LEGATEE DYING IN THE LIFETIME OF THE TESTATOR, PROVIDED THE DEVISEE OR LEGATEE LEAVES ISSUE SURVIVING HIM.

The General Assembly of North Carolina do enact:

Revisal amended.

SECTION 1. That section three thousand one hundred and forty-two of the Revisal of one thousand nine hundred and five be, and the same is hereby, amended by adding at the end of said section the following:

Provide: no
lapse of devise by
reason of death
of devisee dur-
ing life of
testator.

"*Provided, however,* there shall be no lapse of the devise or legacy by reason of the death of the devisee or legatee during the life of the testator, if such devisee or legatee would have been an heir at law or distributee of such testator had he died intestate, and if such devisee or legatee shall leave issue surviving him; and if there is issue surviving, then the said issue shall have the devise or bequest named in the will."

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

Ratified this 4th day of February, A. D. 1919.

CHAPTER 29

AN ACT TO AMEND SECTION 59 OF CHAPTER 1 OF THE REVISAL OF 1905, RELATIVE TO THE COMPETENCY OF DYING DECLARATIONS IN CERTAIN CIVIL ACTIONS.

The General Assembly of North Carolina do enact:

Revisal amended.
In civil actions
brought for
wrongful death
dying declara-
tions competent
evidence.

SECTION 1. That section fifty-nine of chapter one of the Revisal of nineteen hundred and five be amended by adding at the end of said section: "In all actions brought under this section the dying declarations of the deceased as to the cause of his death shall be

admissible in evidence in like manner and under the same rules as dying declaration of the deceased in criminal actions for homicide are now received in evidence."

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

Ratified this 7th day of February, A. D. 1919.

CHAPTER 30

AN ACT TO AMEND SECTION 629 OF THE REVISAL OF 1905 OF NORTH CAROLINA, SO AS TO PERMIT THE SALE OF MORTGAGED PERSONAL PROPERTY UNDER EXECUTION AGAINST THE MORTGAGOR.

The General Assembly of North Carolina do enact:

SECTION 1. That section six hundred and twenty-nine of the Revisal of one thousand nine hundred and five of North Carolina, subsection three thereof, be and the same is hereby amended so as to read as follows: "The equity of redemption and legal right of redemption in lands, tenements, rents, hereditaments and personalty pledged or mortgaged: *Provided, however,* that when the equity of redemption in personal property is sold under execution, notice of the time and place of said sale shall be given the mortgagee." Revisal amend-d.
Equity of redemption.
Proviso: when sold under execution notice of sale must be given.

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

Ratified this 5th day of February, A. D. 1919.

CHAPTER 31

AN ACT TO AMEND SECTION 464 OF THE REVISAL OF 1905, RELATING TO LIS PENDENS, AND GIVING THE PROVISIONS OF SAID SECTION STATEWIDE APPLICATION.

The General Assembly of North Carolina do enact:

SECTION 1. That section four hundred and sixty-four of the Revisal of one thousand nine hundred and five be, and the same is hereby, amended by striking out the words "in Buncombe" in line one of said act, also the words "in Buncombe County" in line two of said act, also the words "in Buncombe County" in line fourteen of said act. Revisal amend-d.
Cross indexing of *lis pendens* required throughout State.

SEC. 2. *Provided,* this act shall not apply to pending actions. Act does not apply to pending actions.

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

Ratified this 7th day of February, A. D. 1919.

CHAPTER 32

AN ACT TO REGULATE ELECTRIC LIGHT, POWER, WATER, AND GAS COMPANIES, AND TO AUTHORIZE THE CORPORATION COMMISSION TO FIX A STANDARD FOR GAS AND TO PRESCRIBE RULES AND REGULATIONS TO ENFORCE THE SAME, AND TO AMEND CHAPTER 127 OF THE PUBLIC LAWS OF 1913.

The General Assembly of North Carolina do enact:

- Law amended. SECTION 1. That chapter one hundred and twenty seven of the Public Laws of nineteen hundred and thirteen be, and the same is hereby, amended as follows:
- Section added. By adding to the end of section six of said act a subsection to be known as subsection three of section six, which shall be as follows:
- Standard for gas. "(3) To fix, establish and promulgate a standard of quality for gas and to prescribe rules and regulations for the enforcement of and obedience to the same."
- SEC. 2. That this act shall be in force from and after the first of May, 1919.
- Ratified this 4th day of February, A. D. 1919.

CHAPTER 33

AN ACT TO AMEND CHAPTER 264 OF THE PUBLIC LAWS OF 1917, RELATING TO ESTABLISHMENT OF REFORMATORIES OR HOMES FOR FALLEN WOMEN BY CITIES AND COUNTIES.

The General Assembly of North Carolina do enact:

- Law amended. SECTION 1. That the Public Laws of North Carolina, session one thousand nine hundred and seventeen, chapter two hundred and sixty-four, section 1, be amended as follows:
- Maximum cost of buildings at Home for Fallen Women increased. (1) By striking out the words "one thousand five hundred dollars" in line nineteen of said section, and substituting in lieu thereof the words "twenty thousand dollars."
- Annual maintenance of institution increased. (2) By striking out the words "five thousand dollars" in line twenty-one of said section, and substituting in lieu thereof the words "ten thousand dollars."
- SEC. 2. That this act shall be in full force and effect from and after its ratification.
- Ratified this 6th day of February, A. D. 1919.

CHAPTER 34

AN ACT TO PROVIDE FOR FORFEITURE OF THE TERM
WHEN RENT IS NOT PAID.

The General Assembly of North Carolina do enact:

SECTION 1. In all verbal or written leases of real property of any kind, executed after the ratification of this act, in which is fixed a definite time for the payment of the rent reserved therein, there shall be implied a forfeiture of the term upon failure to pay the rent within ten days after a demand is made by the lessor or his agent on said lessee for all past due rent, and the lessor may forthwith enter and dispossess the tenant without having declared such forfeiture or reserved the right of reentry in the lease.

In all leases of real property with fixed time for payment of rent failure to pay within ten days after demand entails forfeiture.
Dispossession of tenant

SEC. 2. This act shall be in force from and after its ratification.
Ratified this 7th day of February, A. D. 1919.

CHAPTER 35

AN ACT TO AMEND CHAPTER 166 OF THE PUBLIC LAWS
OF 1913, FIXING THE TIME FOR HOLDING THE COURTS
OF CHATHAM COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the paragraph in chapter one hundred and ninety-six of the Public Laws of nineteen hundred and thirteen entitled "Chatham County" be, and the same is hereby, amended as follows: In line four of said paragraph strike out the word "fourth" and insert in lieu thereof the word "fifth"; in line four, after the word "March" insert the words "for the trial of civil cases only"; in line five after the word "September" insert the words "for two weeks for the trial of civil and criminal cases, the criminal docket to be called the first day of the term and the trial of criminal cases to continue until the criminal docket is disposed of"; and strike out in lines five and six of said paragraph the words "the two last terms for the trial of civil cases exclusively"; so that the said paragraph shall read as follows: "Seventh Monday before the first Monday in March; tenth Monday after the first Monday in March; seventh Monday after the first Monday in September; second Monday after the first Monday in March, for the trial of civil cases only, and fifth Monday before the first Monday in September for two weeks, for the trial of civil and criminal cases; the criminal docket to be called the first day of the term and the trial of criminal cases to continue until the criminal docket is disposed of."

Schedule Chatham courts revised.

Time for holding courts.

March term for civil cases only.

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

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

Ratified this 11th day of February, A. D. 1919.

CHAPTER 36

AN ACT TO PROTECT THE HEALTH OF COUNTRY COMMUNITIES BY REQUIRING THE BURIAL OF ANIMALS, ETC., DYING OF DISEASE.

The General Assembly of North Carolina do enact:

Unlawful to allow bodies of animals dying of disease to remain unburied.

SECTION 1. That it shall be unlawful for any person, firm or corporation to permit knowingly the bodies of animals or fowls dying of disease of any kind to remain unburied or unburned, on the land which such person, etc., owns, rents, or has charge of in any capacity, for the space of twenty-four hours after the death of said animal or fowl; such burying to be of such a depth as to prevent disinterment by prowling dogs.

Misdemeanor.

SEC. 2. Any person, firm or corporation offending against the provisions of this act, shall be guilty of a misdemeanor.

SEC. 3. This act shall take effect from and after its ratification.
Ratified this 11th day of February, A. D. 1919.

CHAPTER 37

AN ACT TO AMEND CHAPTER 284, PUBLIC LAWS OF 1917, SO AS TO PERMIT THE APPOINTMENT OF TOWNSHIP ROAD COMMISSIONS IN CERTAIN CASES.

The General Assembly of North Carolina do enact:

Law amended.

SECTION 1. That section twenty-five of chapter two hundred eighty-four, Public Laws of one thousand nine hundred seventeen, be amended as follows: by adding to said section twenty-five the following, to wit:

Instances specified wherein county commissioners may appoint township road commissioners.

“Provided further, whenever a bond issue or a levy of a special road tax is authorized or has been authorized, as hereinbefore provided in this act, for any township in any county where one or more townships have heretofore voted bonds for the working of the public roads under special acts or under other acts than this act, and the working of the roads of said township or townships is under the charge of a township commission, and no county road commission is in existence or has been appointed under this act,

then, in such case or cases, the county commissioners may appoint a township road commission for such township to be composed of three members, one of whom shall be at all times a member of the minority political party of the township; and if such township commissioners shall be so appointed by the board of commissioners the members of said township commission shall be appointed for the same term and in the same manner as is hereinbefore provided for the appointment of the county road commission, and such township commission shall have in said township and for the purpose of working the roads of said township all the rights, powers and privileges in this act given, granted and conferred upon the county road commission."

Membership.

Term of office.

Powers.

SEC. 2. This act shall be in force from and after its ratification. Ratified this 11th day of February, A. D. 1919.

CHAPTER 38

AN ACT TO PROVIDE FOR THE PREPARATION AND REVIEW OF ESTIMATES FOR EXPENDITURE AND REVENUE, AND TO ESTABLISH A BUDGET SYSTEM FOR ALL STATE EXPENDITURES.

The General Assembly of North Carolina do enact:

SECTION 1. From and after the convening of the General Assembly of nineteen hundred and twenty-one, money shall be appropriated in the manner hereinafter set out; and from and after the adjournment of the General Assembly of nineteen hundred and twenty-one, money shall be disbursed from the State Treasury in the manner herein set out, and in no other way.

All appropriation and expenditure of State money provided for.

SEC. 2. There is hereby created a commission to be known as the Budget Commission, to be composed at all times of the Governor of the State, who shall be chairman of the commission, and of the chairman of the Committees on Appropriations and on Finance of the House of Representatives and of the Senate; the said commission to have all the powers and duties conferred by this act from and after the adjournment of this session of the General Assembly: *Provided*, that in case of a vacancy in the commission on account of death, resignation or inability to serve of any of the last four named members, the next ranking member of the Committee on Appropriations or Finance, as the case may be, shall succeed to membership on said commission.

Budget commission created. Personnel.

SEC. 3. That on or before the first day of November biennially in the even-numbered years each of the several State departments, bureaus, divisions, officers, commissions, institutions, and other agencies and undertakings receiving or asking financial aid from the State, or receiving funds under authority of any general law

Successors to Vacancies.

State departments, agencies and institutions to report estimates of amount needed for ensuing two years.

Estimate blanks, form of.

of the State, shall report to the Budget Commission, on official estimate blanks furnished for such purpose, an estimate in itemized form showing the amount needed for each year of the ensuing biennial period beginning with the first day of April thereafter. The official estimate blanks which must be used in making these reports shall be furnished by the Budget Commission, shall be uniform, and shall clearly designate the kind of information to be given thereon.

State Auditor to furnish estimate of financial needs of General Assembly.

SEC. 4. On or before the first day of November biennially in the even-numbered years the State Auditor shall furnish to the Budget Commission an estimate of the financial needs of the General Assembly, itemized in strict accordance with the budget classification adopted by the Budget Commission, and certified and approved by the presiding officer of each house, for each year of the ensuing biennial period beginning with the first day of April thereafter; and an estimate of the financial needs of the judiciary, as provided by law, itemized in strict accordance with the budget classification adopted by the Budget Commission, for each year of the ensuing biennial period beginning with the first day of April thereafter. The State Auditor shall transmit to the Budget Commission with these estimates full and detailed explanation of all increases or decreases.

Auditor also to estimate needs of judiciary.

Detailed explanation decreases or increases.

Auditor also furnishes:

SEC. 5. On or before the first day of November biennially in the even-numbered years the State Auditor shall furnish to the Budget Commission the following statements classified and itemized in strict accordance with the budget classification adopted by the Budget Commission:

Statement showing balance of each department, institution or agency.

(1) A statement showing the balance standing to the credit of the several appropriations for each department, bureau, division, officer, board, commission or other agency or undertaking of the State at the end of the last preceding appropriation year.

Statement of monthly expenditures and revenues.

(2) A statement showing the monthly expenditures and revenues for each appropriation account, and the total monthly expenditures and revenues from all the appropriation accounts, including special and all other appropriations, in the twelve months of the last preceding appropriation year.

Statement showing annual expenditures and revenues, and showing increase or decrease.

(3) A statement showing the annual expenditures in each appropriation account, and the revenues from all sources, including expenditures and revenues from special and all other appropriations, for each year of the last two appropriation years, with a separate column showing the increase or decrease for each item.

Balance sheet.

(4) An itemized and complete financial balance sheet for the State at the close of the last preceding fiscal year.

Statements requested.

(5) Such other statements as the Budget Commission shall request.

Departments, institutions and agencies furnish information.

SEC. 6. The departments, bureaus, divisions, officers, boards, commissions, institutions, or other agencies or undertakings of the State, upon request, shall immediately furnish to the Budget

Commission, in such form as it may require, any information desired by it in relation to their respective affairs or activities.

SEC. 7. The Budget Commission shall provide for public hearings on any and all estimates to be included in the budget, which shall be held during the month of November biennially in the even-numbered years. The Budget Commission shall require the attendance at these hearings of the heads or responsible representatives of all State departments, bureaus, divisions, officers, boards, commissions, institutions, or other agencies or undertakings receiving or asking financial aid from the State.

Public hearings on estimates.

Attendance of heads or responsible representatives required.

SEC. 8. On or before the fifteenth day of December biennially in the even-numbered years the Budget Commission shall have completed a careful survey of all the departments, bureaus, divisions, officers, boards, commissions, institutions, and other agencies and undertakings of the State, through which it shall be in possession of the working knowledge upon which to base its recommendation to the General Assembly.

Commission to make biennial survey.

SEC. 9. Within five days after the beginning of each regular session of the General Assembly the Budget Commission shall submit to the presiding officer of each house printed copies of a budget, based upon its own conclusion and judgment, containing a complete and itemized plan of all proposed expenditures for each State department, bureau, division, officer, board, commission, institution, or other agency or undertaking, classified by function, character and object, and of estimated revenues and borrowings, for each year in the ensuing biennial period beginning with the first day of April thereafter. Opposite each item of the proposed expenditures the budget shall show in separate parallel columns the amount appropriated for the last preceding appropriation year, for the current appropriation year, and the increase or decrease.

Budget submitted within five days after beginning of each regular session of General Assembly.

Comparison with previous expenditures.

The Budget Commission shall accompany the budget with—

Statements :

(1) A statement of the revenues and expenditures for each of the two appropriation years next preceding, classified and itemized in accordance with the official budget classification adopted by the Budget Commission.

Revenues and expenditures for each of two years next preceding.

(2) A statement of the current assets, liabilities, reserves and surplus or deficit of the State.

Assets and liabilities of State.

(3) A statement of the debts and funds of the State.

Debts of State.

(4) A statement showing the Budget Commission's itemized estimates of the condition of the State Treasury as of the beginning and end of each of the next two appropriation years.

Estimate of Treasury.

(5) An itemized and complete financial balance sheet for the State at the close of the last preceding fiscal year.

Balance sheet.

(6) A general survey of the State's financial and natural resources, with a review of the general economic, industrial and commercial condition of the State.

General financial survey.

Tentative ap-
propriation bill.

SEC. 10. The Budget Commission shall also submit to the presiding officer of each house of the General Assembly, at the same time it submits its budget, copies of a tentative bill for all proposed appropriations of the budget, clearly itemized and properly classified, for each year in the ensuing biennial appropriation period, which shall be known as "The Budget Bill."

Consideration
of budget by
Assembly
committees.

SEC. 11. The Appropriations Committees of the House of Representatives and of the Senate shall sit jointly in open sessions while considering the budget, and shall begin such joint meetings within five days after the budget has been submitted to the General Assembly by the Budget Commission. This joint committee may cause the attendance of heads or responsible representatives of the departments, institutions and all other agencies of the State to furnish such information and answer such questions as the joint committee shall require; and to these sessions shall be admitted, with the right to be heard, all persons interested in the estimates under consideration. The Budget Commission, or its representatives, shall have the right to sit at these public hearings and be heard on all matters coming before the joint committee.

Hearings.

Legislature
may increase
or decrease
budget items
but special ap-
propriations
must be for
emergencies.
If no money in
in treasury
special tax must
be provided.

SEC. 12. The General Assembly may increase or decrease items in the budget bill as it may deem to be in the public interest, but neither house shall consider further or special appropriations, except in case of an emergency, which fact shall be clearly stated in the bill therefor, until the budget bill shall have been finally acted upon by both houses; and no bill carrying an appropriation shall be thereafter passed by the General Assembly unless the money to pay the same shall be in the treasury, or unless a special tax for that purpose is levied in the bill making the appropriation.

Compensation
members of
commission.

SEC. 13. The members of the Budget Commission other than the chairman shall receive as compensation for their services ten dollars per day for the number of days actually engaged in the performance of duties proposed by this act and their actual traveling expenses, to be audited and approved by the State Auditor. The Budget Commission shall employ competent budget assistants and such special help as it may require to carry out the provisions of this act, and shall fix the compensation of such persons, to be paid by the State Treasurer upon warrant of the State Auditor.

Employment of
special help.

All laws requir-
ing reports of
similar charac-
ter repealed.

SEC. 14. All laws requiring reports to be made by State departments, bureaus, divisions, officers, boards, commissions, and institutions to the General Assembly, the Legislative Reference Librarian, or to any other State department, of a similar character to the reports herein required to be made to the budget commission, or any laws in conflict with or inconsistent with this act, are hereby repealed.

SEC. 15. This act shall be in force from and after its ratification.

Ratified this 11th day of February, A. D. 1919.

CHAPTER 39

AN ACT TO CORRECT THE CALLS OF STATE GRANT No.
1982, MACON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the first and second calls of State grant number one thousand nine hundred and eighty-two, Macon County, North Carolina, dated May thirty-first, one thousand eight hundred and fifty-six, issued to John W. Foster and recorded in the Secretary of State's office, book one hundred sixty-one, page three hundred forty-nine, be and the same is hereby corrected so as to read:

Calls of State grant corrected.

"Beginning at a spruce pine at Angel's old spring, runs south, forty-four east, two hundred poles to a chestnut oak; thence south, fifty-five west, two hundred poles to a white oak, Thomas Owens corner," etc., so as to reach the true corners of said grant, instead of the calls as recorded which begins at a spruce pile at Angel's old spring, runs south twenty-five east, two hundred poles to a chestnut oak; thence south, fifty west, two hundred poles to a white oak, Thomas Owens corner.

Purpose of correction.

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

Ratified this 11th day of February, A. D. 1919.

CHAPTER 40

AN ACT TO PLACE THE WATERS OF HOLT'S LAKE UNDER
THE PROTECTION OF THE UNITED STATES BUREAU OF
FISHERIES.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or persons to fish in the waters of Holt's Lake, situate on Black Creek, in the county of Johnston, between the Lassiter bridge and the Atlantic Coast Line Railroad Company bridge, with nets, seines, or traps; or to fish the same by firelight, or other artificial light; or to use or explode dynamite or other combustible substance in or on said lake for the purpose of taking fish; or to catch or to take fish from the said lake in any manner, except by rod and reel, and hook and line: *Provided*, that the United States Bureau of Fisheries, or its agents, under the direction of the Commissioner of Fisheries, may take or cause to be taken for scientific purposes, or for fish culture, or for distribution, any fish or marine organism, at any time and in any manner, under the supervision of its proper officers and agents, from the waters of said lake.

Unlawful to fish with nets in Holt's Lake within certain limits.

Artificial light, dynamite and other appliances prohibited.

Bureau of Fisheries of U. S. may take for certain purposes.

Violation of act
misdemeanor.

Punishment.

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

SEC. 3. That all laws or clauses of laws in conflict with this act be, and the same are hereby, repealed.

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

Ratified this 11th day of February, A. D. 1919.

CHAPTER 41

AN ACT TO REPEAL CHAPTER 137, PUBLIC LAWS, SESSION 1917, RELATING TO PRIMARY ELECTIONS IN MITCHELL COUNTY.

The General Assembly of North Carolina do enact:

Mitchell County
taken from
provisions.

SECTION 1. That chapter one hundred and thirty-seven, session of nineteen hundred and seventeen, be, and the same is hereby, repealed.

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

Ratified this 11th day of February, A. D. 1919.

CHAPTER 42

AN ACT FOR THE RELIEF OF FRED C. FISHER, AN EX-CONFEDERATE SOLDIER, AND PLACE HIM ON THE PENSION ROLL.

The General Assembly of North Carolina do enact:

Fred. C. Fisher
placed on Rowan
pension roll.

SECTION 1. That Fred C. Fisher, an Ex-Confederate soldier of Rowan County, who served on the staff of General W. H. F. Lee in the Civil War, be, and he is hereby, placed on the pension roll for Rowan, and pension warrants shall be issued for him the same as for other soldiers now in the fourth class, and that an entry be made to this effect on the State Pension Roll.

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

Ratified this 11th day of February, A. D. 1919.

CHAPTER 43

AN ACT TO REGULATE TRAVELING SEED-COTTON BUYERS.

The General Assembly of North Carolina do enact:

SECTION 1. That any person engaged in traveling from house to house or from place to place buying or trading for seed cotton shall keep a correct record of the name and postoffice address of each person from whom he buys or with whom he trades for seed cotton, together with the number of pounds he buys or trades for from each person and the amount paid in each case.

Record of purchases of seed cotton required.

SEC. 2. That on or before the third day of each month such person shall file a sworn statement with the clerk of the Superior Court of the county in which he made such purchases or trades for seed cotton, showing the name and postoffice address of each person from whom he bought or with whom he traded during the next preceding month, together with the amount paid and the number of pounds of such cotton received from each person.

Sworn statement to be made monthly and filed with clerk of court.

SEC. 3. That any person failing or refusing to comply with either of the preceding sections shall be guilty of a misdemeanor for each and every offense, and upon conviction shall be fined not exceeding fifty dollars or imprisoned not more than thirty days.

Violation a misdemeanor.

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

Ratified this 11th day of February, A. D. 1919.

CHAPTER 44

AN ACT TO AMEND CHAPTER 154, PUBLIC LAWS OF 1917, ENTITLED "AN ACT TO ISSUE BONDS OF THE STATE FOR THE PERMANENT ENLARGEMENT AND IMPROVEMENT OF THE STATE'S EDUCATIONAL AND CHARITABLE INSTITUTIONS."

Whereas, it is highly desirable that the people of the State of North Carolina shall purchase the bonds issued by the State, and in order to induce and enable all persons living in the State to become purchasers of bonds of the State: now, therefore,

Preamble: desirability of purchasers for State bonds.

The General Assembly of North Carolina do enact:

SECTION 1. That section three of chapter one hundred and fifty-four (154) of the Public Laws of one thousand nine hundred and seventeen (1917), entitled "An act to issue bonds of the State for the permanent enlargement and improvement of the State's educational and charitable institutions," be amended as follows: by inserting after the word "denomination" in line two of said section, and before the word "of" in line three of said section, the

Chapter 154, Public Laws 1917, amended.

Bonds of denomination of \$50 and \$100 authorized.

following words: "of fifty dollars (\$50) and of one hundred dollars (\$100) and."

State Treasurer authorized to sell bonds.

SEC. 2. The State Treasurer is authorized and empowered to sell the bonds authorized to be issued by chapter one hundred and fifty-four of the Public Laws of one thousand nine hundred and seventeen of the denominations directed in said act and as amended by this act, at not less than par and accrued interest, at any time on and after the first day of July of each and every year until the full issue authorized to be issued by said act shall have been issued. And the said Treasurer is further authorized to prescribe and publish the terms of payment for said bonds and to receive subscriptions therefor: *Provided always*, that the State shall receive not less than the par value of said bonds plus accrued interest thereon at the time of delivery.

Not to be sold for less than par and interest.

Treasurer to prescribe and publish terms of payment.

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

Ratified this 13th day of February, A. D. 1919.

CHAPTER 45

AN ACT REGULATING CHARGES FOR LEGAL ADVERTISING IN NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Publication of legal advertising to be made at newspapers' commercial rates.

SECTION 1. That the publication of all advertising required by law to be made in newspapers in this State shall be paid for at not to exceed the local commercial rate of the newspaper selected in each case. Any public or municipal officer or board created by or existing under the laws of this State that is now or may hereafter be authorized by law to enter into contracts for the publication of legal advertisements is hereby authorized to pay therefor prices not exceeding said rates: *Provided*, nothing herein shall be construed to apply to existing contracts or agreements for legal advertising in this State.

Proviso: existing contracts not affected.

Newspaper must file with clerk of court sworn statement of rate.

SEC. 2. That no newspaper in this State shall accept or print any legal advertising until said newspaper shall have first filed with the clerk of the Superior Court of the county in which it is published a sworn statement of its current commercial rate for the several classes of advertising regularly carried by said publication, and any owner or manager of newspaper violating the provisions of this act shall be guilty of a misdemeanor.

Violation misdemeanor.

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

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

Ratified this 13th day of February, A. D. 1919.

CHAPTER 46

AN ACT TO AMEND CHAPTER 170, PUBLIC LAWS OF 1917,
RELATING TO PUBLIC WELFARE.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and seventy, Public Laws of one thousand nine hundred and seventeen, be amended as follows: Repeal subsection *d*, section three thousand nine hundred and fourteen, and substitute the following: "To inspect and make report on private orphanages, institutions, maternity homes, and persons or organizations receiving and placing children, and such institutions shall submit such reports and information as may be required by the State Board. It shall be unlawful for any person, institution, or organization for the purpose of caring for or placing children to carry on such work or business without having in full force a written license therefor from the State Board of Charities and Public Welfare. The said State Board of Charities and Public Welfare is hereby empowered to grant license for one year to such institutions, persons, or agencies to carry on such work as it believes is needed, and is for the public good, and is conducted by reputable persons or organizations, and the State Board of Charities and Public Welfare may revoke such license when in its opinion the public welfare or the good of the children therein is not being properly subserved."

SEC. 2. That there be added to subsection *e*, section three thousand nine hundred and fourteen, the following: "and such bulletins shall be printed by the public printer to such amount and to such extent as may be approved by the State Printing Committee."

SEC. 3. That section three thousand nine hundred and fifteen, down to subsection *a*, be stricken out, and the following be substituted therefor:

"The State Board shall appoint in each county three persons to be known as the County Board of Charities and Public Welfare, whose duty shall be to advise with and assist the State Board in the work in the county, to make such visitations and reports as the State Board may request, and to act in a general advisory capacity to the county and municipal authorities in dealing with questions of dependency and delinquency, distribution of the poor funds, and social conditions generally. The members of the County Board of Charities and Public Welfare shall serve without pay. The county commissioners and the county board of education in each county shall, in joint session not later than July fifteenth, nineteen hundred and nineteen, appoint a county superintendent of public welfare, who shall serve at the pleasure of said boards, and whose salary shall be fixed and paid jointly from the public funds of said boards. The county superintendent of public welfare shall

Law amend. d.

Maternity homes to report to State Board Charities and Public Welfare.

Unlawful to conduct orphanage or home without written license.

License for one year.

Revocation of license.

Bulletins printed by State to extent approved by committee.

County boards to be appointed by State board.

Duties.

No compensation.

County board and commissioners to appoint county superintendent of welfare.

Term.

Salary.

Duties.

be the chief school attendance officer of the county, and shall have other duties and powers as follows:”

SEC. 4. That all of section three thousand nine hundred and twenty-one be stricken out and the following substituted therefor:

Membership and organization of county boards.

“Sec. 3921. The County Board of Charities and Public Welfare hereinbefore provided for shall be appointed, one for one year, one for two years, and one for three years, and subsequent appointments shall be for a term of three years. The persons so appointed shall meet immediately after their appointment and organize by electing a chairman, and the county superintendent of public welfare shall act as secretary. The county board shall meet at least monthly with the county superintendent of public welfare and advise with him concerning the duties and problems of his office. In those counties where the population is not more than twenty-five thousand the county superintendent of public instruction may be appointed superintendent of public welfare, but no person shall be appointed county superintendent of public welfare who has not a certificate of qualification from the State Board of Charities and Public Welfare. In counties where there are cities which already have a local board of welfare or other social agencies, or which may wish to establish such, the governing bodies of such cities may make such arrangements with the county commissioners to consolidate the work under the authority and supervision of the county board of charities and public welfare as may be mutually agreed upon with such division of expenses as may be equitable. The governing bodies of such cities and the county commissioners are authorized to make such provision for the expense of carrying on the work as they may deem advisable, and may delegate to the county board of charities and public welfare all necessary power.”

Monthly meetings with superintendent.

Superintendent of schools may be superintendent of welfare.

Must have certificate from State board. Joint city and county welfare work.

Division of Expenses.

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

Ratified this 13th day of February, A. D. 1919.

CHAPTER 47

AN ACT TO PERMIT BANKS TO MAKE LOANS BASED ON PERCENTAGE OF SURPLUS AS WELL AS CAPITAL.

The General Assembly of North Carolina do enact:

Loans by bank to one person limited to one-tenth capital and surplus.

SECTION 1. Amend section two hundred and thirty-three of the Revisal by adding in line seven, after the word “stock” the words “and surplus.”

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

Ratified this 17th day of February, A. D. 1919.

CHAPTER 48

AN ACT TO AMEND CHAPTER 142 OF THE PUBLIC LAWS OF 1913, BEING AN ACT TO PERMIT COUNTIES IN NORTH CAROLINA TO EMPLOY BANK AND TRUST COMPANIES IN THE CAPACITY OF COUNTY TREASURERS, SO AS TO ADD CRAVEN COUNTY IN SECTION 4 THEREOF.

The General Assembly of North Carolina do enact:

SECTION 1. That section four of chapter one hundred and forty-two of the Public Laws of one thousand nine hundred and thirteen be, and the same is hereby, amended by adding after the word "Carteret" in line three thereof and before the word "and" the word "Craven."

Craven County added to list of counties permitted to employ banks in capacity of treasurer.

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

Ratified this 17th day of February, A. D. 1919.

CHAPTER 49

AN ACT TO AMEND SECTIONS 20 AND 21 OF THE MUNICIPAL FINANCE ACT, 1917.

The General Assembly of North Carolina do enact:

SECTION 1. That sections twenty and twenty-one of chapter one hundred and thirty-eight of the Public Laws of one thousand nine hundred and seventeen, known as the Municipal Finance Act, be, and they hereby are, amended by striking out the word "last" wherever it occurs in said sections and inserting in lieu thereof the word "first."

Time of questioning validity of ordinance 30 days after "first" instead of "last" publication.

SEC. 2. Section twenty-one of said act is hereby further amended by striking out the word "within" in the second line of subsection 1 of said section.

Ordinance effective thirty days after last publication.

SEC. 3. No ordinance heretofore passed authorizing bond issues for necessary expenses under the act hereby amended, nor any bond issued or to be issued under such an ordinance, shall be held invalid by reason of the fact that the ordinance provides that it shall take effect thirty days after its first publication; and this act shall be construed as applying in all respects to existing bond ordinances so providing, as well as to future ordinances.

No bonds issued or to be issued under such ordinance to be affected by amendment.

SEC. 4. All laws and parts of laws in conflict with this act are hereby repealed.

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

Ratified this 17th day of February, A. D. 1919.

CHAPTER 50

AN ACT TO PERMIT THE REFUNDING OF FEES PAID INTO
THE STATE TREASURY UNDER THE PRIMARY LAW.

The General Assembly of North Carolina do enact:

Where candidate erroneously files notice of candidacy and fee with State Board of elections or withdraws before time of filing notices has expired, fee shall be refunded.

Certificate required.

SECTION 1. That where a candidate erroneously files a notice of candidacy, accompanied by the proper sum of money, with the State Board of Elections, instead of with the local county board, and the money is paid into the State Treasury; or where a candidate files a notice, accompanied by the sum fixed by section four of chapter one hundred and one, Public Laws of one thousand nine hundred and fifteen, with the State Board, the money being paid into the State Treasury, and afterwards, but before the time for filing such notices, as fixed by section six of the Primary Law, shall have expired, he wishes to withdraw his candidacy, then, in both these cases, the money may be refunded to the candidate, upon certificate from the chairman of the State Board of Elections, that the facts exist which entitle him to such refunding. Upon such certificate, the Auditor shall give his warrant upon the Treasurer of the State, and the Treasurer shall pay the same.

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

Ratified this 17th day of February, A. D. 1919.

CHAPTER 51

AN ACT TO AMEND CHAPTER 52 OF THE PUBLIC LAWS OF
1911, RELATING TO JUDGES' SALARIES AND EXPENSES.

The General Assembly of North Carolina do enact:

Salary of Superior Court judge increased from \$3,250 to \$4,000.

Expense allowance made payable monthly upon warrant on treasury.

Limit of expense placed at \$1,500 per annum.

SECTION 1. That section one of chapter eighty-two of the Public Laws of one thousand nine hundred and eleven be, and the same is hereby, amended by striking out in line two of said section the words "three thousand two hundred and fifty," and inserting in lieu thereof the words "four thousand"; by striking out the words "and that seven hundred and fifty dollars (\$750) be, and it is hereby, allowed each per annum, to furnish traveling and other necessary expenses incident to rotation, payable monthly," and inserting in lieu thereof the following: "and that each judge also is hereby allowed his necessary expenses incident to rotation, payable monthly by the State Treasurer upon warrant drawn by the State Auditor, which warrant shall be issued by said Auditor upon receipt from the judge of a certified statement showing the total amount of such expenses: *Provided*, said expenses shall not

exceed fifteen hundred dollars per annum"; and by striking out in line seven of said section the word "four," and inserting in lieu thereof the word "five."

Supreme Court judges' salary raised from four to five thousand dollars.

SEC. 2. That chapter forty-four of the Public Laws of one thousand nine hundred and fifteen, ratified February twentieth, one thousand nine hundred and fifteen, be amended by adding thereto the following: "The allowance made to the Supreme Court for clerical and stenographic assistance shall be by the State Treasurer paid to five clerks, one of whom shall be named by each of the Supreme Court judges, whose names shall be certified to the State Auditor for issuance of warrant on State Treasury by the clerk of the Supreme Court.

Clerk's allowance of \$900 each per annum allowed members Supreme Court to be paid to five clerks through State treasurer.

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

Ratified this 17th day of February, A. D. 1919.

CHAPTER 52

AN ACT CHANGING THE TIME WHEN THE SHERIFFS SHALL MAKE THEIR ROUNDS FOR THE COLLECTION OF TAXES.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of any county shall have the right, by resolution spread upon the minutes of the board, to abolish altogether or to change the time or times upon which the sheriff or other tax collector is now, or hereafter may be, required to attend each township in the county for the collection of the taxes levied and placed in his hands.

County commissioners given right to revise sheriff's tax-collecting itinerary.

SEC. 2. That upon the passage of said resolution by the board of commissioners the sheriff or other tax collector shall attend in each township in his county at such times as shall be fixed by said board for the collection of taxes thereof: *Provided*, that fifteen days notice of the time and place of such attendance shall be given by the sheriff or other tax collector by advertisements in some newspaper published in said county, if one is published therein, or by advertisements posted at three or more public places, if no newspaper is published therein.

Proviso: fifteen days' notice of time and place must be given by sheriff.

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

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

Ratified this 19th day of February, A. D. 1919.

CHAPTER 53

AN ACT TO VALIDATE THE DEEDS OF CORPORATIONS IN CASES WHERE THE EXECUTION OF SAID DEEDS IS DEFECTIVE, AND TO VALIDATE THE PROBATE OF DEEDS OF CORPORATIONS IN CASES WHERE THE ORDER OF REGISTRATION WAS MADE ON THE OATH AND EXAMINATION OF A SUBSCRIBING WITNESS.

The General Assembly of North Carolina do enact:

Incomplete deeds by corporations validated.

SECTION 1. That in all cases prior to the first day of January, one thousand nine hundred and nineteen, where any deed conveying lands purported to be executed by a corporation, but the corporate name was in fact not affixed to said deed, but same was signed by the president and secretary of said corporation, or by the president and two members of the governing body of said corporation, and said deed has been registered in the county where the land conveyed by said deed is located, said defective execution above described shall be, and the same is hereby, declared to be in all respects valid, and such deed shall be deemed to be in all respects the deed of said corporation.

Probate and registration validated.

SEC. 2. That in all cases prior to the first day of January, one thousand nine hundred and nineteen, where any deed conveying lands was executed by a corporation, and said deed was probated and ordered registered upon the oath and examination of a subscribing witness, by the clerk of the Superior Court of the county in which the land conveyed by said deed is located, and said deed has been duly registered by the register of deeds of said county, such probate and order of registration shall be, and the same is hereby, declared to be in all respects valid.

Act not to affect actions pending.

SEC. 3. That this act shall not affect actions and proceedings pending at the time of its ratification.

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

Ratified this 17th day of February, A. D. 1919.

CHAPTER 54

AN ACT TO AMEND SECTION 1890 OF THE REVISAL IN RESPECT TO THE PROCEDURE IN APPOINTING GUARDIANS FOR IDIOTS, INEBRIATES AND LUNATICS.

The General Assembly of North Carolina do enact:

Law amended.

SECTION 1. That chapter forty-one, section one thousand eight hundred ninety of the Revisal of one thousand nine hundred and five, be amended by striking out all of said section after the word

"lunatic," in line eleven (11) of said section, and inserting in lieu thereof the following words, to wit: "That upon the return of the sheriff summoning said jury, the clerk of the Superior Court shall swear and organize said jury and shall preside over said hearing, and the jury shall make returns of their proceedings under their hand to the clerk, who shall file and record the same: and he shall proceed to appoint a guardian of any person so found to be an idiot, inebriate, lunatic or incompetent person by inquisition of a jury, as in cases of orphans. Either the applicant or the supposed idiot, inebriate, lunatic, or incompetent person may appeal from the finding of said jury to the next term of the Superior Court, when the matters at issue shall be regularly tried de novo before a jury, and pending such appeal, the clerk of the Superior Court shall not appoint a guardian for the said supposed idiot, inebriate, lunatic, or incompetent person, but the resident judge of the district, or the judge presiding in the district, may in his discretion appoint a temporary receiver for the alleged incompetent pending the appeal. The trial of said appeal in the Superior Court shall have precedence over all other causes."

Following return of jury clerk of court shall appoint guardian for incompetent.

Right of appeal to Superior Court.

In case of appeal judge presiding in district shall appoint receiver for alleged incompetent.

Trial of appeal has precedence.

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

Ratified this 17th day of February, A. D. 1919.

CHAPTER 55

AN ACT TO INCREASE THE AMOUNT OF A BANK'S PAID-IN CAPITAL STOCK AND PERMANENT SURPLUS, ALLOWED TO BE INVESTED IN BANK BUILDING.

The General Assembly of North Carolina do enact:

SECTION 1. That paragraph first, subsection two of section two hundred and twenty-eight of Revisal of one thousand nine hundred and five be, and it is hereby, amended so as to read as follows: "1. Such as shall be necessary for the convenient transaction of its business, including furniture and fixtures with its banking offices and other apartments to rent as a source of income, which investment shall not exceed fifty per cent of its paid-in capital stock and permanent surplus: *Provided*, that this provision shall not apply to any such investment made before the ninth day of March, one thousand nine hundred and three."

Banks permitted to hold property necessary to conduct of business.

Proviso: act does not apply to investments made prior to March 9, 1903.

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

Ratified this 17th day of February, A. D. 1919.

CHAPTER 56

AN ACT TO PROVIDE ADDITIONAL TERMS OF SUPERIOR COURT FOR PITT COUNTY.

The General Assembly of North Carolina do enact:

Four additional one-week terms for trial of civil cases provided.

SECTION 1. That in addition to the terms of Superior Court already provided for by law for Pitt County, it shall have the following additional terms of Superior Court: The fifth Monday before the first Monday in March, for one week; the second Monday before the first Monday in March, for one week; the first Monday after the first Monday in September, for one week, and the third Monday after the first Monday in September, for one week. These additional terms of court shall be for the trial of civil cases only.

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

Ratified this 17th day of February, A. D. 1919.

CHAPTER 57

AN ACT TO AUTHORIZE THE STATE TREASURER TO COVER INTO THE GENERAL FUND OF THE STATE THE AMOUNT PAID BY DR. KEMP PLUMMER BATTLE.

Preamble.

Whereas, the General Assembly of North Carolina, by chapter one hundred and forty-three of the Public Laws of one thousand nine hundred and fifteen, directed the Treasurer of the State of North Carolina to pay to Dr. Kemp Plummer Battle the sum of three hundred dollars (\$300) in settlement of certain bonds therein mentioned; and

Preamble.

Whereas, the State Treasurer did pay said amount, whereupon the said Dr. Kemp Plummer Battle returned and paid to the said Treasurer the sum of one hundred sixty-two dollars and eighty-seven cents (\$162.87), being a sum in excess of what the said Dr. Kemp Plummer Battle was willing to receive under said act; and

Preamble.

Whereas, the said State Treasurer, B. R. Lacy, did receive the said sum of one hundred sixty-two dollars and eighty-seven cents (\$162.87) and deposited the same in the bank at interest, and the said interest accrued amounts to the sum of twenty-one dollars and forty-one cents, making the total of principal and interest one hundred eighty-four dollars and twenty-eight cents (\$184.28): now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the said B. R. Lacy, Treasurer of the State of North Carolina, is hereby authorized to cover into the general fund of the State the sum of one hundred sixty-two dollars and eighty-seven cents, principal, and twenty-one dollars and forty-one cents, accrued interest, the said principal sum having been repaid to the State Treasurer by Dr. Kemp Plummer Battle out of the sum of three hundred dollars (\$300) authorized to be paid to him by chapter one hundred and forty-three of the Public Laws of one thousand nine hundred and fifteen, and the said Treasurer will note on his book the source from which this sum comes.

State treasurer authorized to cover into general fund sum repaid by Dr. Battle.

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

Ratified this 17th day of February, A. D. 1919.

CHAPTER 58

AN ACT TO AMEND CHAPTER 7, SECTION 231, REVISAL OF 1905, RELATING TO RESERVE FUNDS OF BANKS, BANKING AND TRUST COMPANIES.

The General Assembly of North Carolina do enact:

SECTION 1. That section two hundred and thirty-one of chapter seven of the Revisal of one thousand nine hundred and five be, and it is hereby, repealed and the following section substituted in lieu thereof:

"Every bank or banking and trust company doing business and engaging in banking, trust, fiduciary, or surety business and dealing in real estate, shall at all times have on hand as reserve in available funds an amount equal to at least fifteen per cent of the aggregate amount of its demand deposits and five per cent of time deposits. But no reserve shall be required on deposits secured by United States bonds or North Carolina State bonds.

Banks or other fiduciaries required to have in reserve in available funds at all times 15 per cent of demand deposits and 5 per cent of time deposits.

Demand deposits, within the meaning of this act, shall comprise all deposits payable within thirty days, and time deposits shall comprise all deposits payable after thirty days, all savings accounts and certificates of deposit which are subject to not less than thirty days notice before payment, and all postal savings deposits.

Demand deposits and time deposits defined.

Any bank that is now or may hereafter become a member of a Federal Reserve Bank shall maintain the same reserves with respect to deposits as shall be required of other members of such Federal Reserve Bank.

Federal reserve banks subject to Federal regulations.

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

Ratified this 19th day of February, A. D. 1919.

CHAPTER 59

AN ACT TO AMEND SECTION 222 OF THE REVISAL RELATIVE TO THE PAR VALUE OF STOCK IN BANKS.

The General Assembly of North Carolina do enact:

Shares may be \$25, \$50 or \$100.

SECTION 1. That section two hundred and twenty-two, subsection four. Revisal of one thousand nine hundred and five, be, and the same is hereby, amended by inserting after the word "either" and before the word "fifty" the words "twenty-five dollars," in line four thereof.

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

Ratified this 17th day of February, A. D. 1919.

CHAPTER 60

AN ACT TO AMEND CHAPTER 136 OF THE PUBLIC LAWS OF 1917, RELATING TO MUNICIPAL CORPORATIONS.

The General Assembly of North Carolina do enact:

Section 9, chap. 136, Public Laws of 1917, amended by substitution of new section.

SECTION 1. That section nine of part five of subchapter sixteen of chapter one hundred and thirty-six of the Public Laws of one thousand nine hundred and seventeen, as appears on page two hundred and twenty-eight of the authorized printed edition of said Public Laws, be, and the same is hereby, amended by striking out the whole of said section nine and inserting in lieu thereof the following:

City council shall elect mayor from among its own members.

"Sec. 9. The mayor shall be elected by the city council from among its own members, and shall hold office during the term for which he has been elected to the council."

SEC. 2. That part five, known as Plan D of subsection sixteen of chapter one hundred and thirty-six of the Public Laws of one thousand nine hundred and seventeen, as appears on pages two hundred and twenty-seven, two hundred and twenty-eight and two hundred and twenty-nine, of the authorized printed edition of said public laws be, and the same is hereby, amended by adding at the end thereof the following:

New section added to chapter. Public school system may be placed under control of board of education under rules prescribed by city council. Proviso: board of education already in existence.

"Sec. 15. The public school system may be placed by the council under the management and control of a board of education of not less than three (3) and not more than seven (7) members, to be appointed by the council under such rules and regulations and with such powers and duties as the council may from time to time prescribe: *Provided, however,* that if any city adopting this form of government shall have, at the time of such adoption, a board of education acting under powers and regulations given it by a vote

of the voters of such city, such board of education shall remain in existence and the powers and duties given it by a vote of the people shall be and remain in full force and effect, except that the appointment of the members of such board of education shall vest in the council: *Provided further*, that in all cases wherein the said board of education is now elected by the people, such board shall continue to be elected by the electors of said city or municipality at the same time and in the same manner as the city council is elected, as herein provided: *Provided further*, that sections eleven, twelve and thirteen, prescribing the duties and powers of the city manager, shall not be construed as applying in any manner to the public schools, their financial management and operation.

Proviso: if elected by people such board shall continue to be so elected.

Proviso: sections prescribing duties of city manager not to apply to schools.

"The words 'board of education' shall be construed to mean and include school board, school commissioners, or other similar educational board."

Board of education any governing board of schools.

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

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

Ratified this 18th day of February, A. D. 1919.

CHAPTER 61

AN ACT TO AMEND SECTION 2784 OF THE REVISAL OF 1905, INCREASING THE PAY OF REGISTRARS AND JUDGES OF ELECTION TO THREE DOLLARS PER DAY, AND REPEALING CHAPTER 760 OF PUBLIC LAWS, SESSION 1907.

The General Assembly of North Carolina do enact:

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

Law fixing pay of registrars and judges of election repealed.

SEC. 2. That section two thousand seven hundred and eighty-four of the Revisal of one thousand nine hundred and five be, and the same is hereby, amended by striking out the words "one dollar" wherever it occurs in said section and inserting in lieu thereof the words "three dollars."

Pay of registrars and judges increased from one to three dollars per day.

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

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

Ratified this 19th day of February, A. D. 1919.

CHAPTER 62

AN ACT CONCERNING COMPENSATION FOR CATTLE
KILLED ON ACCOUNT OF TUBERCULOSIS AND FOR
HORSES AND MULES KILLED ON ACCOUNT OF GLANDERS.

The General Assembly of North Carolina do enact:

State veterinarian authorized to pay one-third of difference between value of cattle killed and the salvage.

SECTION 1. If it appears to be necessary for the control or eradication of tuberculosis in cattle, or glanders in horses and mules, to destroy such animals affected with such diseases and to compensate owners for loss thereof, the State Veterinarian is authorized, within his discretion, to agree on the part of the State in the case of cattle destroyed for tuberculosis to pay one-third of the difference between the appraised value of each animal so destroyed and the value of the salvage thereof: *Provided, however,* that in no case shall any payment by the State be more than \$25 for any grade animal nor more than \$50 for any pure-bred animal. In the case of horses or mules destroyed for glanders to pay one-half of the appraised value, said half not to exceed \$100.

Limits of such payment.

One-half value of horse or mule.

Selection of appraisers of animals to be slaughtered.

SEC. 2. Cattle affected with tuberculosis shall be appraised by three men—one to be chosen by the owner, one by the United States Bureau of Animal Industry, and one by the State Veterinarian. If the United States Bureau of Animal Industry is not represented, then the appraisers shall be chosen, one by the owner, one by the State Veterinarian, the third to be chosen by the first two named. The finding of such appraisers shall be final.

Appraisal of horses affected with glanders.

SEC. 3. Animals affected with glanders shall be appraised by three men—one to be chosen by the owner, one to be chosen by the State Veterinarian, the third to be named by the first two chosen, the finding of such appraisers to be final. The report of appraisal to be made in triplicate on forms furnished by the State Veterinarian, and a copy sent to the State Veterinarian at once.

Report on appraisal.

Appraisal of tuberculous cattle.

SEC. 4. Appraisals of tuberculous cattle shall be reported on forms furnished by the State Veterinarian, which shall show the number of animals, the appraised value of each per head, or the weight and appraised value per pound, and shall be signed by the owners and the appraisers. This report must be made in triplicate and a copy sent to the State Veterinarian.

Report on appraisal.

Owner shall market within thirty days.

SEC. 5. Each owner of tuberculous cattle, which have been appraised, and which have been authorized by the State Veterinarian to be marketed, shall market the cattle within thirty days and shall obtain from the purchaser a report in triplicate. One copy to be sent to the State Veterinarian at once, certifying as to the amount of money actually paid for the animals, all animals to be identified on report.

Purchaser's report.

SEC. 6. When the appraised cattle have been slaughtered and the amount of salvage ascertained, a report, on forms furnished by the State Veterinarian, in triplicate shall be made, signed by the owner and the United States Bureau of Animal Industry or State Inspector and the appraisers by which the animals were appraised and destroyed, showing the difference between the appraised value and salvage. Two copies to be attached to the voucher in which compensation is claimed, and one copy to be furnished by the owner of cattle.

Report on salvage.

To show difference between salvage and appraised value.

SEC. 7. Compensation for animals destroyed on account of glanders will only be paid when such destruction is ordered by the State Veterinarian or his authorized representative. When the owner of the animals presents his claim he shall support same with the original report of the appraiser, together with the report of the inspector who destroyed the animal, to the State Veterinarian.

Compensation must be ordered by State veterinarian or representative.

SEC. 8. When animals have been destroyed pursuant to this act the inspector shall take reasonable precautions to determine, prior to his approval of vouchers in which compensation is claimed, who is the owner of and whether there are any mortgages or other liens outstanding against the animals. If it appears that there are outstanding liens a full report regarding same shall be made and shall accompany the voucher. Every such report shall include a description of the liens, the name of the person or persons having possession of the documentary evidence and a statement showing what arrangements, if any, have been made to discharge the liens outstanding against the animals destroyed of which the inspector may have knowledge.

Ownership of animal destroyed to be established.

If outstanding liens such must be reported fully.

SEC. 9. Expense for the care and feeding of animals held for slaughter shall not be paid by the State.

State not to pay for feed of animals.

SEC. 10. Stock yards, pens, cars, vessels and other premises and conveyances, will be disinfected whenever necessary for the control and eradication of disease by the owners at their expense under the supervision of an inspector of the United States Bureau of Animal Industry or State Veterinarian.

Disinfection of stockyards by owners.

SEC. 11. No payments shall be made for any animal slaughtered in the following cases:

(a) If the owner does not disinfect premises, etc., as directed by an inspector of the United States Bureau of Animal Industry or the State Veterinarian.

No payment without disinfection of premises, or unless quarantine has been complied with.

(b) For any animals destroyed where the owner has not complied with all lawful quarantine regulations.

(c) Animals reacting to a test not approved by the State Veterinarian.

Test has been made. No Federally owned animals paid for. No unlawfully imported animals.

(d) Animals belonging to the United States.

(e) Animals brought into the State in violation of the State laws and regulations.

Animals bought when purchaser knew them to be diseased. Animals which had disease at time of importation.

Those which have not been in State 120 days.

Where owner has not been careful.

Where required reports are not made.

Presentation of claims to veterinarian must be supported by reports.

Owner must show ownership.

State veterinarian to pay through treasury warrants.

Appropriation not to exceed \$5,000.

(f) Animals which the owner or claimant knew to be diseased, or had notice thereof, at the time they came into their possession.

(g) Animals which had the disease for which they were slaughtered or which were destroyed by reason of exposure to the disease, at the time of their arrival in the State.

(h) Animals which have not been within the State of North Carolina for at least one hundred and twenty days prior to the discovery of the disease.

(i) Where owner does not use reasonable care in protecting animals from disease.

(j) Where owner has failed to submit the necessary reports as required by this act.

SEC. 12. The owner must present his claim for indemnity to the State Veterinarian for approval, and the claim shall be supported with the original report of the appraisers, the original report of the sale of animals in the case of cattle destroyed on account of tuberculosis, the certificate of the State or United States Bureau of Animal Industry inspector, and a summary of the claim. All of which shall constitute a part of the claim.

The owner must state whether or not the animals are owned entirely by him or advise fully of any partnership, and describe fully any mortgages or other liens against the animals.

SEC. 13. The State Veterinarian is authorized, himself or by his representative, to do all things specified in this act. All moneys authorized to be paid shall be paid from the State Treasury on warrant approved by the Auditor, who is hereby authorized to make such payment.

SEC. 14. A sum not to exceed five thousand dollars annually is hereby appropriated to pay the indemnities as provided for in this act out of funds not otherwise appropriated.

SEC. 15. This act shall be in force from and after its ratification.

Ratified this 21st day of February, A. D. 1919.

CHAPTER 63

AN ACT TO TRANSFER THE STATE PRISON BUILDINGS AND GROUNDS AT RALEIGH TO THE STATE HOSPITAL AT RALEIGH, AND TO TRANSFER THE PRISONERS TO THE CALEDONIA FARM.

The General Assembly of North Carolina do enact:

State prison transferred to directors Hospital for Insane.

SECTION 1. That the lands and buildings in the western part of the city of Raleigh, now occupied and used as the State Prison and the State Hospital for the Dangerous Insane, be, and the same are hereby, transferred to the board of directors of the hospital

for the insane, incorporated under the name of the "State Hospital at Raleigh," and their successors the actual and physical transfer to, and possession of, the State Hospital at Raleigh, to take effect as soon as arrangements can be and have been made by the directors of the State Prison for the care and custody of the prisoners now occupying that property, at the Caledonia Farm in Halifax County, or such other place as the General Assembly may hereafter provide.

Transfer to take place as soon as prisoners have been removed.

SEC. 2. That the management, warden's and office forces, prisoners, and State Prison property and equipment be transferred from said prison building to the Caledonia Farm in Halifax County, as soon as the directors of the State Prison can prepare for and make such transfer, which shall be commenced and carried on forthwith and without delay, unless the General Assembly shall hereafter direct said transfer to be made elsewhere.

Management of State Prison, prisoners and equipment removed to Caledonia Farm.

SEC. 3. That the directors of the State Prison are hereby authorized and directed to use such of the prison funds as may be necessary to prepare the necessary buildings on the State Farm, or such other place as the General Assembly may hereafter direct, for the care of the prisoners which are moved from the State Prison at Raleigh.

Prison fund to be drawn on for expense of removing prisoners.

SEC. 4. That upon the completion of transfer of the State Prison to the State Farm, or to such other place as the General Assembly may hereafter direct, and any alterations that may be necessary to provide suitable accommodations for the insane at the State Prison, the Council of State are hereby authorized to have transferred from the State Hospital at Morganton, the State Hospital at Raleigh, and the Caswell Training School at Kinston, such number and such classes of the inmates of said hospitals and training school to the State Hospital at Raleigh, as in their discretion may be comfortably cared for and maintained in the State Prison building, and such persons so transferred as herein provided shall be under the supervision and direction of the authorities of the State Hospital at Raleigh.

Suitable accommodations to be provided for insane at State Prison.

Removal of inmates of hospitals and Caswell Training School to State Prison authorized.

That in order to care for the patients so transferred until the next meeting of the General Assembly, the Council of State is hereby authorized, empowered, and directed, and it shall be their duty, to cause to be paid by the State Treasurer upon warrant of the State Auditor to the superintendent for the insane at Raleigh a sufficient amount monthly after such transfer to meet the additional expenditures made necessary by such transfer: *Provided*, said amount shall not exceed the *pro rata per capita* cost of maintenance of said patients in the hospital and training school.

Such persons transferred under care of hospital at Raleigh.

Council of State authorized to pay monthly sufficient sum to meet increased expense.

SEC. 5. That all negro prisoners or negro inmates now confined in the State Hospital for the Dangerous Insane be transferred from the State Hospital for the Dangerous Insane to the hospital at Goldsboro, N. C., as soon as the necessary accommodations can be provided at Goldsboro for such prisoners and inmates.

Proviso: amount shall not exceed pro rata cost of maintenance of patients where formerly treated. Negro criminal insane to be transferred to hospital at Goldsboro.

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

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

Ratified this 21st day of February, A.D. 1919.

CHAPTER 64

AN ACT TO AMEND SECTION 5, CHAPTER 102, PUBLIC LAWS OF 1917, RELATING TO SPECIAL SCHOOL TAXES IN NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Clerical error corrected.

SECTION 1. That section five, chapter one hundred and two, Public Laws of nineteen hundred and seventeen, be and the same is hereby, amended by striking out the word "thirty-five" in line nine, and inserting in lieu thereof the word "thirty-six," and by striking out the words "real estate" in lines sixteen and seventeen, the same being the last word in line sixteen and the first word in line seventeen, and inserting in lieu thereof the words "real, personal and mixed property."

Restrictions removed from kinds of property taxed.

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

Ratified this 21st day of February, A. D. 1919.

CHAPTER 65

AN ACT TO REGULATE AND MAKE UNIFORM BILLS OF LADING.

The General Assembly of North Carolina do enact:

Applies to bills of lading of all intrastate common carriers.

SECTION 1. That bills of lading issued by any common carrier for the transportation of goods from one point in North Carolina to another shall be governed by this act.

A straight bill defined.

SEC. 2. That a bill in which it is stated that the goods are consigned or destined to a specified person is a straight bill.

Order bills.

SEC. 3. That a bill in which it is stated that the goods are consigned or destined to the order of any person named in such bill is an order bill. Any provision in such a bill or in any notice, contract, rule, regulation, or tariff that it is nonnegotiable shall be null and void, and shall not affect its negotiability within the meaning of this act unless upon its face and in writing agreed to by the shipper.

Negotiable unless agreed to by shipper in writing.

Sec. 4. That order bills issued in North Carolina for transportation of goods from one point to another in North Carolina shall not be issued in parts or sets. If so issued, the carrier issuing them shall be liable for failure to deliver the goods described therein to any one who purchases a part for value in good faith, even though the purchase be after the delivery of the goods by the carrier to a holder of one of the other parts.

Sec. 5. That when more than one order bill is issued in North Carolina for the same goods to be transported to any place in North Carolina, or some other word or words indicating that the document is not an original bill, shall be placed plainly upon the face of every such bill except the one first issued. A carrier shall be liable for the damage caused by his failure so to do to any one who has purchased the bill for value in good faith as an original, even though the purchase be after the delivery of the goods by the carrier to the holder of the original bill.

Sec. 6. That a straight bill shall have placed plainly upon its face by the carrier issuing it "nonnegotiable" or "not negotiable."

This section shall not apply, however, to memoranda or acknowledgments of an informal character.

Sec. 7. That the insertion in an order bill of the name of a person to be notified of the arrival of the goods shall not limit the negotiability of the bill or constitute notice to a purchaser thereof of any rights or equities of such person in the goods.

Sec. 8. That a carrier, in the absence of some lawful excuse, is bound to deliver goods upon a demand made either by the consignee named in the bill for the goods, or if the bill is an order bill, by the holder thereof, if such a demand is accompanied by—

(a) An offer in good faith to satisfy the carrier's lawful lien upon the goods;

(b) Possession of the bill of lading and an offer in good faith to surrender, properly indorsed, the bill which was issued for the goods if the bill is an order bill; and

(c) A readiness and willingness to sign, when the goods are delivered, an acknowledgment that they have been delivered, if such signature is requested by the carrier.

In case the carrier refuses or fails to deliver the goods, in compliance with a demand by the consignee or holder so accompanied, the burden shall be upon the carrier to establish the existence of a lawful excuse for such refusal or failure.

Sec. 9. That a carrier is justified, subject to the provisions of the three following sections, in delivering goods to one who is

(a) A person lawfully entitled to the possession of the goods; or

(b) The consignee named in a straight bill for the goods; or

(c) A person in possession of an order bill for the goods, by the terms of which the goods are deliverable to his order; or which has been indorsed to him, or in blank by the consignee, or by the mediate or immediate indorsee of the consignee.

Order bills must not be issued in parts.

If so issued carrier is liable for failure to deliver, even though purchase be after delivery to holder of another part.

Duplicate bills must plainly show nature.

Carrier liable for damage to purchaser of duplicate as original.

Straight bill to be marked "not negotiable."

Does not apply to informal acknowledgments.

Insertion of name person to be notified will not limit negotiability.

Carrier bound to deliver goods on demand when demand is supported as follows:

Offer to satisfy lien.

Possession of bill of lading if an order bill.

Willingness to sign acknowledgment of delivery.

Refusal to deliver places burden on carrier to excuse it.

Carrier justified in delivery to—

Person lawfully entitled to goods.

Consignee of straight bill. Possessor of order bill made or indorsed to him.

Carrier liable for delivery to wrong person, if delivery be not as authorized by this act.

Liable, anyway, if prior to delivery requested by person having property right not to do so, or if there was in carrier's possession information that delivery would be wrongfully made.

Manner of giving such information.

Carrier liable for failure to deliver goods on uncanceled bill purchased in good faith.

In case of partial delivery carrier is liable for failure to deliver all unless he cancels order bill or places on it statement of goods delivered.

Alterations in bill without authority from carrier void.

SEC. 10. That where a carrier delivers goods to one who is not lawfully entitled to the possession of them, the carrier shall be liable to any one having a right of property or possession in the goods if he delivered the goods otherwise than as authorized by subdivisions (b) and (c) of the preceding section; and, though he delivered the goods as authorized by either of said subdivisions, he shall be so liable if prior to such delivery he

(a) Had been requested by or on behalf of a person having a right of property or possession in the goods, not to make such delivery; or

(b) Had information at the time of the delivery that it was to a person not lawfully entitled to the possession of the goods.

Such request or information, to be effective within the meaning of this section, must be given to an officer or agent of the carrier, the actual or apparent scope of whose duties includes action upon such a request or information, and must be given in time to enable the officer or agent to whom it is given, acting with reasonable diligence, to stop delivery of the goods.

SEC. 11. That except as provided in section twenty-six, and except when compelled by legal process, if a carrier delivers goods for which an order bill had been issued, the negotiation of which would transfer the right to the possession of the goods, and fails to take up and cancel the bill, such carrier shall be liable for failure to deliver the goods to any one who for value and in good faith purchases such bill, whether such purchaser acquired title to the bill before or after the delivery of the goods by the carrier and notwithstanding delivery was made to the person entitled thereto.

SEC. 12. That except as provided in section twenty-six, and except when compelled by legal process, if a carrier delivers part of the goods for which an order bill had been issued and fails, either (a) To take up and cancel the bill, or (b) To place plainly upon it a statement that a portion of the goods has been delivered with a description, which may be in general terms, either of the goods or packages that have been so delivered or of the goods or packages which still remain in the carrier's possession, he shall be liable for failure to deliver all the goods specified in the bill to any one who for value and in good faith purchases it, whether such purchaser acquired title to it before or after the delivery of any portion of the goods by the carrier, and notwithstanding such delivery was made to the person entitled thereto.

SEC. 13. That any alteration, addition, or erasure in a bill after its issue without authority from the carrier issuing the same, whether in writing or noted on the bill, shall be void, whatever be the nature and purpose of the change, and the bill shall be enforceable according to its original tenor.

SEC. 14. That where an order bill has been lost, stolen, or destroyed a court of competent jurisdiction may order the delivery of the goods upon satisfactory proof of such loss, theft, or destruction; and upon the giving of a bond, with sufficient surety, to be approved by the court, to protect the carrier or any person injured by such delivery from any liability or loss incurred by reason of the original bill remaining outstanding. The court may also, in its discretion, order the payment of the carrier's reasonable costs and counsel fees: *Provided*, a voluntary indemnifying bond without an order of court shall be binding on the parties thereto.

The delivery of the goods under an order of the court, as provided in this section, shall not relieve the carrier from liability to a person to whom the order bill has been, or shall be, negotiated for value without notice of the proceedings or of the delivery of the goods.

SEC. 15. That a bill, upon the face of which the word "duplicate," or some other word or words indicating that the document is not an original bill, is placed plainly, shall impose upon the carrier issuing the same the liability of one who represents and warrants that such bill is an accurate copy of an original bill properly issued, but no other liability.

SEC. 16. That no title to the goods or right to their possession asserted by a carrier for his own benefit shall excuse him from liability for refusing to deliver the goods according to the terms of the bill issued for them, unless such title or right is derived directly or indirectly from a transfer made by the consignor or consignee after the shipment, or from the carrier's lien.

SEC. 17. That if more than one person claim the title or possession of goods, the carrier may require all known claimants to interplead, either as a defense to an action brought against him for nondelivery of the goods or as an original suit, whichever is appropriate.

SEC. 18. That if some one other than the consignee or the person in possession of the bill has claim to the title or possession of the goods, and the carrier has information of such claim, the carrier shall be excused from liability for refusing to deliver the goods, either to the consignee or person in possession of the bill or to the adverse claimant, until the carrier has had a reasonable time to ascertain the validity of the adverse claim or to bring legal proceedings to compel all claimants to interplead.

SEC. 19. That, except as provided in the two preceding sections and in section nine, no right or title of a third person, unless enforced by legal process, shall be a defense to an action brought by the consignee of a straight bill or by the holder of an order bill against the carrier for failure to deliver the goods on demand.

SEC. 20. That when goods are loaded by a carrier, such carrier shall count the packages of goods, if package freight, and ascertain the kind and quantity, if bulk freight, and such carrier shall

Where order bill is lost or stolen, court may order delivery, upon satisfactory proof, and upon giving of bond by consignee.

Court may also order payment carrier's costs. *Proviso*: voluntary indemnifying bond binding.

Unless notice is given of proceedings carrier still liable.

Duplicate bill imposes no liability save that incurred by original.

No title to goods asserted by carrier excuses from liability unless right is derived from transfer or carrier's lien.

Where more than one claim is made for goods claimants may be required to interplead.

When person other than consignee has claim to title or possession delivery may be deferred until title is settled.

Rights of third parties.

When "shipper's weight, load and count" not to be noted.

not, in such cases, insert in the bill of lading or in any notice, receipt, contract, rule, regulation or tariff, "shipper's weight, load and count," or other words of like purport, indicating that the goods were loaded by the shipper and the description of them made by him or, in case of bulk freight and freight not concealed by packages, the description made by him. If so inserted, contrary to the provisions of this section, said words shall be treated as null and void and as if not inserted therein.

Carrier not liable for failure of goods to come up to statements of shipper.

SEC. 21. That when package freight or bulk freight is loaded by a shipper and the goods are described in a bill of lading merely by a statement of marks or labels upon them or upon packages containing them, or by a statement that the goods are said to be goods of a certain kind or quantity, or in a certain condition, or it is stated in the bill of lading that packages are said to contain goods of a certain kind or quantity or in a certain condition, or that the contents or condition of the contents of packages are unknown, or words of like purport are contained in the bill of lading, such statements, if true, shall not make liable the carrier issuing the bill of lading, although the goods are not of the kind or quantity or in the condition which the marks or labels upon them indicate, or of the kind or quantity or in the condition they were said to be by the consignor. The carrier may also, by inserting in the bill of lading the words "shipper's weight, load, and count," or other words of like purport, indicate that the goods were loaded by the shipper and the description of them made by him; and, if such statement be true, the carrier shall not be liable for damages caused by the improper loading or by the nonreceipt or by the misdirection of the goods described in the bill of lading: *Provided, however*, where the shipper of bulk freight installs and maintains adequate facilities for weighing such freight, and the same are available to the carrier, then the carrier, upon written request of such shipper and when given a reasonable opportunity so to do, shall ascertain the kind and quantity of bulk freight within a reasonable time after such written request, and the carrier shall not in such case insert in the bill of lading the words "shipper's weight," or other words of like purport; and if so inserted contrary to the provisions of this section, said words shall be treated as null and void and as if not inserted therein.

"Shipper's weight, load and count" relieves carrier of damages resulting from improper loading or misdescription.

Proviso: shipments of bulk freight whose weighing can conveniently be checked by carrier are not affected by foregoing provision.

When bill issued by proper authority carrier is liable to owner of goods covered by straight bill or holder of order bill for damages caused by nonreceipt of goods or their failure to conform to description.

SEC. 22. That if a bill of lading has been issued by a carrier, or on his behalf by an agent or employee, the scope of whose actual or apparent authority includes the receiving of goods and issuing bills of lading therefor for transportation in commerce among the several states and with foreign nations, the carrier shall be liable to (a) the owner of goods covered by a straight bill, subject to existing right of stoppage in transit, or (b) the holder of an order bill, who has given value in good faith, relying upon the description therein of the goods, for damages caused by the nonreceipt

by the carrier of all or part of the goods or their failure to correspond with the description thereof in the bill at the time of its issue.

SEC. 23. That if goods are delivered to a carrier by the owner or by a person whose act in conveying the title to them to a purchaser for value in good faith would bind the owner, and an order bill is issued for them, they cannot thereafter, while in the possession of the carrier, be attached by garnishment or otherwise or be levied upon under an execution unless the bill be first surrendered to the carrier or its negotiation enjoined. The carrier shall in no such case be compelled to deliver the actual possession of the goods until the bill is surrendered to him or impounded by the court.

Goods consigned to purchaser in good faith, after order bill has been issued, cannot be attached or levied on until bill is surrendered or impounded by court.

SEC. 24. That a creditor whose debtor is the owner of an order bill shall be entitled to such aid from courts of appropriate jurisdiction, by injunction and otherwise, in attaching such bill or in satisfying the claim by means thereof as is allowed at law or in equity in regard to property which cannot readily be attached or levied upon by ordinary legal process.

Attachment of order bill by creditor of debtor owner.

SEC. 25. That if an order bill is issued the carrier shall have a lien on the goods therein mentioned for all charges on those goods for freight, storage, demurrage and terminal charges, and expenses necessary for the preservation of the goods or incident to their transportation subsequent to the date of the bill and all other charges incurred in transportation and delivery, unless the bill expressly enumerates other charges for which a lien is claimed. In such case there shall also be a lien for the charges enumerated so far as they are allowed by law and the contract between the consignor and the carrier.

Carrier's lien covers charges for freight, storage, demurrage and preservation unless bill enumerates expressly other charges for which lien is claimed.

SEC. 26. That after goods have been lawfully sold to satisfy a carrier's lien, or because they have not been claimed, or because they are perishable or hazardous, the carrier shall not thereafter be liable for failure to deliver the goods themselves to the consignee or owner of the goods, or to a holder of the bill given for the goods when they were shipped, even if such bill be an order bill.

Carrier not liable for nondelivery of goods sold to satisfy lien, unclaimed, perishable or hazardous.

SEC. 27. That an order bill may be negotiated by delivery, where, by the terms of the bill, the carrier undertakes to deliver the goods to the order of a specified person, and such person or a subsequent indorsee of the bill has indorsed it in blank.

Negotiation of order bill by delivery.

SEC. 28. That an order bill may be negotiated by the indorsement of the person to whose order the goods are deliverable by the tenor of the bill. Such indorsement may be in blank or to a specified person. If indorsed to a specified person, it may be negotiated again by the indorsement of such person in blank or to another specified person. Subsequent negotiation may be made in like manner.

Negotiation by indorsement.

SEC. 29. That a bill may be transferred by the holder by delivery, accompanied with an agreement, express or implied, to

Transfer of title to bill.

Straight bill cannot be negotiated free from equities.

Order bill negotiable by any possessor if it is in such form as to be negotiated by delivery.

Person to whom order bill is negotiated acquires title of negotiator and the obligation of the carrier to deliver.

Transferee acquires title subject to terms of agreement with transferer. If straight bill transferee upon notice to carrier becomes direct obligee.

Prior to notification right to acquire obligation of carrier may be defeated by attachment or by subsequent sale.

Notification of carrier, how effective.

Transferee's right to compel indorsement by transferer.

transfer the title to the bill or to the goods represented thereby. A straight bill cannot be negotiated free from existing equities, and the indorsement of such a bill gives the transferee no additional right.

SEC. 30. That an order bill may be negotiated by any person in possession of the same, however such possession may have been acquired, if by the terms of the bill the carrier undertakes to deliver the goods to the order of such person, or if at the time of negotiation the bill is in such form that it may be negotiated by delivery.

SEC. 31. That a person to whom an order bill has been duly negotiated acquires thereby

(a) Such title to the goods as the person negotiating the bill to him had or had ability to convey to a purchaser in good faith for value, and also such title to the goods as the consignee and consignor had or had power to convey to a purchaser in good faith for value; and

(b) The direct obligation of the carrier to hold possession to the goods for him according to the terms of the bill as fully as if the carrier had contracted directly with him.

SEC. 32. That a person to whom a bill has been transferred, but not negotiated, acquires thereby as against the transferer the title to the goods, subject to the terms of any agreement with the transferer. If the bill is a straight bill, such person also acquires the right to notify the carrier of the transfer to him of such bill, and thereby to become the direct obligee of whatever obligations the carrier owed to the transferer of the bill immediately before the notification.

Prior to the notification of the carrier by the transferer or transferee to the goods and the right to acquire the obligation of the carrier may be defeated by garnishment or by attachment or execution upon the goods by a creditor of the transferer, or by a notification to the carrier by the transferer or a subsequent purchaser from the transferer of a subsequent sale of the goods by the transferer.

A carrier has not received notification within the meaning of this section unless an officer or agent of the carrier, the actual or apparent scope of whose duties includes action upon such a notification, shall be effective until the officer or agent to whom it is given has had time, with the exercise of reasonable diligence, to communicate with the agent or agents having actual possession or control of the goods.

SEC. 33. That where an order bill is transferred for value by delivery, and the indorsement of the transferer is essential for negotiation, the transferee acquires a right against the transferer to compel him to indorse the bill, unless a contrary intention appears. The negotiation shall take effect as of the time when

the indorsement is actually made. This obligation may be specifically enforced.

Sec. 34. That a person who negotiates or transfers for value a bill by indorsement or delivery, unless a contrary intention appears, warrants

(a) That the bill is genuine;

(b) That he has a legal right to transfer it;

(c) That he has knowledge of no fact which would impair the validity or worth of the bill;

(d) That he has a right to transfer the title to the goods, and that the goods are merchantable or fit for a particular purpose whenever such warranties would have been implied if the contract of the parties had been to transfer without a bill the goods represented thereby.

Transferer warrants bill is genuine, his own right to title and that goods are fit for the particular purpose implied.

Sec. 35. That the indorsement of a bill shall not make the indorser liable for any failure on the part of the carrier or previous indorser of the bill to fulfill their respective obligations.

Indorser of bill not liable for others' derelictions.

Sec. 36. That a mortgagee or pledgee or other holder of a bill for security who in good faith demands or receives payment of the debt for which such bill is security, whether from a party to a draft drawn for such debt, or from any other person, shall not be deemed by so doing to represent or warrant the genuineness of such bill or the quantity or quality of the goods therein described.

Holder of bill for security cannot be held to have warranted bill or goods

Sec. 37. That the validity of the negotiation of a bill is not impaired by the fact that such negotiation was a breach of duty on the part of the person making the negotiation, or by the fact that the owner of the bill was deprived of the possession of the same by fraud, accident, mistake, duress, loss, theft or conversion, if the person to whom the bill was negotiated, or a person to whom the bill was subsequently negotiated, gave value therefor in good faith, without notice of the breach of duty, or fraud, accident, mistake, duress, loss, theft, or conversion.

Validity of negotiation not impaired by breach of duty or by fraud, accident or mistake if negotiatee gave value therefor in good faith.

Sec. 38. That where a person, having sold, mortgaged or pledged goods which are in a carrier's possession and for which an order bill has been issued, or having sold, mortgaged, or pledged the order bill representing such goods, continues in possession of the order bill, the subsequent negotiation thereof by that person under any sale, pledge, or other disposition thereof to any person receiving the same in good faith for value and without notice of the previous sale, shall have the same effect as if the first purchaser of the goods or bill had expressly authorized the subsequent negotiation.

Persons selling or mortgaging goods in possession of carrier or pledging order bill can, if he continue to hold bill, negotiate it to purchaser in good faith.

Sec. 39. That where an order bill has been issued for goods no seller's lien or right of stoppage in transit shall defeat the rights of any purchaser for value in good faith to whom such bill has been negotiated, whether such negotiation be prior or subsequent to the notification to the carrier who issued such bill of the seller's claim to a lien or right of stoppage in transit. Nor shall the carrier be

Seller's lien or stoppage in transit may not defeat purchaser for value in good faith.

obliged to deliver or be justified in delivering the goods to an unpaid seller unless such bill is first surrendered for cancellation.

SEC. 40. That, except as provided in section thirty-nine, nothing in this act shall limit the rights and remedies of a mortgagee or lien holder whose mortgage or lien on goods would be valid, apart from this act, as against one who for value and in good faith purchased from the owner, immediately prior to the time of their delivery to the carrier, the goods which are subject to the mortgage or lien and obtained possession of them.

SEC. 41. That any person who, knowingly or with intent to defraud, falsely makes, alters, forges, counterfeits, prints or photographs any bill of lading purporting or publishing the same or issuement among the several States or with foreign nations, or with intent utters or publishes as true and genuine any such falsely altered, forged, counterfeited, falsely printed or photographed bill of lading, knowing it to be falsely altered, forged, counterfeited, falsely printed or photographed, or aids in making, altering, forging, counterfeiting, printing, or photographing, or uttering or publishing the same, or issues or aids in issuing or procuring the issue of, or negotiates or transfers for value a bill which contains a false statement as to the receipt of the goods, or as to any other matter, or who, with intent to defraud, violates or fails to comply with, or aids in any violation of, or failure to comply with any provision of this act, shall be guilty of a felony and, upon conviction, shall be punished for each offense by imprisonment not exceeding five years, or by a fine not exceeding five thousand dollars, or both.

SEC. 42. That in this act, unless the context of subject-matter otherwise requires—

Action.	"Action" includes counterclaim, setoff, and suit in equity.
Bill.	"Bill" means bill of lading governed by this act.
Consignee.	"Consignee" means the person named in the bill as the person to whom delivery of the goods is to be made.
Consignor.	"Consignor" means the person named in the bill as the person from whom the goods have been received for shipment.
Goods.	"Goods" means merchandise or chattels in course of transportation or which have been or are about to be transported.
Holder.	"Holder" of a bill means a person who has both actual possession of such bill and a right of property therein.
Order.	"Order" means an order by indorsement on the bill.
Person.	"Person" includes a corporation or partnership, or two or more persons having a joint or common interest.
Purchase.	"To purchase" includes to take as mortgagee and to take as pledgee.

SEC. 43. That the provisions of this act do not apply to bills made and delivered prior to the taking effect thereof.

SEC. 44. That the provisions and each part thereof, and the sections and each part thereof of this act are independent and

No further limitation of rights of mortgage or lien holder.

Falsification of bills of lading for purposes of fraud, negotiation or transfer for value falsified bills, and violation of act, with intent to defraud, made a felony.

Penalty.

Explanation of terms.

Action.

Bill.

Consignee.

Consignor.

Goods.

Holder.

Order.

Person.

Purchase.

Application of act.

Provisions as to constitutionality.

severable, and the declaring of any provision or part thereof, or provisions or parts thereof, or section or part thereof, or sections or parts thereof, unconstitutional shall not impair or render unconstitutional any other provision or part thereof, or section or part thereof.

Sec. 45. That this act shall take effect and be in force on and after the first day of July next after its passage. Effective July 1, 1919.

Ratified this 21st day of February, A. D. 1919.

CHAPTER 66

AN ACT TO AMEND SECTION 64, REVISAL OF 1905, RELATING TO PRIVATE SALE OF PERSONALTY BY EXECUTOR OR ADMINISTRATOR.

The General Assembly of North Carolina do enact:

SECTION 1. That section sixty-four of the Revisal of one thousand nine hundred and five be, and the same is hereby, amended by inserting between the words "tobacco" and "goods" in line two thereof, the following words: "peanuts or other crops." Peanuts and other crops named as personalty, under order of sale.

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

Ratified this 22d day of February, A. D. 1919.

CHAPTER 67

AN ACT TO AMEND CHAPTER 58, PUBLIC LAWS OF 1911, AND CHAPTER 37, PUBLIC LAWS OF 1913, SO AS TO EXTEND THE CENTRAL HIGHWAY TO CERTAIN COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter fifty-eight of the Public Laws of one thousand nine hundred and eleven and chapter thirty-seven of the Public Laws of one thousand nine hundred and thirteen be, and the same are hereby, amended by adding at the end of section one of said chapter thirty-seven, after the words "Haywood County" the words "Jackson County and Macon County," and by adding in line nineteen of section four of chapter fifty-eight, after the word "Madison," the words "Walter E. Moore of Jackson County and James A. Porter of Macon County." Public laws of 1911 and 1913 amended.
Jackson and Macon to be included in Central Highway system.

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

Ratified this 22d day of February, A. D. 1919.

CHAPTER 68

AN ACT TO REENACT CHAPTER 284, PUBLIC LAWS OF 1917, BEING AN ACT TO PROVIDE FOR THE ISSUE OF BONDS FOR ROAD IMPROVEMENT, FOR PROVIDING FOR COUNTY HIGHWAY COMMISSIONERS, AND FOR PROVIDING FOR THE IMPROVEMENT OF THE PUBLIC ROADS OF THE SEVERAL COUNTIES OF THE STATE.

Preamble.

Whereas, the question has arisen as to the proper enactment and validity of chapter two hundred and eighty-four of the Public Laws of one thousand nine hundred and seventeen, and it is desired that the said law and all bonds issued and taxes imposed thereunder shall be rendered certain and valid: now, therefore,

The General Assembly of North Carolina do enact:

Chap. 284,
Public Laws of
1917, as
amended by
Acts of 1919,
reenacted, rati-
fied and validated.

SECTION 1. That chapter two hundred and eighty-four of the Public Laws of one thousand nine hundred and seventeen, as amended by Senate Bill twenty-four, House Bill one hundred and eighteen, and by House Bill two hundred and fifty-four, Senate Bill two hundred and eighty-one, of the acts of the General Assembly of one thousand nine hundred and nineteen, all of which appears in the official records of this State, be, and the same is hereby, reenacted, ratified, confirmed, and in all respects validated, and the same, with each and all of the clauses thereof, is hereby made a part of and incorporated in the Public Laws of the State of North Carolina.

Bond elections
held under law
reenacted
validated.

SEC. 2. That all bonds issued and elections heretofore held under chapter two hundred and eighty-four, Public Laws of one thousand nine hundred and seventeen, are hereby validated.

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

Ratified this 21st day of February, A. D. 1919.

CHAPTER 69

AN ACT RELATING TO SETTLEMENT OF DISTRIBUTIVE SHARES BY ADMINISTRATORS.

The General Assembly of North Carolina do enact:

Clerk of court
to require settle-
ment by adminis-
trators, execu-
tors and
guardians.

SECTION 1. That the clerk of the Superior Court in each county shall require settlement of the balance in hand due distributees as shown by the final account of any administrator, executor, or guardian, and shall audit same.

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

Ratified this 22d day of February, A. D. 1919.

CHAPTER 70

AN ACT TO AMEND CHAPTER 81, SECTION 3345, OF THE REVISAL OF 1905, IN REGARD TO THE CRIME OF ARSON.

The General Assembly of North Carolina do enact:

SECTION 1. Amend said section three thousand three hundred and forty-five of chapter eighty-one of the Revisal of one thousand nine hundred and five, by striking out the word "misdemeanor" in line three of said section between "a" and the word "and" in said line, and insert in lieu thereof the word "felony."

To burn schoolhouse made felony.

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

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

Ratified this 22d day of February, A. D. 1919.

CHAPTER 71

AN ACT TO PREVENT THE SPREAD OF DISEASE FROM INSANITARY PRIVIES

The General Assembly of North Carolina do enact:

SECTION 1. The term "privy" as used in this act shall be understood to include any and all buildings which are not connected with a system of sewerage, or with septic tanks of such construction and maintenance as approved by the North Carolina State Board of Health, and which are used for affording privacy in acts of urination or defecation.

Privy defined.

SEC. 2. No person shall maintain or use a residence, located within three hundred yards of another residence, that is not provided with sewerage, or with septic tanks approved by the North Carolina State Board of Health, or with a sanitary privy which complies in construction and maintenance with the requirements of this act.

Residence in 300 yards of another to be supplied with approved privy.

SEC. 3. The North Carolina State Board of Health, through its officers and inspectors, shall fasten a license form on all privies within three hundred yards of the residence of any person other than that of the owner or tenant thereof during the last three calendar months of every year, when, on inspection, the said privy is approved by the officer making the inspection as constructed in a sanitary manner and to be in good repair, in accordance with reasonable rules and regulations to be prescribed by the North Carolina State Board of Health for the sanitary construction and maintenance of privies. The said license shall apply to the calendar year following its issuance, except as hereinafter provided.

N. C. Board to fasten license in privies when inspected and approved.

Privies to be maintained in accordance with regulations.

SEC. 4. Every privy located within three hundred yards of the residence of any person other than that of the owner or tenant thereof, shall be maintained in a sanitary manner and in accordance with reasonable rules and regulations to be prescribed by the North Carolina State Board of Health and posted in suitable form inside of the privy by an officer of the said board.

Responsibility for condition of privies placed.

SEC. 5. The head of a family or household, the proprietor of a boarding-house, hotel, restaurant, or store, the principal or superintendent of a school, the agent or station-master of a railroad station or depot, or the person in charge of an office building, establishment, or institution, shall be responsible for the sanitary maintenance, as prescribed in section four of this act, of such privy or privies as may be used by his or her household, guests, customers, pupils, passengers, occupants, employees, workers or other persons.

N. C. Board of Health to exercise supervision over privies.

SEC. 6. The North Carolina State Board of Health, through its officers and inspectors, shall exercise such supervision over the sanitary construction and maintenance of privies as may be necessary to enforce the provisions of this act.

Prohibition of use of insanitary privy.

SEC. 7. If an officer or an inspector of the North Carolina State Board of Health shall find a privy located within three hundred yards of the residence of a person other than that of the owner or tenant thereof which is not constructed in accordance with the provisions of section three of this act, he shall securely fasten on the said privy a notice reading, "Insanitary; unlawful to use"; and if the inspector or officer of the aforesaid board shall find, in the course of his inspection, a privy not being maintained in a sanitary manner and in accordance with the reasonable rules and regulations of the North Carolina State Board of Health for the maintenance of privies, he shall remove the license from the privy and securely fasten on the privy a notice reading, "Insanitary; unlawful to use."

License to be revoked when privy not kept as required.

SEC. 8. No person shall remove or deface a privy license or other official notice fastened on or in a privy by an officer of the North Carolina State Board of Health.

Unlawful to deface notice fastened to privy.

Violation of requirements of act misdemeanor; punishment prescribed.

SEC. 9. Any person who violates any of the aforesaid provisions of this act, and any person who is responsible for the sanitary maintenance of a privy, and who permits such privy after an official notice reading, "Insanitary; unlawful to use," has been fastened on it, to be used, shall be guilty of a misdemeanor and fined not less than five dollars nor more than fifty dollars or imprisoned not exceeding thirty days.

License fee for inspection.
Officer to issue receipt for license fee.
Inspector to account for and pay fees to State Treasurer.

SEC. 10. The owner of each privy shall pay to the officer or inspector of the North Carolina State Board of Health at the time the privy is inspected and approved for license, a license fee of forty cents for which the said officer or inspector shall issue a receipt; and the said officer or inspector shall pay to the Treasurer of the North Carolina State Board of Health, and account for, all

fees so received. The officers and employees of the North Carolina State Board of Health authorized to receive license fees for the inspection and licensing of privies shall, before beginning their work, be bound by a bond sufficient to insure the State against the loss of funds which may come into their hands under the provisions of this act.

Inspector to give bond.

SEC. 11. For the faithful execution of this act, the North Carolina State Board of Health shall organize and maintain a bureau of sanitary engineering and inspection which shall (1) study, ascertain, and recommend for installation suitable types of privies for the variety of geologic, sociologic, and economic conditions found in the State of North Carolina; (2) exercise such oversight over the construction and maintenance of privies coming within the meaning of this act as may be necessary for the protection of public health; (3) organize, supervise, and direct a force of sanitary inspectors who shall (a) inspect, license, and close privies in accordance with the provisions of this act and the rules and regulations of the North Carolina State Board of Health, as provided for in this act; (b) make such other sanitary inspections as are required of the North Carolina State Board of Health by law; (c) assist in the enforcement of the public health laws of the State, more especially the vital statistics law and the quarantine law; (d) collect samples of water from public water supplies for analyses by the State Laboratory of Hygiene when such analyses are deemed necessary by the North Carolina State Board of Health.

Board of Health to organize bureau of sanitary engineering and inspection.
Duties of bureau.

SEC. 12. The members of the executive staff of the North Carolina State Board of Health, and such additional State sanitary inspectors as shall be appointed for the enforcement of this act, are hereby authorized and are empowered to enter upon any premises and into any buildings or institutions for the purposes of inspection as provided for or required by State laws or regulations of the North Carolina State Board of Health pursuant to the said laws, but the privacy of no person shall be violated. Any person or persons who willfully interfere with or obstruct the officers of the North Carolina State Board of Health in the discharge of any of the aforementioned duties shall be guilty of a misdemeanor and subject to a fine of not less than one hundred dollars nor more than one thousand dollars, or imprisonment at the discretion of the court.

Powers delegated to Board of Health and to inspectors.

Obstruction of officer or inspector misdemeanor.

SEC. 13. That the provisions of this act shall apply to all residences, institutions, and establishments, and all privies without regard to their distance from the homes of persons other than that of the owners or tenants thereof, which are located on the watershed of a public surface water supply. For the purpose of this act, the term "watershed" shall include the entire watershed of all streams, creeks, and rivers that have a daily average flow of less than ten million gallons, but for watersheds of streams, creeks

Provisions of act apply to residences, institutions, and establishments located on watershed.
Watershed defined.

or rivers that have a daily average flow of more than ten million gallons, the watershed shall include only such drainage areas as lie within fifteen miles of the waterworks' intake.

Officers of water companies relieved of inspection of watersheds.

SEC. 14. The officers of public water companies using surface supplies are hereby relieved after October first, one thousand nine hundred and nineteen, of making the inspections and reports of sanitary conditions obtaining on watersheds as required by sections twenty-eight and twenty-nine, chapter sixty-two, Public Laws of one thousand nine hundred and eleven, as amended, and the North Carolina State Board of Health shall assume and discharge these duties: *Provided, however,* that nothing in this act shall prevent the authorities of any town or city that makes use of a public surface water supply, or the officers of the public surface water supply company, to make such additional inspections as such officials may deem necessary.

N. C. Board of Health to assume duties of inspection. Other inspections permitted.

SEC. 15. The funds received by the Treasurer of the North Carolina State Board of Health under the provisions of this act shall be expended in the enforcement of its provisions, and if there is a surplus over that which is necessary for the enforcement of this act, it shall be paid to the Treasurer of the State of North Carolina, to be expended as provided by law. All funds received and disbursed under the provisions of this act shall be accurately accounted for in the biennial report of the North Carolina State Board of Health.

Funds from licenses to be used for enforcement of act.

SEC. 16. This act shall not apply to any city the population of which shall be in excess of twenty thousand according to the latest official estimate of the Bureau of the Census, if the authorities of such city, before October first, one thousand nine hundred and nineteen, shall officially request the State Board of Health to exempt it from its provisions. This act shall not apply to the residences of farmers and the homes of their tenants that are located more than three hundred yards from residences that come within the meaning of this act.

Act not to apply to any city with population in excess of 20,000, if authorities so desire.

Act does not apply to homes more than 300 yards apart.

SEC. 17. All laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 18. This act shall be in force from and after its ratification.

Ratified this 24th day of February, A. D. 1919.

CHAPTER 72

AN ACT TO REQUIRE COUNTY HOMES TO KEEP RECORDS.

The General Assembly of North Carolina do enact:

Keeper or superintendent to keep record book.

SECTION 1. That the keeper or superintendent in charge of each county home in North Carolina, or the board of county commissioners in each county where there is no county home, shall keep

a record book showing the following: Name, age, sex, and race of each inmate; date of entrance or discharge; mental and physical condition; cause of admission; family relation and condition; date of death if in the home; cost of supplies and *per capita* expense of home per month; amount of crops and value, and such other information as may be required by the board of county commissioners or the State Board of Charities and Public Welfare; and give a full and accurate report to the county commissioners and to the State Board of Charities and Public Welfare. Such report to be filed annually on or before the first Monday of December of each year.

What report to show.

To make report to commissioners and to State Board of Charities and Public Welfare.

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

SEC. 3. This act shall be in effect from and after its ratification. Ratified this 24th day of February, A. D. 1919.

CHAPTER 73

AN ACT FOR THE RELIEF OF SHERIFFS AND TAX COLLECTORS.

The General Assembly of North Carolina do enact:

SECTION 1. That all sheriffs and tax collectors who by virtue of their office have had the tax lists for the purpose of collecting the taxes of their respective counties, towns and school districts in their hands for the years one thousand nine hundred and twelve, one thousand nine hundred and thirteen, one thousand nine hundred and fourteen, one thousand nine hundred and fifteen, one thousand nine hundred and sixteen, one thousand nine hundred and seventeen, and one thousand nine hundred and eighteen; and in case of death or default in collection, their personal representatives, bondsmen, or any agent they may designate, are hereby authorized and empowered to collect arrears of taxes for each of the years aforesaid, under such rules and regulations as are now or may hereafter be provided for the collection of taxes.

Accounts of sheriffs and tax collectors failing to collect taxes, to be collected by their representatives or bondsmen.

SEC. 2. That no person shall be compelled to pay any tax under section one of this act who will make affidavit before any person authorized to administer oaths that the tax attempted to be collected has been paid, nor shall any executor or guardian be compelled to pay any tax under the provisions of this act after he shall have made final settlement: *Provided*, this act shall not authorize the sale of any land for taxes which has been conveyed to a purchaser for value and without actual notice of the non-payment of the taxes prior to January first, one thousand nine hundred and seventeen.

Affidavit by taxpayer that tax has been paid to relieve of further payment.

Proviso: act not to authorize sale of land conveyed before January 1, 1917.

Act does not relieve collecting officers of payment.

Operation of act limited to January 1, 1921.

Standard weight for corn meal, grits and hominy fixed. Standard measure.

Unlawful to sell packages other than of standards prescribed.

Each package to be labeled plainly and correctly.

Exception: bulk sales by actual weight permitted.

Violation of act misdemeanor.

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

SEC. 4. That the authority herein given shall cease and determine on the first day of January, nineteen hundred and twenty-one.

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

Ratified this 24th day of February, A. D. 1919.

CHAPTER 74

AN ACT TO ESTABLISH UNIFORM WEIGHTS AND TO PROTECT PURCHASERS OF CORN MEAL, GRITS, HOMINY, AND CORN FLOUR.

The General Assembly of North Carolina do enact:

SECTION 1. That the standard weight for corn meal, grits, hominy, and corn flour shall be one hundred pounds avoirdupois, and the standard measure for such commodities shall be packages containing net avoirdupois weight, one pound, two pounds, three pounds, four pounds, five pounds, ten pounds, twenty-five pounds, fifty pounds, and one hundred pounds, or multiples of one hundred pounds, respectively.

SEC. 2. That it shall be unlawful for any person or persons to pack for sale, or offer for sale in this State, any corn meal, grits, hominy, or corn flour, except in bags or packages containing by standard net avoirdupois weight one pound, two pounds, three pounds, four pounds, five pounds, ten pounds, twenty-five pounds, fifty pounds, and one hundred pounds, or multiples of one hundred pounds, respectively. Each bag or package shall have plainly and legibly printed or marked thereon the net weight of contents thereof, in pounds, avoirdupois, and such weights shall be a true and correct statement thereof: *Provided, however,* that the provisions of this section shall not apply to the retailing of meal direct to customers from bulk stock, when purchased and delivered by actual weight or measure, or to exchange of corn for meal by mills grinding for toll.

SEC. 3. That any violation of this act shall be a misdemeanor and, upon conviction, the offender shall be fined not less than twenty-five dollars nor more than five hundred dollars.

SEC. 4. That all acts in conflict herewith be repealed.

SEC. 5. That this act shall be in full force and effect ninety days after its ratification.

Ratified this 24th day of February, A. D. 1919.

CHAPTER 75

AN ACT TO AMEND SECTION 1238, VOLUME I, REVISAL OF 1905, RELATING TO SALE OF PROPERTY OF CORPORATIONS.

The General Assembly of North Carolina do enact:

SECTION 1. That section one thousand two hundred and thirty-eight of the Revisal of one thousand nine hundred and five be, and the same is hereby, amended by inserting in the third line of said section, after the letter "a" and before the word "corporation," the words "public service."

Law governing sales of property for reorganization made applicable only to public service corporations.

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

Ratified this 24th day of February, A. D. 1919.

CHAPTER 76

AN ACT TO AUTHORIZE THE ISSUE OF ACCEPTANCES.

The General Assembly of North Carolina do enact:

SECTION 1. Banking corporations and banking and trust companies doing a fiduciary business shall have power to accept drafts or bills of exchange drawn upon them, and to indorse drafts or bills of exchange drawn upon another, having not more than six months sight to run, exclusive of days of grace, which grow out of transactions involving the importation or exportation of goods, or which grow out of transactions involving the domestic shipment of goods: *Provided*, no such banking corporation or banking and trust company doing a fiduciary business shall accept or indorse, whether in a foreign or domestic transaction, for any one person, company, firm, or corporation to an amount equal at any time in the aggregate to more than ten per centum of its paid-up and unimpaired capital stock and surplus, unless the banking corporation or banking and trust company doing a fiduciary business is secured, either by attached documents or by some other actual security growing out of the same transaction as the acceptance; and no such banking corporation or banking and trust company doing a fiduciary business shall accept or indorse such bills or drafts to an amount equal at any one time in the aggregate to more than one-half of its paid-up and unimpaired capital stock and surplus: *Provided, however*, that the Corporation Commission, under such general regulations as it may prescribe, which shall apply to all banking corporations or banking and trust companies doing a fiduciary business alike regardless of the amount of capital stock and surplus, may authorize any banking corporation or

Banking corporations doing fiduciary business authorized to accept drafts and bills of exchange, within limit of six months.

Provide: not to accept more than 10 per cent of capital for one person, without security.

Not to accept draft of more than 50 per cent of capital stock.

Provide: Corporation Commission may issue general regulations.

Limit of indorsements and acceptances.

banking and trust company doing a fiduciary business to accept or indorse such bills or drafts to an amount not exceeding at any time in the aggregate one hundred per centum of its paid-up and unimpaired capital stock and surplus: *Provided further*, that the aggregate of acceptances growing out of domestic transactions shall in no event exceed fifty per centum of such capital stock and surplus.

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

Ratified this 24th day of February, A. D. 1919.

CHAPTER 77

AN ACT TO TAX DOGS IN NORTH CAROLINA AND TO ENCOURAGE SHEEP HUSBANDRY.

The General Assembly of North Carolina do enact:

Annual tax of two dollars on open female dog.

SECTION 1. That any person owning or keeping about him any open female dog of the age of six months or older shall pay annually a license or privilege tax of two dollars.

Tax of one dollar on male dog or female other than open over six months old.

SEC. 2. That any person owning or keeping any male dog, or female dog other than the kind specified in section one of this act, of the age of six months or older shall pay annually on each dog so owned or kept, a license or privilege tax of one dollar.

License tag to be issued by sheriffs and attached to dog's collar.

SEC. 2½. To every person paying the license or privilege tax prescribed in sections one and two of this act there shall be issued by the sheriff a metal tag bearing county name, a serial number and expiration date, which shall be attached by owner to a collar to always be worn by any dog when not on premises of the owner or when engaged in hunting. The Commissioner of Agriculture shall at all times keep on hand a supply of tags to be furnished the sheriffs of the several counties: *Provided*, that the county commissioners of each county shall, by order duly made in regular session, make an order determining whether the collar and tag shall be applied to that county.

Commissioner of Agriculture to keep supply of tags.

Dogs to be listed as other personal property.

SEC. 3. That it shall be the duty of every owner or keeper of a dog to list the same for taxes at the same time and place that other personal property is listed, and the various tax listers in the State shall have proper abstracts furnished them for listing dogs for taxation; and any person failing or refusing to list such dog or dogs shall be guilty of a misdemeanor and, upon conviction, shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days: *Provided*, that the owner of the home or lessee of such owner, shall be responsible for listing of any dog belonging to any member of his family. The license or privilege tax herein imposed shall be due and payable on the first day of October of each and every year, and all persons after December first there-

Failure to list a misdemeanor.

Penalty.

Proviso: owner of home or lessee responsible for dogs belonging to family.

Tax due October 1.

after who own or keep a dog or dogs upon which the license or privilege tax is not paid, whether said dog or dogs have been listed or not, shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than fifty dollars or be imprisoned not more than thirty days. Upon the payment to the sheriff or tax collector of the license or privilege tax aforesaid, such sheriff or tax collector shall give the owner or keeper of such dog or dogs a receipt for the same, which shall constitute a license under the provisions of this act.

SEC. 4. The tax listers for each township, town and city in this State shall annually, at the time of listing property as required by law, make diligent inquiry as to the number of dogs owned, harbored or kept by any person subject to taxation. The list takers shall, on or before the first day of July in each year, make a complete report to the sheriff or tax collector on a blank form furnished them by the proper authority, setting forth the name of every owner of any dog or dogs, how many of each, and the sex, owned or kept by such person. Any person coming in possession of any dog or dogs after listing time shall immediately ascertain whether such dog or dogs have been listed for taxes or not, and if not so listed, it is hereby made the duty of such owner or keeper of such dog or dogs to go to the sheriff or tax collector of his county and list such dog or dogs for taxes; and it is made the duty of the owner or keeper of such dog or dogs to pay the privilege or license tax as is herein provided for in other cases.

SEC. 5. No person shall allow his dog, over six months old, to run at large in the night time unaccompanied by the owner or by some member of the owner's family, or some other person by the owner's permission. Any person intentionally, knowingly, and willfully violating this section shall be guilty of a misdemeanor and, upon conviction, be fined not exceeding fifty dollars or imprisoned not exceeding thirty days, and shall also be liable in damages to any person injured or suffering loss to his property or chattels.

SEC. 6. It is hereby made the duty of each list taker in the State to see that all dogs are listed for taxation under the provisions of this act, and the county commissioners may pay him for his services such an amount as may be just. Such pay shall be out of the money arising under this act.

SEC. 7. That the money arising under the provisions of this act shall be applied to the school funds of the county in which said tax is collected: *Provided*, it shall be the duty of the county commissioners, upon complaint made to them of injury to person or injury to or destruction of property by any dog, upon satisfactory proof of such injury or destruction, to appoint three freeholders to ascertain the amount of damages done, including necessary treatment, if any, and all reasonable expenses incurred; and upon the coming in of the report of such jury or the damage as afore-

Failure to pay on or before December 1 a misdemeanor.

Penalty.

Receipt for tax a license.

Tax-listers to make inquiry as to number of dogs and make report to sheriff.

Form of report.

Listing of dogs bought after listing time.

Dogs must not be allowed to run at large unattended at night.

Willful violation a misdemeanor.

Penalty.

Duty of list taker to list all dogs.

Compensation.

Tax goes to school funds.

Proviso: damages to person or property by dogs to be paid out of tax by county commissioners.

If owner can be ascertained he shall be made to reimburse county.

When dogs may be killed.

Listed dogs are personal property.

Larceny a misdemeanor.

Failure to discharge duty imposed by act misdemeanor. Penalty.

Act does not have effect of preventing any county from increasing tax on dogs.

said, the said county commissioners shall order the same paid out of any moneys arising from the tax on dogs, as provided for in this act. And in cases where the owner of such dog or dogs is known or can be ascertained he shall reimburse the county to the amount paid out for such injury or destruction. To enforce collection of this amount the county commissioners are hereby authorized and empowered to sue for the same.

SEC. 8. Any person may kill any mad dog, and also any dog, if he is killing sheep, cattle, hogs, goats, or poultry.

SEC. 9. That all dogs, when listed for taxes, become personal property, and shall be governed by the laws governing other personal property: *Provided*, the larceny of any dog upon which aforesaid tax has been paid shall be a misdemeanor.

SEC. 10. Any person failing to discharge any duty imposed upon him by this act shall be guilty of a misdemeanor and, upon conviction, shall pay a fine not exceeding fifty dollars or be imprisoned not more than thirty days.

SEC. 11. All laws and clauses of laws in conflict with this act are hereby repealed: *Provided*, this act shall not have the effect to prevent any county from increasing the amount of the license or privilege tax on dogs under the provisions of chapter two hundred and six, Public Laws of North Carolina, session one thousand nine hundred and seventeen, but shall be construed to repeal that part of same allowing counties to vote off said tax.

SEC. 12. This act shall be in force from and after its ratification.

Ratified this 24th day of February, A. D. 1919.

CHAPTER 78

AN ACT TO REGULATE THE PRACTICE OF CHIROPODY (PODIATRY) IN THE STATE OF NORTH CAROLINA, TO PROVIDE FOR THE ESTABLISHMENT OF A STATE BOARD OF CHIROPODY (PODIATRY) EXAMINERS, TO DEFINE THE DUTIES AND POWERS OF SAID BOARD, TO PROVIDE FOR THE EXAMINING AND REGISTERING OF CHIROPODISTS (PODIATRISTS) IN THIS STATE, AND TO PROVIDE PENALTIES FOR THE VIOLATION OF THIS ACT.

The General Assembly of North Carolina do enact:

Unlawful to practice chiropody unless registered in accordance with this act.

SECTION 1. That on and after the first of July, one thousand nine hundred and nineteen, it shall be unlawful for any person to practice or attempt to practice chiropody (podiatry) in this State or to hold himself out as a chiropodist (podiatrist) or to designate himself or describe his occupation by the use of any words or

letters calculated to lead others to believe that he is a chiropodist (podiatrist) unless he is duly registered as provided for in this act.

SEC. 2. Chiropody (podiatry) as defined by this act is the surgical, medical and mechanical treatment of all ailments of the human foot, except the correction of deformities requiring the use of the knife, amputation of the foot, or toes or the use of an anesthetic other than local.

SEC. 3. There shall be established a Board of Chiropody (podiatry) examiners for the State of North Carolina. This board shall consist of three members who shall be appointed by the North Carolina Podic Association. All of said members shall be chiropodists who have practiced chiropody in North Carolina for a period of not less than one year. The members of said board shall be appointed by said association for a term of three years: *Provided*, the members of the first board shall be appointed to hold office for one, two and three years, respectively, and one member shall be appointed annually thereafter by said association. The said board shall have authority to elect its own presiding and other officers.

SEC. 4. Within thirty days after the passage of this act the Board of Chiropody Examiners shall give notice of the provisions of this act by publishing the same or an abstract thereof in two or more newspapers published in this State. The board shall hold at least one examination annually for the purpose of examining applicants under this act. The examinations shall be held at such time and place as the board may see fit, and notice of the same shall be published in one or more newspapers in the State. The board may make such rules and regulations as it may deem necessary to conduct its examinations and meetings. It shall provide such books, blanks and forms as may be necessary to conduct said examinations, and shall preserve and keep a complete record of all its transactions. Examinations for registration under this act shall be in the English language and shall be written, oral, or clinical, or a combination of written, oral, or clinical, as the board may determine, and shall be in the following subjects wholly or in part: Anatomy, physiology, pathology, bacteriology, chemistry, diagnosis and treatment, therapeutics, clinical chiropody and asepsis; limited in their scope to the treatment of the foot. No applicant shall be granted a certificate unless he obtains a general average of seventy-five or over, and not less than fifty per cent in any one subject. After such examination the board shall, without unnecessary delay, act on same and issue certificates to the successful candidates, signed by each member of the board; and the Board of Chiropody Examiners shall report annually to the North Carolina Podic Association.

SEC. 5. Every person who is engaged in the practice of chiropody (podiatry) in this State one year next prior to the passage

Chiropody defined.

Board of Chiropody created.

Qualifications of board members.

Term of office.

Provisions of act to be published.

Examination of applicants.

Subjects on which applicants are to be tested.

Certification of successful applicants.

Certification of those already practicing chiropody.

of this act shall file with the Board of Chiropody Examiners on or before the first day of July, one thousand nine hundred and nineteen, a written application for a certificate to practice chiropody (podiatry), together with proof satisfactory to the board that the applicant is more than twenty-one years of age and has been practicing chiropody in this State for a period of more than one year next prior to the passage of this act; and upon the payment of a fee of ten dollars the said Board of Chiropody Examiners shall issue to such applicant a certificate to practice chiropody (podiatry) in this State.

Reexamination of unsuccessful applicants.

SEC. 6. An applicant failing to pass his examination shall within one year be entitled to reëxamination upon the payment of two dollars, but not more than two reëxaminations shall be allowed any one applicant. Should he fail to pass his third examination he shall file a new application before he can again be examined.

Certificates to be filed with clerk of court.

SEC. 7. Every person receiving a certificate from the board shall file the same with the clerk of the court of the city or county in which he resides. It shall be the duty of the clerk to register the name and address and date of the certificate in a book kept for such purpose as a part of the records of his office, and the number of the book and the page therein containing said recorded copy shall appear on the face of the certificate over the name of the clerk recording the same. The person thus registered shall pay to the clerk a fee of fifty cents.

Fee.

Reciprocal licenses to chiropodists from other states.

SEC. 8. Applicants registered or certified by examiners of other states whose requirements are equal to those of this State may, upon the payment of a fee of twenty-five dollars, be granted a certificate without examination: *Provided, however*, that the provisions of this section shall be extended only to those states which extend to this State the same privilege.

Application for examination, fee, and prerequisites of candidates.

SEC. 9. On and after the passage of this act any person not heretofore authorized to practice chiropody (podiatry) in this State shall file with the Board of Chiropody Examiners an application for examination accompanied by a fee of twenty-five dollars, together with proof that the applicant is more than twenty-one years of age, is of good moral character, and has obtained a preliminary education which is equivalent to two years instruction in a high school; on and after January first, one thousand nine hundred and twenty-two, three years instruction in a high school or its equivalent; and on and after January first, one thousand nine hundred and twenty-five, four years instruction in a high school or its equivalent. Such applicant, before presenting himself for examination, must be a graduate of a legally incorporated school of chiropody (podiatry) acceptable to the board.

Must be graduate school of chiropody.

Practice of chiropody without license a misdemeanor.

SEC. 10. Any person who shall practice or attempt to practice chiropody (podiatry) in this State without having complied with the provisions of this act shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than fifty, nor more

Penalty.

than two hundred dollars, or shall be imprisoned for not less than thirty nor more than ninety days. Nothing in this act shall be construed to interfere with physicians in the discharge of their professional duties.

Does not apply to physicians.

SEC. 11. It shall be the duty of the police department of the cities and the sheriff of each county in the State to see that all practitioners of chiropody (podiatry) in the State are legally registered according to the provisions of this act, and to report to the State's attorney of the city or county all cases of violation of this act; whereupon the State's attorney shall promptly prosecute those violating the provisions of this act.

Duty of police and sheriff to enforce provisions of act.

SEC. 12. The Board of Chiropody Examiners may revoke by a majority vote of its members any certificate it has issued, and cause the name of the holder to be stricken from the book of registration by the clerk of the court in the city or county in which the name of the person whose certificate is revoked is registered for any of the following causes:

Solicitor to prosecute.

(a) The willful betrayal of a professional secret.

Revocation of certificates, grounds for—

(b) Any person who in any affidavit required of the applicant for certificate, registration, or examination under this act shall make a false statement.

Betrayal professional secret. False statement by applicant.

(c) Any person convicted of a crime involving moral turpitude.

Moral turpitude.

(d) Any person habitually indulging in the use of narcotics, ardent spirits, stimulants or any other substance which impairs intellect and judgment to such an extent as in the opinion of the board to incapacitate such person from the performance of his professional duties.

Overindulgence in narcotics or ardent spirits.

Any person against whom charges have been made shall be notified of the fact and a copy of the charges shall be sent him by the board, and he shall be given a fair and impartial trial by the board, whose decision shall be made by a majority vote of its members.

Trial assured those against whom charges have been made.

SEC. 13. The board may suspend any certificate granted under this act for a period not exceeding six months on account of any misconduct on the part of the person registered which would not, in the judgment of the board, justify the revocation of his certificate.

Certificates may be suspended for misconduct.

SEC. 14. To provide a fund in order to carry out the provisions of this act the board shall charge ten dollars for each certificate issued and fifteen dollars for each examination. From such funds all expenses and salaries, not exceeding four dollars *per diem* for each day actually spent and actual railroad expenses in addition, shall be paid by the board: *Provided, however,* that at no time shall the expenses exceed the cash balance on hand.

Ten dollars charged for certification, \$15 for examination. Board to receive per diem and traveling expenses.

SEC. 15. And be it further enacted that this act shall be in effect from and after its ratification.

Ratified this 25th day of February, A. D. 1919.

CHAPTER 79

AN ACT TO INCORPORATE LEE'S GROVE CHURCH IN
HARNETT COUNTY.

The General Assembly of North Carolina do enact:

Lee's Grove
Church incorpo-
rated.

SECTION 1. That Lee's Grove Church, in Averasboro Township in Harnett County, North Carolina, be, and the same is hereby, incorporated and shall have all the rights and powers usually pertaining to corporations created for similar purposes, such powers to be vested in the officers of said church and their successors in office.

Sale, or giving
away on Sunday,
of cider or soft
drinks within
two miles of
church a mis-
demeanor.
Penalty.

SEC. 2. That any person, firm or corporation who shall sell or otherwise dispose of for gain any cider or soft drink of a similar nature, or shall on Sunday give away any such cider, soft drinks or intoxicating liquors within two miles of said church, shall be guilty of a misdemeanor, and upon conviction fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

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

Ratified this 25th day of February, A. D. 1919.

CHAPTER 80

AN ACT TO REGULATE THE TREATMENT, HANDLING AND
WORK OF PRISONERS.

The General Assembly of North Carolina do enact:

Prisoners may
not be hired out
unless cared
for and super-
vised by State
Prison au-
thorities.

SECTION 1. That section two of chapter two hundred and eighty-six, Public Laws of one thousand nine hundred and seventeen, be amended by adding in line six, after the word "corporation," the following: "Unless said convicts shall be fed and clothed by the prison and shall be quartered, guarded and worked under the sole supervision and control of the prison directors."

Classification of
prisoners.

SEC. 2. That section four of chapter two hundred and eighty-six, Public Laws of one thousand nine hundred and seventeen, be amended by adding at the end of said section the following: "*Provided*, that the classification of male prisoners shall apply to female prisoners in so far as it relates to commutation of time and pay for their work; and, *Provided further*, that honor men may be worked wherever any work is being carried on by the prison, provided their privileges and immunities as set forth in this section are in no wise abridged."

Honor men
may be worked
wherever prison
work is
carried on.

SEC. 3. That section six of chapter two hundred and eighty-six, Public Laws of one thousand nine hundred and seventeen, be amended by striking out in lines one, two, three, four, and five the following: "The men of the first class shall be allowed a commu-

tation of their sentence of eight days out of every four weeks, those in the second class six days out of every four weeks, but those in the third class shall not be allowed any commutation of their time"; and substitute therefor the following: "The men of the first class shall be allowed a commutation of their sentence of one hundred and four days for each year served, and the men of the second class shall be allowed a commutation of their sentence of seventy-eight days for each year they serve, and the men of the third class shall be allowed a commutation of their sentence of fifty-two days for each year they serve: *Provided*, that if a man remains in the third class for three continuous years, he shall not be allowed any further commutation of time: *Provided further*, that in the event any prisoner shall be sentenced for a less period of time than one year, said prisoner shall be entitled to a proportionate commutation of his sentence." Amend said section six further by striking out the word "ten" in line five, and substituting the word "fifteen"; and by striking out the word "five" in line six, and substituting the word "ten"; and by striking out the word "two" in line seven, and substituting the word "five." Amend said section six further by striking out the remainder of said section after the word "superintendent" in the last sentence of said section, and by adding the following: "All life prisoners shall receive four cents per day for each day they work. This amount to be placed to their credit on the books of the institution; one-half of which may be drawn out semiannually and used as they see fit, and the other half to remain to their credit on the books of the institution and paid to them in case they are pardoned."

SEC. 4. That section eight of chapter two hundred and eighty-six, Public Laws of one thousand nine hundred and seventeen, be amended by striking out the words "and the State Highway Commission."

SEC. 5. That chapter two hundred and eighty-six, Public Laws of one thousand nine hundred and seventeen, be amended by striking out section ten of said act.

SEC. 6. That section eleven of chapter two hundred and eighty-six, Public Laws of one thousand nine hundred and seventeen, be amended by placing a comma after the first period in line six of said section and striking out the remainder of said section, and substituting for the words stricken out the following: "State Board of Health: *Provided*, that if worked upon the public roads of any county or any subdivision thereof, then said county or subdivision shall pay to the State Prison such compensation as may be agreed upon by said county or subdivision thereof and the Board of Prison Directors."

SEC. 7. That chapter two hundred and eighty-six, Public Laws of one thousand nine hundred and seventeen, be amended by striking out section twelve thereof.

Previous commutation allowances revoked.

Commutations increased for first- and second-class prisoners and granted to third-class.

Proviso: if prisoner remain for three continuous years in third-class he loses commutation.

Pay of first-class increased to 15c, second-class to 10c and third-class to 5c per day.

Life prisoners allowed four cents per day.

Camps required to conform to specifications of State Board of Health alone.

Supervision by State Board of Health abrogated.

Supervision by Highway Commission of prisoners worked on county roads abrogated.

County to pay State for use of prisoners.

Forfeitures by misconduct abrogated.

Cursing of prisoner entails forfeiture of position of State Prison official.

Allowance to prisoners' dependents abrogated.

No employment of convicts on public works if such keeps prison from being self-sustaining.

Convicts may be withdrawn from contract work to farm if needed there.

Proviso: not to interfere with existing contracts.

SEC. 8. That section sixteen, chapter two hundred and eighty-six, Public Laws of one thousand nine hundred and seventeen, be amended by adding to the end of said section the following: "Any superintendent, warden, supervisor, guard, or other person holding any position in the State Prison who curses a prisoner under his charge shall at once cease to be an employee of the institution and shall not be eligible for reinstatement."

SEC. 9. That chapter two hundred and eighty-six, Public Laws of one thousand nine hundred and seventeen, be amended by striking out section nineteen and one-half thereof.

SEC. 10. That chapter two hundred and eighty-six, Public Laws of one thousand nine hundred and seventeen, be amended by striking out all of section twenty-three, and substituting therefor the following: "No State convicts shall be worked upon any railroad or public works of the State or county or any subdivision of any county or any works of any character whatsoever if, in the opinion of the Governor and Board of Directors of the State Prison, the prison would thereby be made not self-sustaining; and should at any time the surplus convicts that are not already engaged in farm work be engaged in any work for State, county or any subdivision thereof, or any contract work of any nature, and, in the judgment of the Governor and the Board of Directors, the services of such convicts should be needed at the State farm to properly cultivate or to house the crops, the said Board of Directors are hereby authorized and empowered to discontinue such work and move the prisoners to the State Farm at once: *Provided*, that this section shall not be construed to interfere with contracts or agreements now in existence."

SEC. 11. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 12. That this act shall be in force from and after its ratification.

Ratified this 25th day of February, A. D. 1919.

CHAPTER 81

AN ACT TO PLACE SWAIN COUNTY UNDER THE PRIMARY LAW.

The General Assembly of North Carolina do enact:

Chapter 101, Public Laws, 1915, amended. Swain County placed under operation of primary law.

SECTION 1. That section thirty-four of chapter one hundred and one, Public Laws of North Carolina, one thousand nine hundred and fifteen, be, and the same is hereby, amended by striking out the word "Swain" in said section.

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

Ratified this 24th day of February, A. D. 1919.

CHAPTER 82

AN ACT TO AMEND CHAPTER 90, PUBLIC LAWS OF 1913,
AND CHAPTER 245, PUBLIC LAWS OF 1915, PROVIDING
FOR THE ASSURANCE AND REGISTRATION OF LAND
TITLES.

The General Assembly of North Carolina do enact:

SECTION 1. That section four, chapter ninety, Public Laws of one thousand nine hundred and thirteen, be amended by adding the following at the end of said section: "In every such proceeding to register title, in which it is alleged in the petition or made to appear that the land therein described, whether in one or more parcels, is situated partly in one county and partly in another, or is situated in two or more counties, that is to say, when an entire tract, or two or more entire tracts, are situated in two or more counties (but not separate or several tracts situated in different counties) it shall be competent to institute the proceedings before the clerk of the Superior Court of any county in which any part of such tract, lying in two or more counties is situated, and said clerk shall have jurisdiction both of the parties and of the subject-matter as fully as if said land was situated wholly in his county; but upon the entry of a final decree of registration of title, the clerk, by or before whom the same was rendered, shall certify a copy thereof to the register of deeds of every county in which said land or any part thereof is situated, and the same shall be there filed and recorded; and every such register of deeds, upon demand of the person entitled and payment of requisite fees therefor, shall issue and deliver a certificate of title for that part of said land situated in his county.

"This amendment shall apply and become effective in all cases or proceedings heretofore conducted before any clerk of the Superior Court of this State for registration of title, as in this act authorized, when the land described in the petition as an entire tract was situated in two or more counties, as aforesaid; and upon the filing and recording of a certified copy of the final decree or decree of registration therein, the register of deeds shall issue and deliver a certificate of title to the present owner or person entitled to the same, for that part of the land situated in his county, as aforesaid, upon payment or tender of proper fees therefor."

SEC. 2. That section seven, chapter ninety, Public Laws of one thousand nine hundred and thirteen, be amended by striking out the words "Provided said advertisement shall not cost more than two dollars and fifty cents"; and by striking out the words "in capital letter and the words," and inserting in lieu thereof, "in legible or conspicuous type the words."

Law amended.

Title to tract of land lying in more than one county may be registered in any county in which any part of tract is situated.

Copy of decree of registration to be certified to register of deeds of every county in which any part of tract is situated and recorded by him.

Amendment applies to all cases heretofore conducted for registration under the act.

Restriction removed from cost of advertisement.

Form of advertisement modified.

SEC. 3. That section nine of chapter ninety, Public Laws of one thousand nine hundred and thirteen, be repealed down to and including the word "concern" in line seven, and inserting in lieu thereof the following:

Decrees under act bar all claims to title to lands so registered.

"SEC. 9. Every decree rendered as hereinbefore provided shall bind the land and bar all persons and corporations claiming title thereto or interest therein; quiet the title thereto, and shall be forever binding and conclusive upon and against all persons and corporations, including the State of North Carolina and the State Board of Education, whether mentioned by name in the order of publication, or included under the general description, 'to whom it may concern'; and every such decree so rendered, or a duly certified copy thereof, as also the certificate of title issued thereon to the person or corporation therein named as owner, or to any subsequent transferee or purchaser, shall be conclusive evidence that such person or corporation is the owner of the land therein described, and no other evidence shall be required in any court of this State of his or its right or title thereto."

Decree or certified copy thereof conclusive evidence of title.

SEC. 4. That section thirteen of chapter ninety, Public Laws of one thousand nine hundred and thirteen, be repealed and the following substituted in lieu thereof:

Transfer of part of registered estate.

"SEC. 13. The transfer of any part of a registered estate, either of an undivided interest therein, or of a separate lot or parcel thereof, shall be made by an instrument of the transfer or conveyance similar in form to that herein provided for the transfer of the whole of any registered estate, to which shall be attached the certificate of title of such registered estate. In case of the transfer of an undivided interest in a registered estate, such instrument or transfer or conveyance shall accurately specify and describe the extent and amount of the interest transferred and of the interest retained, respectively. In case of a transfer of a separate lot or parcel of a registered estate, such instrument of transfer or conveyance shall describe the lot or parcel transferred either by metes and bounds or by reference to the map or plat attached thereto, and shall in every case be accompanied by a map or plat having clearly indicated thereon the boundaries of the whole of the registered estate and of the lot or parcel to be transferred.

Conveyances must be accompanied by clear map or plat.

New certificates of title to undivided interests.

"Upon presentation to the register of deeds of an instrument of transfer or conveyance of an undivided interest in a registered estate, in proper form as above prescribed, it shall be his duty to cancel the certificate of title attached thereto and to issue to each owner a new certificate of title, each bearing the same number as the original certificate of title and accurately specifying and describing the extent and the amount of the interest retained or of the interest transferred, as the case may be. Upon presentation to the register of deeds of an instrument of transfer or con-

veyance or a separate lot or parcel of a registered estate, in proper form as above prescribed, it shall be his duty to cancel the certificate of title attached thereto and to issue to each owner a new certificate of title bearing a new number and describing the separate lot or parcel retained or transferred, as the case may be, either by metes and bounds or by reference to a map or plat thereto attached.

"Any owner of a registered estate who may desire to subdivide the same may make application in writing to the register of deeds for the issuance of a new certificate of title for each subdivision, to which application shall be attached a map or plat having clearly indicated thereon the boundaries of the whole of the registered estate in question and of each lot or parcel for which he desires a new certificate of title. Thereupon it shall be the duty of the register of deeds, upon payment by such applicant of necessary surveyor's fees, if any are required, and of the amount herein provided for issuing the certificates of title and recording the map, to cancel the certificate of title attached to said application and to issue to such owner new certificates of title, each bearing a new number, for each lot or parcel shown upon the said map, describing such lot or parcel in such certificates either by metes and bounds or by reference to a map or plat attached thereto.

Certificates of title to subdivisions of registered estates.

"In all cases the register of deeds shall place upon the registry of title books and upon the certificate of title of such registered estate therein, references and cross-references to the new certificates issued as above provided, in accordance with the provisions of this act, and the new certificates issued shall fully refer by number and by name of the holder to the canceled certificate in place of which they are issued."

References and cross-references to new certificates by register required.

SEC. 5. That section one, chapter two hundred and forty-five, Public Laws of one thousand nine hundred and fifteen (which amended section fourteen, chapter ninety, Laws of one thousand nine hundred and thirteen), be amended by adding to said section the following:

"*Provided further*, that upon foreclosure of such deed of trust or mortgage, or sale under execution for taxes or other lien on the land, the fact of such foreclosure or sale shall be reported by the trustee, mortgagee or other person authorized to make the same, to the register of deeds of the county in which the land lies, and, upon satisfactory evidence thereof, it shall be his duty to call in and cancel the outstanding certificate of title for the land so sold, and to issue a new certificate in its place to the purchaser or other person entitled thereto; and the production of such outstanding certificate and its surrender by the holder thereof may be compelled, upon notice to him, by motion before and order of the clerk of the Superior Court in the original proceeding or the

Foreclosure or sale under mortgage necessitates new certification by register of deeds.

Appeal allowed.

clerk of the Superior Court of the county in which the land lies: but the right of appeal from such order may be exercised and shall be allowed as in other special proceedings, and pending any such appeal the rights of all parties shall be preserved."

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

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

Ratified this 25th day of February, A. D. 1919.

CHAPTER 83

AN ACT AUTHORIZING SAVINGS BANKS, BANKING INSTITUTIONS, TRUST COMPANIES AND INSURANCE COMPANIES, ORGANIZED UNDER THE LAWS OF THIS STATE, AND ANY PERSON ACTING AS EXECUTOR, ADMINISTRATOR, GUARDIAN OR TRUSTEE, TO INVEST IN THE FEDERAL FARM LOAN BONDS, ISSUED BY ANY FEDERAL LAND BANK OR JOINT-STOCK LAND BANK ORGANIZED PURSUANT TO AN ACT OF CONGRESS ENTITLED "AN ACT TO PROVIDE CAPITAL FOR AGRICULTURAL DEVELOPMENT, TO CREATE STANDARD FORMS OF INVESTMENT BASED UPON FARM MORTGAGE, TO EQUALIZE RATES OF INTEREST UPON FARM LOANS, TO FURNISH A MARKET FOR UNITED STATES BONDS, TO CREATE GOVERNMENT DEPOSITARIES AND FINANCIAL AGENTS FOR THE UNITED STATES AND FOR OTHER PURPOSES." APPROVED JULY 17, 1916.

The General Assembly of North Carolina do enact:

Investments by banks, executors and trustees in Federal Farm bonds authorized.

SECTION 1. Any savings bank, banking institution, trust company, or insurance company, organized under the laws of this State, or any person acting as executor, administrator, guardian, or trustee, may invest in Federal Farm Bonds issued by any Federal Land Bank or Joint-stock Land Bank, organized pursuant to an act of Congress entitled "An act to provide capital for agricultural development, to create standard forms of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to create government depositaries and financial agents for the United States, and for other purposes," approved July seventeenth, one thousand nine hundred and sixteen.

SEC. 2. This act shall take effect immediately, and all acts and parts of acts inconsistent with the provisions hereof are hereby repealed.

Ratified this 25th day of February, A. D. 1919.

CHAPTER 84

AN ACT TO PROVIDE FOR THE LISTING AND VALUING OF ALL PROPERTY, REAL, PERSONAL AND MIXED, AT ITS REAL MONEY VALUE.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter two hundred and thirty-four of the Public Laws of one thousand nine hundred and seventeen, entitled "An act to amend chapter two hundred and eighty-six of the Public Laws of one thousand nine hundred and fifteen, in relation to the assessment of property and the collection of taxes," be continued in full force and effect for the listing and valuing of all property for the year one thousand nine hundred and nineteen, and that the said act shall continue in full force and effect, except in so far as the said act may be revised and amended by this session of the General Assembly, and except in so far as it may be in conflict with the provisions of this act, and in all such cases where there may be such conflict the provisions of this act shall govern: *Provided*, the valuations lawfully fixed on real property in the year one thousand nine hundred and fifteen, except where such valuations have been or may be in the year one thousand nine hundred and nineteen changed on account of structures erected or destroyed since the valuation of one thousand nine hundred and fifteen, or otherwise changed according to law, shall remain the valuation of such real property for the year one thousand nine hundred and nineteen.

SEC. 2. That for the purpose of making a complete list of all the property of every citizen of the State, real, personal and mixed, and of having all of such property valued in accordance with the rule laid down in the Constitution of the State at its true value in money, and to be adopted and used as the basis of all taxes levied by the State, counties, cities, towns and other taxing districts of the State for the year one thousand nine hundred and twenty, the machinery hereinafter set out is provided.

TAX RATES

SEC. 3. The assessment made under the provisions of this act shall not be used as the basis for computation of taxes unless and until the same has been approved by the General Assembly and until the tax rates levied by the State have been revised by the General Assembly, and the tax rates levied by the counties, cities, towns and special tax districts of the State have been revised under rules to be laid down by the General Assembly, and such rates shall in all cases be so adjusted that an increase in revenue from the general property tax of not more than ten per cent shall be levied and collected in the year one thousand nine hundred and twenty than was levied and collected in the year

Chapter 234, Public Laws 1917, continued in force for listing of property for 1919.

Proviso: valuations of 1915 except where changed on account of structures erected to remain valuations for 1919.

Machinery provided for making complete value of all property, in accordance with Constitution.

Assessment not to be used as basis of taxes until approved by General Assembly and revised by districts.

Increase in general property tax for 1920 shall not exceed by more than ten per cent tax for 1919.

Rates levied in 1920 become maximum until increased by General Assembly.

Proviso: fractions of cents may be disregarded.

Property to be valued according to worth in money.

Assessor to take into consideration location and natural resources.

Depreciation to be considered, also appreciation from any factor.

Appreciation from material or labor costs not to be computed on basis of war prices.

Normal or stable value basis of estimate on land.

Real property valued as of May 1, 1919, and such valuation holds for 1920, 1921, 1922, and 1923.

Personal property listed as of January 1 of each year.

one thousand nine hundred and nineteen in the State, and in all counties, cities, towns and special tax districts in the State. The rates so levied in one thousand nine hundred and twenty shall in all cases become the maximum rates that can be levied by the counties, cities, towns and special tax districts in any year thereafter until authority is given by the General Assembly to increase them: *Provided*, that fractions of cents may be disregarded in fixing the final modified rate of tax by the State, counties, municipalities and all other tax districts.

SEC. 4. *How property shall be valued.*

All property, real, personal and mixed, shall be valued from best information obtainable according to its true value in money; that is to say at the price for which such property would sell for cash if voluntarily offered for sale by the owner thereof, and not at the price which might be realized if such property were sold at forced sale. In determining the value, the assessor shall consider as to each piece of property its advantage of location, buildings or other improvements, quality of soil, quantity of standing timber, water privileges, water-power, mines, minerals, quarries, or other valuable deposits known to be available therein, and their value.

SEC. 5. *Depreciation or appreciation.*

In estimating the depreciation of any building, structure, machinery, or other class of property subject to depreciation, the appraiser shall also take into consideration any appreciation by reason of surroundings, increased cost of material and labor, and any other factors which would tend to increase or decrease the value of any such property. In considering the increased cost of material and labor these factors shall be considered upon the basis of such increase as may be deemed to be normal, or stable, and not such temporary increase as obtained during, or immediately on account of, war conditions, and in estimating the real value of land, it shall be with reference to the normal or stable value and not with reference to the temporarily inflated values, but in all cases the appraiser shall determine what is the actual fair market value of the property.

SEC. 6. *Time when assessments shall be made.*

All real property shall be valued as of the first day of May, one thousand nine hundred and nineteen, and when such valuation has been completed it shall become the value to be used for all tax purposes for the years one thousand nine hundred and twenty, one thousand nine hundred and twenty-one, one thousand nine hundred and twenty-two and one thousand nine hundred and twenty-three. All personal property shall be listed as of the first day of January in each year, and from and after the comple-

tion of the revaluation herein provided for all real property shall be listed as of January first of each year, and any revaluation on account of structures erected or destroyed shall be made as of that date.

SEC. 7. *Organization for revaluation.*

The organization for making the revaluation provided for in this act shall be:

The State Tax Commission as provided for in chapter two hundred and thirty-four of the Public Laws of one thousand nine hundred and seventeen.

A district supervisor for each of ten districts, the formation of the districts to be arranged by the State Tax Commission.

A county supervisor for each county.

One clerk or assistant supervisor for each county having total taxable values for the year one thousand nine hundred and eighteen of five million dollars, and one additional clerk as assistant supervisor for each additional five million dollars, and as many others as may be approved by the Board of County Commissioners.

A county board of appraisers and review, of which the county supervisor shall be chairman, and two other members to be appointed as hereinafter provided.

SPECIAL EXAMINERS

SEC. 8. *Appointments: how made.*

The district supervisor for each district shall be appointed during the months of March and April, one thousand nine hundred and nineteen, by the State Tax Commission, and any vacancies shall be filled by appointment by the State Tax Commission: *Provided*, the commission may require any district supervisor to work in any county not within the district regularly assigned to him.

The county supervisor for each county shall be appointed by the State Tax Commission. And the commission may designate the county auditor in any county having such officer as county supervisor for such county.

The two members of the county board of appraisers and review, other than the county supervisor, who is to be chairman of such board, shall be nominated, one from each political party, by the board of county commissioners of each county, at their regular meeting in the month of April, one thousand nine hundred and nineteen, such nomination to become effective when approved by the State Tax Commission.

The special examiners shall be appointed by the State Tax Commission.

Organization for revaluation as follows: State Tax Commission.

Ten district supervisors.

County supervisors. Assistants to county supervisors.

County appraisers.

Appointment of district supervisors.

Proviso: district supervisor may be assigned out of district.

Appointment of county supervisors.

Selection of boards of appraisers.

Appointment of special examiners.

SEC. 9. *Powers and duties.*

Powers of
Tax Commission.

The State Tax Commission shall have all the powers and duties conferred by chapter two hundred and thirty-four of the Public Laws of one thousand nine hundred and seventeen, and of this act, and shall have the power at any time, upon its own motion, to remove any district or county supervisor, member of county board of appraisers and review, or special examiner, whenever it is of opinion that any such officer is not performing the duties of his office efficiently, or according to the full intent and purpose of this act, and to appoint his successor to carry on and complete the work.

Duties of
Tax Commission.

It shall be its duty to instruct all public officers having any responsibility in connection with the work provided for in this act as to their duties and responsibilities and it shall, as soon as the appointments provided for have been made, arrange to meet the district and county supervisors and members of the county board of appraisers and review at not less than three convenient points in the State for oral instruction and interchange of views, until the full intent and purpose of this act are fully explained, and the plans and purposes for carrying them out are uniformly understood by the officers in charge of the listing and revaluation in all counties.

SEC. 10. *District Supervisors.*

Powers and
duties of district
supervisors.

The district supervisors shall be the direct representatives of the State Tax Commission, and during the period when information is being collected and property is being listed and appraised shall divide their work between all the counties in their charge, visiting each county as often as necessary to keep in close touch with the work of the county supervisor and assistants, and of the county board of appraisers and review, shall furnish them all possible information and assistance, and shall furnish the State Tax Commission regularly with information as to the progress and character of the work being done in the counties under their charge. Whenever possible they shall coöperate with the county supervisor in securing accurate information as to the value of any and all property, the value of which is difficult to ascertain, and generally to do and perform any work which they may be instructed by the State Tax Commission to do.

Coöperate with
county
supervisors.

SEC. 11. *County supervisors.*

Powers and
duties of county
supervisors.

The county supervisors and their assistants shall begin their work on the first day of May, one thousand nine hundred and nineteen, and shall continue the same as instructed by the State Tax Commission. They shall on the first day of May begin the collection of information as to the value of real property in their county, and when instructed to do so, shall begin the collection of specific information as to each piece of real property, taking up the work by townships, and in cities by wards. The county

Collect informa-
tion as to value
of property.
Collection of
specific
information.

supervisor, or his assistant, shall visit and personally inspect each separate tract of real property, and shall require the owner thereof to answer each and every question which may be set out on the blank forms to be furnished by the State Tax Commission, which blank shall contain every question which, in the judgment of the State Tax Commission, is a proper and necessary question to be answered to ascertain the real value of the property, and which blank shall include specific inquiry as to the opinion of the owner as to its real value. The said blank shall also contain separate inquiry as to the number of acres of land in cultivation, number of acres in timber, and the value of the timber, number of acres of waste land, and also the separate value of buildings, and when the owner is unable to give exact answer to any of such questions he shall answer them upon as careful an estimate as he may be able to make. The owner of the land shall be required to answer each and every such question and to make oath to the same, in manner and form as hereinafter provided, and if the owner refuses to comply with this provision, or if he knowingly makes answer that is materially false, he shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned in the discretion of the court. The county supervisor or his assistant shall attach to said blank form any additional information he may be able to secure with reference to the value of such property or as to any conditions of or surrounding said property which would tend to increase or decrease its value.

Supervisor or assistant to inspect each tract and secure answer to questions of Tax Commission.

Specific questions to be asked of owner of real property.

Owner must answer under oath all questions. Refusal to answer or falsification a misdemeanor. Penalty.

Additional information.

Sec. 12. *Form of oath as to real property.*

The county supervisor and his assistants are empowered to administer oaths in all matters pertaining to their official business and every such list provided to be made out by the next preceding section shall be sworn to or affirmed, by the person making the same, before it shall be received by the county supervisor or any of his assistants; the form of such oath or affirmation, when made by the person owning the property, and the oath or affirmation of the owner of the property shall be required in all cases where it is practicable, instead of the oath or affirmation of his agent (or manager) shall be substantially as follows, to wit:

County supervisor and assistants empowered to administer oaths.

STATE OF NORTH CAROLINA,

County of _____

I, _____, do solemnly swear (or affirm) that to the best of my knowledge, information and belief, the foregoing statement contains a true, full and correct list of all real property owned by me on the first day of May, one thousand nine hundred and nineteen, or which I am authorized or required to list as agent for another; that such property has been fully and fairly described and its true condition represented; that I have in no case sought to mislead the supervisor or his assistant as

Form of oath.

to the entire quantity, quality or value of the property; that I have, to the best of my knowledge and judgment, valued the said property at its true and actual value on the first day of May, one thousand nine hundred and nineteen, by which I mean the price that could be obtained for said property at private or voluntary sale for cash and not the price which might be realized at a forced or auction sale; that I have made full and true answer to all questions with respect to the value and condition of such property that I have been required to answer; so help me, God.

Subscribed and sworn (or affirmed) to before me, this _____ day of _____, 19____.

SEC. 13. *County board of appraisers and review.*

When the county supervisor shall have completed the collection of information as provided for in the preceding section with respect to any township or ward he shall call a meeting of the county board of appraisers and review, and place before them all the information he has secured as to the value of each piece of real property in such township, and the board shall proceed without delay to find the actual value of every such piece of real property. The county supervisor shall cause a notice to be mailed to the owner of the property so valued, containing specific information as to the value placed on same, and also information as to the future time when the owner may be heard by the county board of appraisers and review, if he desires to be so heard. The county supervisor shall also cause to be made out at once a complete abstract of the values so made, in such form as required by the State Tax Commission, and mail same to the district supervisor; and it shall be the duty of the district supervisor to make diligent inquiry and investigation to ascertain if the valuations so made have been made as required by this act, and to make prompt report to the State Tax Commission the result of such investigation. The district supervisor shall, whenever practical, attend the meetings of the county board of appraisers and review in his district in an advisory capacity. When the listing and appraisal of the real property in one township or ward has been completed, and not until then, the county supervisor and his assistants shall proceed in the same way to collect information and to have appraised the real property of other townships or wards, in proper order, until the real property in each township in the county has been properly valued.

SEC. 14. *Oaths of office.*

The county supervisor in each county, and the members of the county board of appraisers and review, shall before beginning the duties of their office, take and subscribe, and mail to the State Tax Commission at Raleigh, an oath in form as follows:

Board of appraisers to review report of county supervisor on real property.

Notice to property owners of findings and of time hearing will be given.

Complete abstract of values to be mailed to district supervisor.

District supervisor to ascertain if valuations have been made as required by act and report to Tax Commission.

District supervisor to advise appraisers.

Listing of real property to be done by townships or wards in order.

County supervisors and appraisers to take oath.

STATE OF NORTH CAROLINA,

-----County.

I, -----, do solemnly swear that I will perform the duties of the office of ----- to the best of my skill and ability; that in all cases I will make diligent effort to ascertain all the facts with reference to the value of each piece of property that I am required to value, and that I will endeavor to value all such property as required by the Constitution and laws of the State at its actual value in money, without favoritism or evasion; so help me, God.

Form of oath.

Subscribed and sworn to before me, this ----- day of -----, 19---

SEC. 15. *Appeals.*

Appeal may be taken, within thirty days after notice of assessment has been given, from any valuation fixed by the county board of appraisers and review, either by the owner of the property valued, by any member of the county board of appraisers and review to the State Tax Commission, and the finding of the State Tax Commission shall be final. All such appeals shall be heard in the county or in an adjoining county. The State Tax Commission may direct that such appeals be heard and determined by a district supervisor other than the supervisor in district from which appeal originates.

Appeal from valuations fixed by appraisers may be taken to Tax Commission.

Appeals heard in adjoining county by district supervisor.

SEC. 16. *Special examiners.*

The State Tax Commission may also appoint such number of special examiners as may be approved by the Council of State, and at such salary as may be approved by them, who shall have special knowledge of the value of particular classes of property, the value of which may be difficult to ascertain, who shall cooperate with the county supervisors, under direction of the district supervisors, in ascertaining the real value of such properties, to the end that all such properties may be equally and fairly valued at their real value. Such special examiners may also be employed to ascertain the real value of any property which the State Tax Commission is required to appraise, or to ascertain the value of the property of any corporation whose capital stock the Commission is required to appraise.

Special examiners to be appointed with approval of Council of State.

Qualifications.

Duties.

Special examiners for corporation property.

SEC. 17. *Authority to examine under oath.*

The State Tax Commission, or any of its authorized agents, including every district supervisor, special examiner, county supervisor, or his assistants under his direction, shall have full authority to require answers to be made under oath to all questions that may be pertinent in any investigation as to the real value of any property or business, whether incorporated or unincorporated, and to this end shall have authority to investigate the books and

Tax Commission and any of its agents given authority to require sworn answers to questions.

Authorized to investigate books.

Refusal to submit books or answer questions a misdemeanor.

records of any such person, firm or corporation, to ascertain the true facts, and upon refusal to submit the books for investigation or to answer any pertinent question with respect to the value of the property of any such person, firm or corporation, any such person so refusing shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned in the discretion of the court.

SEC. 18. *To advertise appointments for taking lists of personal property.*

Notice of appointments for listing personal property.

The county supervisor, or his assistants, shall, after giving due notice by advertisement in some newspaper, if published in the county, and by posting notices at appropriate public places, attend at convenient places in each township, at some time during the period in which personal property is required to be listed, for the purpose of taking the list of personal property of every person in such township liable to list personal property.

SEC. 19. *List of personal property to be furnished by taxpayer.*

Personal property listed as of January 1.
Persons liable required to furnish between January 1 and May 15 correct description all personal property.

All personal property, unless herein otherwise provided, shall be listed and assessed as of the first day of January of each year. Between the first day of January and the fifteenth day of May every person who is liable for the listing of any personal property shall furnish to the county supervisor, or his assistant, a full and correct description of all personal property of which he was the owner on the first day of January of the current year, which the taxpayer is required by law to list, fixing what he deems to be a true and actual value of each item of personal property for the guidance of the county supervisor, or his assistant, who shall finally settle and determine the actual value of each item of such property by the rule prescribed in section four of this act. Such person shall also at the same time make separate, full and true statements in like manner and upon similar blanks to be furnished him distinctly setting forth in each a correct description of all the personal property held, possessed or controlled by him as executor, administrator, guardian, trustee, receiver, agent, partner, attorney, president or accounting officer of a corporation, consignee, broker, or in any representative or fiduciary character, and he shall fix what he deems the true and actual value thereof to each item of such property, which valuation shall be subject to revision and change in like manner as property owned by such person in his own right: *Provided, however,* that no person shall be compelled to furnish the list mentioned in this section sooner than the twentieth day of January of the current year: *Provided further,* that cotton, tobacco, and other farm products, on storage in warehouses, in the hands of commission merchants or agents in or out of the Senate, or in the hands of original producers, and held temporarily for

County supervisor to finally settle value.

Full statements required of executors, administrators, trustees, receiver, agent, partner, attorney, president or accounting officer of corporations or other fiduciary of real property held.

Proviso: no one compelled to furnish such list sooner than January 20.

Proviso: farm products stored or held for market.

market, shall be listed by the owners of such products at their actual value on the first day of January, and the owner may deduct from the actual value of such products any debts owing by the owner, if the owner files a detailed statement of the amount of such debts, and to whom payable, in the same manner as provided in the next succeeding section as to solvent credits.

SEC. 20. *Itemized list of solvent credits to be made.*

It shall be the duty of each taxpayer to furnish a complete itemized list of the solvent credits of which he was the owner on the first day of January, and also a complete itemized list of debts owing by him and claimed as a deduction from the value of credits owing to him: *Provided*, that open accounts, not evidenced by note or bonds, may be combined in one item. The State Tax Commission shall make appropriate provision on its tax blanks for carrying out the provisions of this section.

Taxpayer required to furnish itemized list of solvent credits with itemized list of debts.

Provide: open accounts may be combined.

SEC. 21. *Form of oath as to personal property.*

Every such list provided to be made out by the next preceding section shall be sworn to or affirmed, by the person making the same before it shall be received by the county supervisor or any of his assistants: the form of such oath or affirmation, when made by the person owning the property, and the oath or affirmation of the owner of the property shall be required in all cases where it is practicable, instead of the oath or affirmation of his agent (or manager) shall be substantially as follows, to wit:

Lists of personal property must be sworn to by owners.

STATE OF NORTH CAROLINA,
County of -----

I, ----- do solemnly swear (or affirm) that to the best of my knowledge, information and belief, the foregoing statement contains a true, full and correct list of all personal property owned by me on the first day of the assessment year: that I have not directly or indirectly covered any class of property for the purpose of evasion: that such property has been fully and fairly described to him and its true condition represented: that I have in no case sought to mislead the county supervisor or his assistant as to the entire quantity, quality or value of the property: that I have reported all moneys and the value of all credits and investments owned by me on the first day of January next preceding and liable for taxation: that since the first day of the assessment year I have not directly or indirectly converted or exchanged any of my property, temporarily for the purpose of evading the assessment thereof for taxes, into nontaxable property or securities of any kind: that I have, to the best of my knowledge and judgment, valued the said property at its true and actual value on the first day of January next preceding, by which I mean the price that could be obtained for said property at private or voluntary sale for cash and not the price which might

Form of oath.

be realized at a forced or auction sale; and that I have made a true report of my income as required by law; so help me, God.

 Subscribed and sworn (or affirmed) to before me, this -----
 day of -----, 19--- -----

SEC. 22. *Returns of personal property to be reviewed by county board.*

Complete lists of property in county to be reviewed by board of appraisers.

When the county Supervisor and his assistants have completed their taking of the lists of personal property in all townships in the county, the lists so taken shall be placed before the county board of appraisers and review, and it shall be the duty of the said board to review carefully the list as returned by each taxpayer to ascertain if in each case a complete return has been made, and if the property returned has in each case been valued at its value in money, as required by this act; and it shall be the duty of the said board to revise such valuations wherever necessary to make the valuations conform in all respects to the rule required by this act, and if any property has not been returned to cause the same to be properly entered on such lists at the true value in money of such property.

Valuations to conform to rule required by act.

SEC. 23. *Property not listed.*

County supervisor and assistants to investigate as to personal property. Any resident or other person may be questioned under oath.

It shall be the duty of the county supervisor and his assistants to make diligent investigation if all real and personal property required by law to be listed has been properly listed, and if he has reason to believe that any resident of the county has failed to give a true and complete return of all property, real, personal and mixed, he shall cause to be issued a notice by registered mail to every such person to appear before him at the time and place designated in such notice, or to any other person who the county supervisor has reason to believe has knowledge of the matter under investigation, to answer under oath all questions which may be asked by such county supervisor which may be reasonable and necessary to ascertain the full and true facts with respect to the whole matter under investigation, and to require all such persons to produce and submit to examination any papers, books or records in their possession, and all such persons failing without proper excuse to appear, or refusing to be sworn, or to answer all such pertinent questions, or to produce any papers, books or records, shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned in the discretion of the court.

Such persons required to produce books or papers.

Refusal to comply a misdemeanor.

SEC. 24. *Exemptions.*

Exemption of clothing, arms furniture, tools, libraries and scientific instruments.

From and after the year one thousand nine hundred and nineteen there shall be allowed an exemption for each person of wearing apparel, arms for muster, household and kitchen furni-

ture, the mechanical and agricultural instruments of mechanics and farmers, libraries and scientific instruments, and provisions not exceeding a total value of three hundred dollars.

SEC. 25. *When to be completed.*

The listing and revaluation of all real and personal property herein provided for shall be completed in each county not later than the first day of May, in one thousand nine hundred and twenty, and each year thereafter, and complete abstracts of such lists, by townships, and in such form as the State Tax Commission shall prescribe, shall be mailed to the State Commission by the county supervisor not later than the fifteenth day of May, one thousand nine hundred and twenty, and each year thereafter.

Listing and revaluation to be completed by May 1, 1920, and each year thereafter.

Abstracts to be mailed to Tax Commission by May 15.

SEC. 26. *Equalization or revaluation.*

The State Tax Commission shall have the authority as a State Board of Equalization given in chapter two hundred and thirty-four of the Public Laws of one thousand nine hundred and seventeen, and it shall have authority to make such investigation, through its district supervisors, county supervisors or special examiners as may be necessary to determine if the list returned for each county is a complete list, and if the valuations returned have been made as required by this act. If property is found that has not been returned it shall order such property placed on the list, and if it is found that the property in any county had been valued either higher or lower than required by this act it may order a revaluation in such county, or require by general order that a percentage increase or decrease be made for the year in which such order is made, but shall in that case order a complete revaluation of all such property at some time during the next ensuing year, to the end that any possible injustice that may have been done by the percentage increase or decrease may not be continued. If it is found necessary to order a revaluation in any county the State Tax Commission shall designate both the county supervisor and the county board of appraisers and review, by whom the reassessment shall be made, and the expense of such revaluation shall be borne by the county, and is hereby declared to be a necessary expense of such county.

Tax Commission given authority of board of equalization.

Authorized to investigate county lists.

If property is found, it shall order such listed, or it may order revaluation if property is valued too high or too low in any county, or issue order for general percentage increase or decrease for year.

Revaluation.

Expense borne by county as necessary expense.

SEC. 27. *Offices declared to be nonpolitical.*

The offices created under this act shall be nonpolitical and non-partisan in character, and any undue political activity by any officer provided for under this act shall be sufficient cause for removal by the State Tax Commission or by the Governor of the State.

Offices created by act nonpartisan, and removal may be made for undue political activity.

SEC. 28. *Salaries of assessing officers.*

The salary of the district supervisors shall be two hundred and fifty dollars per month, for the time actually and necessarily

Salary of district supervisor.

engaged in the work, and their actual necessary traveling expenses, to be paid by the State.

The salary of county supervisors shall be in proportion to the total taxable values of real and personal property listed with local assessors of their respective counties, for the year one thousand nine hundred and eighteen, according to the following schedule: In counties of

Salaries of county supervisors.

Less than \$3,000,000, one hundred dollars per month.

Between \$3,000,000 and \$6,000,000, one hundred and fifty dollars per month.

Between \$6,000,000 and \$10,000,000, two hundred dollars per month.

Between \$10,000,000 and \$15,000,000, two hundred and twenty-five dollars per month.

Over \$15,000,000, two hundred and fifty dollars per month.

Members of boards of appraisers to receive *per diem* of five dollars.

The members of the county board of appraisers and review, other than the chairman, shall be paid five dollars per day, and the same mileage as members of the board of county commissioners, for the number of days actually engaged in attending meetings of the board.

Salary of assistant supervisor.

The salary of assistants to the county supervisor shall be not less than four dollars per day and not more than six dollars per day, as may be agreed upon with the board of county commissioners.

County supervisors and assistants allowed traveling expenses.

The county supervisors and their assistants shall be allowed their actual necessary traveling expenses, in addition to their salary, including the expense of attending any district meetings which they may be required by the State Tax Commission to attend, and the salary and expense of the county supervisors and their assistants shall be paid by the board of county commissioners of each and every county wherein appointed and employed.

Salaries and expenses of county supervisors paid by counties. County supervisor to be provided with office. Declared necessary county expense.

The county supervisor shall also be furnished with an office and necessary stationery, postage, etc., and the salaries and expenses herein provided for are hereby declared to be a lawful and necessary expense of such county. In case of disagreement between the board of commissioners of any county and the county supervisor as to the length of time necessary to do and complete the work the same shall be determined by the Supervisor for that district.

SEC. 29. *Appropriation for State's expense.*

Salaries of district supervisors, special examiners and their assistants paid by State.

For the reasonable necessary expenses of carrying out the provisions of this act on the part of the State, including the salaries of district supervisors, special examiners and additional clerks and stenographers, warrants shall be issued by the State Auditor and paid by the State Treasurer out of any funds not otherwise appropriated, upon approved vouchers by the State Tax Commission, which commission shall not later than the tenth of each

month file with the State Budget Commission a complete statement of all vouchers approved for the previous month, and upon any item in said account being disapproved by the State Budget Commission the same shall be discontinued at once.

Tax Commission to file monthly statement with Budget Commission.

SEC. 30. *Blank forms to be furnished.*

The State Tax Commission shall have prepared and furnish to all officials whose appointment is provided for in this act all blank forms, cards, notices, etc., that may be necessary for conveniently and efficiently carrying out the work assigned to them according to uniform methods in all counties.

Tax Commission to prepare and furnish necessary blanks.

SEC. 31. *Railroads, telegraph, telephone, street railway companies.*

As of the first day of May, one thousand nine hundred and nineteen, the State Tax Commission shall make a complete revaluation of the property of all railroad, telegraph, telephone and street railway companies, to be used as the basis for computing taxes for such companies for the years one thousand nine hundred and twenty, one thousand nine hundred and twenty-one, one thousand nine hundred and twenty-two and one thousand nine hundred and twenty-three, such revaluation to be made in accordance with the general rule and intent and purpose of this act as to all other property. The commission shall have the right to require all information required by chapter two hundred and thirty-four of the Public Laws of one thousand nine hundred and seventeen to be furnished by such companies, and also a sworn estimate, by a responsible officer of every such company of the cost of reproduction of the properties of such companies new, including side-tracks, double-tracks, and all properties owned by such companies in this State, less reasonable depreciation for such of its properties as have depreciated in value, and shall also include the present value of all real estate used as rights of way, including depot sites, yards, terminals and otherwise. All properties of this class that have been operated by the United States Government shall report the earnings during such period of operation and also the compensation paid, or agreed to be paid, for their use, and if no agreement has been made, the amount of compensation asked for by the owners.

Tax Commission to revalue public service companies' property.

Commission may require information under chapter 234, Public Laws 1917. Estimates by officials of cost of reproducing all properties, less reasonable depreciation.

Real estate used as rights of way to be included. Corporations operated by U. S. government to report earnings

SEC. 32. *Other corporate property.*

All corporations, other than those enumerated in the preceding section, and which are now required to be appraised annually, shall be appraised as of the first day of January, one thousand nine hundred and twenty, and annually thereafter. The State Tax Commission shall require all such companies to make reports, as of the first day of January, now required by chapter two hundred and thirty-four of the Public Laws of one thousand nine

Other corporations to be appraised as of January 1.

Tax Commission may require reports to ascertain actual value.

Capital stock to be appraised at actual value.

Proviso: State, United States, and Farm Loan Bank bonds shall be deducted to extent required by Machinery Act.

Compensation of chairman of Tax Commission increased \$500 annually.

hundred and seventeen, such reports to be made at such time as the Commission may require, and in addition thereto any other information which the Commission may find to be necessary to ascertain their actual value, and in appraising the value of any such properties, or the capital stock of any such companies, the Commission shall not make any deductions otherwise required to be made, which shall result in appraising the capital stock of any such company at less than its actual value: *Provided*, bonds of this State and of the United States and of the Federal Farm Loan Bank, shall be deducted to the extent required by the Machinery Act adopted at this session of the General Assembly.

SEC. 33. This act shall be in force from and after its ratification.

SEC. 34. The compensation of the chairman of the Commission in addition to that otherwise provided by statute, shall be five hundred (\$500) dollars annually, payable monthly upon warrant of the State Auditor upon the State Treasurer.

Ratified this 11th day of March, A.D. 1919.

CHAPTER 85

AN ACT TO FIX AND REGULATE THE PAY AND MILEAGE OF JURORS.

The General Assembly of North Carolina do enact:

Jurors' pay to be not less than \$2 or over \$3.

Mileage, 5c.

Pay of special veniremen, not accepted for duty, not to exceed \$3 per day.

Section 2798 of the Revisal repealed.

SECTION 1. That all jurors in the Superior Court other than special veniremen and tales jurors shall receive not less than two dollars per day and not more than three dollars per day, and mileage at the rate of five cents per mile while coming to the county-seat and returning home. The said distance to be computed by the usual route of public travel.

SEC. 2. That special veniremen and tales jurors shall receive such an amount per day for their attendance upon court as may be fixed by the boards of commissioners of their respective counties, not exceeding three dollars per day: *Provided*, that special veniremen who have been accepted on the panel in the trial of any cause shall receive the pay and mileage of regular jurors.

SEC. 3. That section two thousand seven hundred and ninety-eight of the Revisal of one thousand nine hundred and five, and all other laws and clauses of laws in conflict with this act are hereby repealed.

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

Ratified this 24th day of February, A. D. 1919.

CHAPTER 86

AN ACT TO AMEND CHAPTER 56, PUBLIC LAWS 1915, RELATIVE TO THE CREATION OF STREET IMPROVEMENT DISTRICTS AND PROVIDING FOR THE PAYMENT THEREFOR BY ISSUING BONDS.

The General Assembly of North Carolina do enact:

SECTION 1. That section eight of chapter fifty-six of the Public Laws of one thousand nine hundred and fifteen be amended as follows: Add after the word "large," in line twelve, the following: "Provided, no assessment for streets and sidewalks shall be made against abutting property on any such street or sidewalk until said street or sidewalk has been definitely laid out and the boundaries of the same definitely fixed."

No assessment against abutting property until streets or sidewalks have been laid out.

SEC. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 3. That this act shall be in force from and after its ratification this 24th day of February, A.D. 1919.

CHAPTER 87

AN ACT TO AMEND CHAPTER 169, PUBLIC LAWS OF 1917, RELATING TO THE TERMS OF THE SUPERIOR COURT OF FORSYTH COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and sixty-nine of the Public Laws of one thousand nine hundred and seventeen be amended by striking out all of said act, beginning with the words "Forsyth County" in line seven, and inserting in lieu thereof the following: "Forsyth County—the eighth Monday before the first Monday in March, and continue for two weeks, for the trial of civil and criminal causes; and sixth Monday before the first Monday in September, to continue for two weeks for the trial of criminal causes exclusively; the third Monday after the first Monday in March, to continue for one week for the trial of criminal causes exclusively, and the fourteenth Monday after the first Monday in September, to continue for one week for the trial of criminal causes exclusively; the third Monday before the first Monday in March, to continue for two weeks for the trial of civil causes exclusively; the first Monday after the first Monday in March, to continue for two weeks for the trial of civil causes exclusively; the eleventh Monday after the first Monday in March, to continue for three weeks for the trial of civil causes exclusively;

Chapter 169, Public Laws 1917, amended.

Terms of court regulated.

the first Monday after the first Monday in September, to continue for two weeks for the trial of civil causes exclusively; the ninth Monday after the first Monday in September, to continue for two weeks for the trial of civil causes exclusively; the fourth Monday after the first Monday in September, to continue for two weeks for the trial of civil and criminal causes."

SEC. 2. This act shall be in force from and after its ratification. Ratified this 24th day of February, A.D. 1919.

CHAPTER 88

AN ACT TO AMEND CHAPTER 36, PUBLIC LAWS OF NORTH CAROLINA, SESSION 1917, RELATING TO THE LICENSING OF EMBALMERS IN NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Indeterminate length of special course.

SECTION 1. That chapter thirty-six of Public Laws of North Carolina, session one thousand nine hundred and seventeen, be, and the same is hereby, amended by striking out the words "one year" in line five thereof.

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

Ratified this 24th day of February, A.D. 1919.

CHAPTER 89

AN ACT TO PROVIDE FOR THE TAKING OF OATHS BY CORPORATIONS.

The General Assembly of North Carolina do enact:

Oaths of corporation serving as fiduciary may be taken by any officer or agent authorized to verify pleadings in behalf of corporation.

SECTION 1. That in all cases where a corporation is appointed administrator, executor, collector, or to any other fiduciary position, of which fiduciary an oath is required by law, such oath may be taken by such corporation by and through any officer or agent of said corporation, who is authorized by law to verify pleadings in behalf of such corporation; and any oath so taken shall be valid as the oath of such corporation.

Oaths so taken validated.

SEC. 2. That any oath as such fiduciary heretofore taken in the manner aforesaid in behalf of a corporation as such fiduciary is hereby validated as the oath of such corporation.

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

Ratified this 25th day of February, A.D. 1919.

CHAPTER 90

AN ACT TO RAISE REVENUE.

The General Assembly of North Carolina do enact:

SCHEDULE A

SECTION 1. *Objects for which taxes are levied.*

That the taxes hereinafter designated are payable in the existing national currency, and shall be assessed and collected under the rules and regulations prescribed by law, and applied to the payment of the expenses of the State Government, the appropriations to charitable and penal institutions, other specific appropriations made by law, and the interest on the debt of this State.

Payable in national currency.
Assessment and collection.
Application.

SEC. 2. *Poll tax.*

On each taxable poll or male between the ages of twenty-one and fifty years, except the poor and infirm whom the county commissioners may declare and record fit subjects for exemption, there shall be annually levied and collected a tax of one dollar and forty-three cents, the proceeds of such tax to be devoted to purposes of education and the support of the poor, as may be prescribed by law, not inconsistent with the apportionment established by section two of article five of the Constitution of this State.

Poll tax.
Rate.
Specific purpose.

SEC. 3. *Rate.*

There shall be levied and collected annually an *ad valorem* tax of eleven and two-thirds cents for State purposes, four cents for pensions and thirty-two cents for public schools, making forty-seven and two-thirds cents on every one hundred dollars value of real and personal property in this State required to be listed in "An act to provide for the assessment of property and collection of taxes," subject to exemption made by law.

Ad valorem tax:
For State purposes.
For pensions and schools.

SEC. 4. *Corporation taxes payable to State Treasurer.*

Every corporation, joint-stock association, limited partnership, or company whatsoever, from which a report is required by law to be made to the Corporation Commission, shall be subject to and pay to the State Treasurer annually the State, school and pension tax as prescribed in section three upon each one hundred dollars of the actual value of its whole capital stock of all kinds, including common, special and preferred, as ascertained in the manner prescribed by law; and also the franchise tax imposed by section 82 of this act; it shall be the duty of the State Auditor to mail to every such corporation a statement of the amount of such taxes, which statement shall contain a copy of so much of this section as relates to penalty as notice of penalty for failure to pay

Corporations subject to tax.

Ad valorem of capital stock.

Franchise tax.
Notification of corporation.

Payment direct to Treasurer.	<p>said taxes; and it shall be the duty of the treasurer or other officer having charge of any such corporation, joint-stock association, or limited partnership upon which a tax is imposed to transmit the amount of the tax to the State Treasurer within thirty days from the date of such notice. If such tax is not paid by the first day of November it shall be the duty of the Auditor to send, not later than November fifteenth, final notice to such delinquent corporation that penalty will be imposed if payment is not made as required by this section. If the said tax is not paid by the first day of December next following, the State Treasurer shall certify to the State Auditor a complete list of all such taxes due and unpaid. The State Auditor shall add ten per centum to such taxes, and return to the State Treasurer, charging the State Treasurer with the amount so added, and the State Auditor shall thereupon certify the same with such percentage added to the sheriff or tax collector of the county in which such delinquent corporation has its principal office, and charge such sheriff or tax collector with the amounts so certified. Such certificate by the State Auditor to the sheriff or tax collector in any county shall have the same force and effect as a judgment and execution against the real and personal property of such corporation as is given by Machinery Act for the collection of other taxes, and it shall be the duty of the sheriff or tax collector to proceed to collect same, by levy, advertisement and sale, in the same manner as provided by law for the collection of other taxes. The sheriff or tax collector shall be allowed the same fees for collecting, or for levy, advertisement and sale, as provided by law for collection of other taxes, the same to be allowed in settlement with the State Treasurer. The provisions of this section shall apply to any taxes payable directly to the State Treasurer that are due and unpaid at the time of the passage of this act, and such taxes may be certified for collection at any time during the year 1919: <i>Provided</i>, that for the purposes of this act interests in limited partnerships or joint-stock associations shall be deemed to be capital stock and taxed accordingly: <i>Provided also</i>, that corporations, limited partnerships and joint-stock associations liable to tax on capital stock under this section shall not be required to make any report or pay any further tax on mortgages, bonds, other securities and credits owned by them in their own rights; but corporations, limited partnerships and joint-stock associations holding such securities as trustees, executors, administrators, guardians, or in any other manner shall return and pay the tax imposed by this act upon the securities so held by them as in case of individuals. Individual stockholders in any corporation, joint-stock association, limited partnership, or company paying a tax on its capital stock shall not be required to pay any tax on said stock or list the same, nor shall corporations legally holding capital stock in other corporations upon which the tax has been paid</p>
Final notice.	
Enforcement of payment.	
Effect as of judgment.	
Fees.	
Taxes now due.	
Proviso: limited partnerships or joint-stock associations.	
Proviso: securities and credits.	
Securities held in trust.	
Stockholders relieved of tax.	

by the corporation issuing the same be required to pay any tax on said stock or list the same. Nor shall any individual stockholder of any foreign corporation be required to list or pay taxes on any share of its capital stock if two-thirds in value of its entire property is situated and taxed in the State of North Carolina, or if such corporation has tangible assets within this State assessed for taxation at a value exceeding the par value of the total stock owned by citizens of this State, and the said corporation pays franchise tax on its entire issued and outstanding capital stock at the same rate as paid by domestic corporations.

Foreign corporations.

SEC. 5. *Tax exemption repealed.*

Whenever in any law or act of incorporation, granted either under the general law or by special act, there is any limitation or exemption of taxation, the same is hereby repealed, and all the property and effects of all such corporations, other than the bonds of this State and of the United States Government, shall be liable to taxation except property belonging to the United States and to municipal corporations and property held for the benefit of churches, religious societies, charitable, educational, literary or benevolent institutions or orders, and also cemeteries: *Provided*, that no property whatever held or used for investment, speculation or rent shall be exempt, other than bonds of this State and of the United States Government, unless said rent or the interest on or income from such investments shall be used exclusively for religious, charitable, or benevolent purposes, or the interest upon the bonded indebtedness of said religious, charitable, or benevolent institutions.

Limitations or exemptions repealed.

Excepted property.

Proviso: property held for speculation or rent.

INHERITANCE TAX

SCHEDULE AA

SEC. 6. *Rate of inheritance tax.*

From and after the passage of this act all real and personal property of whatever kind and nature which shall pass by will or by the intestate laws of this State from any person who may die seized or possessed of the same while a resident of this State, whether the person or persons dying seized thereof be domiciled within or out of the State (or if the decedent was not a resident of this State at the time of his death, such property or any part thereof within this State), or any interest therein or income therefrom which shall be transferred by deed, grant, sale, or gift, made in contemplation of the death of the grantor, bargainor, donor, or assignor, or intended to take effect in possession or enjoyment after such death, to any person or persons or to bodies corporate or politic, in trust or otherwise, or by reason whereof any person or body corporate or politic shall become beneficially entitled in possession or expectancy to any property or the income thereof,

Property subject to inheritance tax.

Deed, grant, sale or gift in contemplation of death.

shall be and hereby is made subject to a tax for the benefit of the State as follows, that is to say:

Lineal issue or ancestor, adopted child, husband or wife.

First. Where the person or persons entitled to any beneficial interest in such property shall be the lineal issue, or lineal ancestor, adopted child, or husband or wife, of the person who died possessed of such property aforesaid, at the following rates of tax for each one hundred dollars of the clear market value of such interest in such property:

	Rate of Tax
Graduated rate. First \$25,000 above exemption.....	1 per cent
Excess over \$ 25,000 and up to \$100,000.....	2 per cent
Excess over \$100,000 and up to \$250,000.....	3 per cent
Excess over \$250,000 and up to \$500,000.....	4 per cent
Excess over \$500,000.....	5 per cent

Exemptions.

The persons mentioned in this class shall be entitled to the following exemptions: Widows, ten thousand dollars; each child under twenty-one (21) years of age, five thousand dollars; all other beneficiaries mentioned in this subsection, two thousand dollars each: *Provided*, grandchildren shall be allowed the single exemption of the child they represent, and in case of specific legacy or bequest the proportion of exemption to which they would be entitled if they took as representatives of the parent.

Proviso: grandchildren.

Brothers, or sisters or descendants.

Second. Where the person or persons entitled to any beneficial interest in such property shall be the brother or sister or descendant of the brother or sister of the person who died possessed as aforesaid, at the following rates of tax for each one hundred dollars of the clear market value of such interest:

	Rate of Tax
Graduated rate. \$25,000 or less.....	3 per cent
Excess over \$ 25,000 and up to \$100,000.....	4 per cent
Excess over \$100,000 and up to \$250,000.....	5 per cent
Excess over \$250,000 and up to \$500,000.....	6 per cent
Excess over \$500,000.....	7 per cent

Other degrees of relationship, collateral relations or strangers in blood or corporations.

Third. Where the person or persons entitled to any beneficial interest in such property shall be in any other degree of relationship or collateral consanguinity than is hereinbefore stated, or shall be a stranger in blood to the person who died possessed as aforesaid, or shall be a body politic or corporate, at the following rates of tax for each one hundred dollars of the clear market value of such interest:

	Rate of Tax
Graduated rate. \$25,000 or less.....	5 per cent
Excess over \$ 25,000 and up to \$100,000.....	6 per cent
Excess over \$100,000 and up to \$250,000.....	7 per cent
Excess over \$250,000 and up to \$500,000.....	8 per cent
Excess over \$500,000.....	9 per cent

Provided, that no tax be imposed or collected under this section on legacies or property passing by will or otherwise, or by the laws of this State to religious, educational, or charitable corporations (not conducted for profit) in this State, and this provision shall apply to all such legacies or property passing by will or by the laws of this State since March twelve, one thousand nine hundred and thirteen: nor shall any tax be imposed in any case where the whole amount of such legacy or devise does not exceed two hundred dollars in value.

Proviso: property passing to religious, educational or charitable corporations.

Fourth. That in calculating the value of the distributive share the following deductions, and no others, shall be allowed: Debts of the decedent, taxes, including Federal estate taxes; drainage and street assessments, funeral and burial expenses, all amounts actually expended for monuments not exceeding the sum of five hundred dollars, commissions of executors and administrators and cost of administration, including reasonable attorneys' fees.

Deductions allowed.

Fifth. That whenever an estate subject to the tax under this act shall be settled or divided among the heirs at law, legatees or devisees, without the qualification and appointment of a personal representative, the clerk of the Superior Court of the county wherein the estate is situated shall certify the same to the Corporation Commission, and shall also require such heirs at law, legatees or devisees to report to him under oath the value of said real and personal estate, and shall report said valuation to the Corporation Commission. The clerk is authorized and required to cite all interested parties to appear before him and make the report herein required and pay to him the amount of the inheritance tax due upon said property.

Clerk of Superior Court, to certify estates settled without administrators.

Report to Corporation Commission.

Sixth. All advancements and gifts equal to or in excess of five per cent of the decedent's estate at the time such advancements or gifts were made, and made within five years of the decedent's death, shall be *prima facie* made in contemplation of death. Any transfers or conveyances made upon consideration that was grossly inadequate within the same period shall be an inheritance to the extent that the consideration was inadequate at the time it was made.

Advancements and gifts.

Transfers.

Seventh. The words "such property or any part thereof or interest therein within this State" shall include in its meaning bonds and shares of stock in any incorporated company, incorporated in any other State or country, when such incorporated company is the owner of property in this State, and if 50 per cent or more of its property is located in this State, and when bonds or shares of stock in any such company not incorporated in this State, and owning property in this State, are transferred by inheritance, the valuation upon which the tax shall be computed shall be the proportion of the total value of such bonds or shares which the property owned by such company in this State bears to the total property owned by such company, and the

Stock in incorporated company owning property in State subject to tax.

Valuation for computation.

exemptions allowed shall be the proportion of exemptions allowed by this act, as related to the total value of the property of the decedent.

Railroad companies.

If the incorporated company not incorporated in this State and owning property in this State be a railroad company, the proportion upon which the tax shall be paid shall be the proportion which the miles of road of such company in this State bear to the total miles of road of such company.

Transfers of stock by foreign companies.

Any incorporated company not incorporated in this State and owning property in this State which shall transfer on its books the bonds or shares of stock of any decedent holder of shares of stock in such company exceeding in par value five hundred dollars, before the inheritance tax, if any, has been paid, shall become liable for the payment of the said tax, and any property held by such company in this State shall be subject to execution to satisfy same. A receipt or waiver signed by the State Tax Commission of North Carolina shall be full protection for any such company in the transfer of any such stock or bonds.

Waiver by Tax Commission full protection.

Tax Commission to furnish forms.

The State Tax Commission shall prepare and furnish, upon application, blank forms covering such information as may be necessary to determine the amount of inheritance tax due the State of North Carolina on the transfer of any such bonds or stock; it shall determine the value of such bonds or stock, and shall have full authority to do all things necessary to make full and final settlement of all such inheritance taxes due or to become due, and shall make prompt return to the State Treasurer of all such taxes collected.

Settlement of taxes.

Tax Commission may require reports.

The State Tax Commission shall have authority, under penalties provided in section 82 of this act, to require that any reports necessary to a proper enforcement of this act be made by any such incorporated company owning property in this State.

SEC. 7. *When all heirs, legatees, etc., are discharged from liability.*

Payment of tax only discharge.

All heirs, legatees, devisees, administrators, executors and trustees shall only be discharged from liability for the amount of such taxes, the settlement of which they may be charged with, by paying the same for the use aforesaid as hereinafter provided.

SEC. 8. *Discount for payment in six months; interest after twelve months; penalty after two years.*

Discount for payment within six months.

All taxes imposed by this act shall be due and payable at the death of the testator, intestate, grantor, donor or vendor, unless in this act otherwise provided, and if the same are paid within six months from the date of the death of the testator, intestate, grantor, donor or vendor, a discount of three per centum shall be allowed and deducted from such taxes; if not paid within one year from the date of the death of the testator, intestate, grantor, donor, or vendor, such tax shall bear interest at the rate of six per

Interest after one year.

centum per annum, to be computed from the expiration of one year from the date of the death of such testator, intestate, grantor, donor, or vendor, for a period of one year, and ten per centum per annum thereafter until the same is paid.

The penalty of ten per cent herein imposed may be remitted to simple interest by the State Tax Commission in case of unavoidable delay in settlement of estate or of pending litigation.

Penalty may be remitted in case of unavoidable delay.

SEC. 8a. *Collection to be made by sheriff if not paid in two years.*

If taxes imposed by this act are not paid within two years after the death of the decedent, it shall be the duty of the clerk to certify to the sheriff the amount of tax due upon such inheritance, and the sheriff shall collect the same as other taxes, with an addition of two and one-half per cent as sheriff's fees for collecting same; and the sheriff is hereby given the same rights of levy and sale upon any property upon which the said tax is payable as is given in the Machinery Act for the collection of other taxes. The sheriff shall make return to the clerk of the Superior Court of all such taxes within thirty days after collection, to be accounted for by the clerk in monthly settlement with the State Auditor and Treasurer as provided by law: *Provided*, that time for payment and collection of such tax may be extended by the State Tax Commission for good reason shown.

Certification of clerk and collection by sheriff.

Sheriff's fees.

Collection by distress.

Return of collections.

Proviso: extension of time.

SEC. 9. *Executor, etc., shall deduct tax.*

The executor or administrator or other trustee paying any legacy or share in the distribution of any estate subject to said tax shall deduct therefrom at the rate prescribed, or if the legacy or share in the estate be not money he shall demand payment of a sum to be computed at the same rates upon the appraised value thereof for the use of the State; and no executor or administrator shall be compelled to pay or deliver any specific legacy or article to be distributed, subject to tax, except on the payment into his hands of a sum computed on its value as aforesaid; and in case of neglect or refusal on the part of said legatee to pay the same such specific legacy or article, or so much thereof as shall be necessary, shall be sold by such executor or administrator at public sale, after notice to such legatee, and the balance that may be left in the hands of the executor or administrator shall be distributed as is or may be directed by law; and every sum of money retained by any executor or administrator or paid into his hands on account of any legacy or distributive share for the use of the State shall be paid by him to the proper officer without delay.

Taxes deducted from legacies and shares.

Payment on estates other than money.

Payment or delivery on payment of tax.

Sale of article charged with tax.

Distribution of balance.

SEC. 10. *Legacy for life, etc., tax to be retained upon the whole amount.*

If the legacy or devise subject to said tax be given to any person for life or for a term of years or for any other limited

Legacy for life or term taxed on full amount.

Apportionment
of charge.

period upon a condition or contingency, the tax thereon shall be retained upon the whole amount, and application shall be made to the court having jurisdiction of the accounts of executors and administrators to make apportionment, if the case requires it, of the sum to be paid by such life tenants and remaindermen; and for such further order relative thereto as equity shall require.

SEC. 11. *Legacy charged upon real estate, heir or devisee to deduct and pay to executor, etc.*

Heir to deduct
tax from legacy
charged on real
estate.

Whenever such legacy shall be charged upon or payable out of real estate the heir or devisee of such real estate, before paying the same to such legatee, shall deduct therefrom at the rates aforesaid, and pay the amount so deducted to the executor or administrator, and the same shall remain a charge upon such real estate until paid, and in default thereof the same shall be enforced by the decree of the court in the same manner as the payment of such legacy may be enforced: *Provided*, that all taxes imposed by this act shall be a lien upon the real and personal property of the estate on which the tax is imposed or upon the proceeds arising from the sale of such property, from the time said tax is due and payable, and shall continue a lien until said tax is paid and receipted for by the proper officer of the State.

Tax a charge
on real estate.
Enforcement of
collection.

Proviso: lien on
real and per-
sonal property
or estate.

SEC. 12. *Obsolete.*

SEC. 13. *Foreign executor or administrator transferring stock shall pay the tax on such transfer.*

Foreign fidu-
ciaries to pay
tax on transfers
of stock.

Whenever any foreign executor or administrator or trustee shall assign or transfer any stocks or bonds in this State standing in the name of the decedent or in trust for a decedent, which shall be liable for the said tax, such tax shall be paid on the transfer thereof; otherwise the corporation permitting such transfer shall become liable to pay such tax.

Liability of
corporation.

Tax Commission
authorized to
appraise stocks
or bonds under
this section.

The State Tax Commission is given authority to make appraisal of such stocks or bonds, and settlement of taxes due under this section. Exemptions shall be prorated as provided in subsection one of section six of this act, and receipt or waiver issued by the State Tax Commission shall be complete protection to any such corporation for the transfer of such stocks or bonds.

SEC. 14. *Information by administrators and executors.*

Administrator's
statement.

Executor's
statement.

Every administrator shall prepare a statement in duplicate, showing as far as can be ascertained the names of all the heirs at law and their relationship to decedent, and every executor shall prepare a like statement showing the relationship to the decedent of all legatees, distributees and devisees named in the will, and the age at the time of death of the decedent of all legatees, distributees, and devisees to whom property is bequeathed or devised for life or for a term of years, and the names of those, if any, who have died before the decedent. If any of the heirs at

law, distributees and devisees are minor children of the decedent such statement shall also show the age of each of such minor children. The statement shall also contain a complete inventory of all the real property of the decedent located in this State, and of all personal property of the estate, together with an appraisal under oath of the value of each class of property embraced in the inventory, and the value of the whole, together with any deductions permitted by this statute, so far as they may be ascertained at the time of filing such statement. The statement herein provided for shall be filed within three months after the qualification of the executor or the administrator, upon blank forms to be prepared by the State Tax Commission and furnished to the clerk of the Superior Court in each county. If any administrator or executor refuses to comply with any of the requirements of this section, he shall be liable to a penalty of not more than one thousand dollars, which shall be recovered by the State Tax Commission for the use of the State. Every executor or administrator may make a tentative settlement of the inheritance tax with the clerk of the Superior Court based upon the sworn inventory provided in this section. One copy of the duplicate report herein provided to be made shall be mailed by the clerk of the Superior Court to the State Tax Commission and one copy shall be bound or copied in a book to be kept for that purpose, by the clerk of the Superior Court: *Provided*, that this section shall not apply to estates of less than two thousand dollars in value when the beneficiaries are husband or wife or children or grandchildren of the decedent.

SEC. 14a. Whenever the clerk of the Superior Court shall ascertain that any real estate has passed by will or by the intestate laws of this State and there shall be no executor or administrator of the deceased person the clerk shall ascertain the names of the persons taking said property and their several interests therein, and report the same to the State Tax Commission and shall cause the same to be appraised, and the clerk shall enter the same in the appraisal book herein provided for, and shall collect the tax due from the person taking such property and shall enforce payment as herein provided for as fully as if there were an administrator or executor.

SEC. 15. *Supervision by State Tax Commission.*

The State Tax Commission shall have complete supervision of the enforcement of all provisions of the Inheritance Tax Act. It shall regularly employ such attorneys, examiners or special agents as may be necessary for the reasonable carrying out of its full intent and purpose. Such attorneys, examiners or special agents shall, as often as required to do so, visit the several counties of the State to see that all statements required by this act are filed with the clerks of the Superior Court by administra-

Inventory of property to be contained in statement.

Appraisal under oath to be made.

Filing of statement.

Refusal to comply renders fiduciary liable to penalty.

Tentative settlements.

Reports.

Proviso: limit of application.

Clerk of Superior Court to report estates without executor, appraise them and collect taxes.

Tax Commission to supervise enforcement of Inheritance Tax Act.

Duties of agents of Commission.

tors and executors, or by beneficiaries under wills where no executor is appointed: to examine into all statements filed by such administrators and executors: to require such administrators and executors to furnish any additional information that may be deemed necessary to determine the amount of tax that should be paid by such estate. If not satisfied, after investigation, with valuations returned by the administrator or executor, the attorney, examiner or appraiser shall make an additional appraisal, after proper examination and inquiry, or may, in special cases, designate an appraiser, who in such case shall be paid five dollars per day and expenses for his services. The administrator or executor, if not satisfied with such additional appraisal, may appeal within thirty days to the State Tax Commission, and if the amount in controversy does not exceed the sum of one hundred dollars, and demand shall be made by the executor or administrator for a hearing, said State Tax Commission shall direct one of its members to proceed to the county in which said estate is situated, and after due notice, said member of the State Tax Commission shall hear said appeal and render his decision on the same, which decision shall be deemed to be in all respects a decision of the State Tax Commission. From this decision or any other decision made after an appeal to the State Tax Commission the administrator or executor shall have the right to appeal to the Superior Court of the county in which said estate is situated for the purpose of having said issue tried by a jury, said appeal to be made in the same way and manner as is now provided by law for appeals from the decisions of the Corporation Commission. When the final appraisal is finally fixed as herein provided, and if any additional tax is found to be due, the same shall be collectible within thirty days from such finding. A sum not exceeding three per cent of the inheritance taxes collected and paid into the State Treasury in the previous year is hereby appropriated for the use of the State Tax Commission in carrying out the provisions of this act. Upon request the State Tax Commission may designate an attorney, examiner or special agent to make an appraisal before statement is filed by an administrator or executor, and to advise and assist in the making out of such statement.

SEC. 16. *Proportion of tax to be repaid upon certain conditions.*

Whenever debts shall be proven against the estate of a decedent, after the distribution of legacies from which the inheritance tax has been deducted in compliance with this act, and the legatee is required to refund any portion of the legacy, a proportion of the said tax shall be repaid to him by the executor or administrator if the said tax has not been paid into the State Treasury, or shall be refunded by the State Treasurer if it has been so paid in, upon certificate of the State Tax Commission.

Appraisers.
Compensation.
Administrator
may appeal to
Commission.

Hearing by
member of
Commission.

Appeal from
Tax Commission
made to
Superior Court.

Additional tax
due within 30
days from final
appraisal.
Appropriation
for enforcement
of act.

Legatees in
case of refund
of legacy to be
repaid part
of tax.

SEC. 17. *Clerk to enter returns made by appraisers, etc.*

It shall be the duty of the clerk of the court to enter in a book to be provided at the expense of the State, to be kept for that purpose, and which shall be a public record, the returns made by all administrators, executors and appraisers under this act, opening an account in favor of the State against the decedent's estate; and the clerk may give certificates of payment of such tax from such record; and it shall be the duty of the clerk of the court to transmit to the State Tax Commission on the first Monday of each month a statement of all returns made by administrators, executors and appraisers during the preceding month, giving the name of the estate and a clear valuation thereof, subject to the foregoing tax, and the amount of the tax, which statement shall be entered by the State Tax Commission in a book to be kept by it for that purpose, and the full amounts collected and so returned shall be immediately turned over by the State Tax Commission to the State Treasurer with report of same to the State Auditor. Whenever any such tax shall have remained due and unpaid for one year it shall be lawful for the clerk of the Superior Court to apply to the court by bill or petition to enforce the payment of the same; whereupon said court, having caused due notice to be given to the owner or owners of the estate charged with the tax and to such other person or persons as may be interested, shall proceed according to equity to make such decrees or orders for the payment of the said tax out of such estates as shall be just and proper.

Clerk to enter returns.

Public record.

Accounts against estates.

Monthly statements to Commission.

Record by Commission.

Petition for enforcement of payment.

Proceedings on petition.

SEC. 18. *Court may order executor, etc., to file account, etc.*

If the clerk of the court shall discover that said tax has not been paid according to law, the court shall be authorized to cite the executors or administrators of the decedent whose estate is subject to the tax to file an account, or to issue a citation to the executors, administrators, legatees or heirs, citing them to appear on a day certain and show cause why the said tax should not be paid, and when personal service cannot be had, notice shall be given for four weeks, once a week, in at least one newspaper published in said county; and if the said tax shall be found to be due and unpaid the said delinquent shall pay said tax, interest and costs; and it shall be the duty of the solicitor of the district in which the said delinquent resides to sue for the recovery and amount of such tax, and for such services he shall be allowed a fee, to be fixed by the judge, not to exceed five per cent of the amount recovered. The State Tax Commission is authorized and empowered, in settlement of accounts of any clerk, to allow him costs of advertising and other reasonable fees and expenses incurred in the collection of said tax.

Citation to file account.

Citation to appear and show cause.

Notice by publication.

Delinquent to pay tax, interest and costs.

Solicitor to sue.

Fee of Solicitor.

Allowance to clerks on settlements.

SEC. 19. *Clerk to be agent of the State for collection of said tax.*

Clerks agents of State.

The clerks of the court of the several counties of this State shall be the agents of the State for the collection of the said tax, and for services rendered in collecting and paying over the same the said agents shall be allowed to retain for their own use, in addition to other fees or salary received by them, fees according to the following schedule for each estate settled. Any provision in any local act in conflict with this provision is hereby repealed.

Percentage allowed clerks.

Graduated scale of fees.

On the first \$100 of tax collected.....	5 per cent
Above \$100 and up to \$1,000.....	4 per cent
Above \$1,000 and up to \$10,000.....	3 per cent
Above \$10,000 and up to \$50,000.....	2 per cent
Above \$50,000 and up to \$100,000.....	1½ per cent
Above \$100,000 and up to \$300,000.....	1 per cent
Above \$300,000	½ of 1 per cent

Proviso: if total fees are over \$1,000 in one year, commissioners may require payment of two-thirds of excess to general fund.

Provided, that when the total fees collected by the clerk under this schedule shall in any one year exceed one thousand dollars the board of county commissioners may require that an amount not exceeding two-thirds of the excess above one thousand dollars shall be paid into the general county fund where the estate is settled.

Fiduciaries liable on bonds.

SEC. 20. Any administrator, executor or trustee who shall fail to pay the lawful inheritance taxes due upon any estate in his hands or under his control within two years from the time of his qualification shall be liable for the amount of said taxes, and the same may be recovered in an action against such administrator, executor or trustee and the sureties on his official bond. Any clerk of the court who shall allow any administrator, executor or trustee to make a final settlement of his estate without collecting the inheritance taxes due by law shall be liable upon his official bond for the amount of such taxes.

Suit on bonds.

Clerks liable on bonds.

SEC. 21. *Failure of clerk to collect and pay over tax.*

Commission to demand payment of tax collected and not paid over.

If the State Tax Commission shall ascertain that any clerk has failed to collect or pay over any inheritance tax which he should have collected, the State Tax Commission shall demand payment of the same by said clerk at once, and if such clerk shall fail to account for or pay over such tax within sixty days from such demand, or to show that he has not been negligent and has made diligent effort to collect the same, he shall be liable on his official bond for double the said tax, to be recovered by the State Tax Commission in an action in the Superior Court of Wake County: *Provided*, that this section shall not apply to clerks where the estates have been settled and final account of the estate approved prior to the adoption hereof.

Clerk liable for double the tax.

Proviso: does not apply where estates settled prior to act.

INCOME TAX

SEC. 22. *Taxpayer to show his income on list.*

The taxpayer shall list his income for the year ending January first from any and all sources from salaries, fees, trades and professions in excess of one thousand dollars for unmarried persons and fifteen hundred dollars for married persons and widows and widowers having minor child or children.

Taxpayers to list incomes.

Exemptions.

SEC. 23. *What question blank shall contain in regard to income.*

The blanks for listing taxes shall contain the following questions:

1. "Was your gross income from salaries, fees, trades, professions and property not taxed, any and all of them, for the year ending January first, in excess of one thousand dollars if unmarried, or fifteen hundred dollars if married, or widow or widower with minor child or children?"

Questions as to income.

2. "If so, what was the amount of said excess?"

SEC. 23a. That for the year nineteen hundred and nineteen the income that shall be required to be listed shall be the income for that portion of the year May first, nineteen hundred and eighteen, to January first, nineteen hundred and nineteen, and the blank abstracts prepared by the State Tax Commission for the year nineteen hundred and nineteen shall conform to the income tax as provided in this section, and the exemption allowed for the eight months portion shall be two-thirds of the exemption provided for a twelve months period in section twenty-three of this act.

Incomes listed in 1919 those received from May 1, 1918, to January 1, 1919.

Exemption for eight months.

SEC. 24. *Rate of income tax.*

On all gross incomes as provided in the preceding section hereof, a tax to be collected as other taxes for that year shall be levied as follows: On the excess over the amount legally exempted up to twenty-five hundred dollars, one per cent; on the excess above twenty-five hundred dollars and up to five thousand dollars, one and one-half per cent; on the excess above five thousand dollars and up to ten thousand dollars, two per cent; on the excess over ten thousand dollars, two and one-half per cent. The above tax shall not be levied upon the income derived from property already taxed nor upon income less than one thousand dollars if unmarried, or fifteen hundred dollars if married or widow or widower with minor child or children. The incomes subject to the above tax are those derived from property not taxed, from salaries, fees and commissions, public or private; from annuities; from trades or professions, and from any other sources the incomes from which are not specifically exempted from taxation by law.

Tax rate:

On excess up to \$2,500.

On excess over \$2,500 up to \$5,000.

Above \$5,000 and up to \$10,000.

Above \$10,000. Exemptions.

Incomes subject to tax.

SEC. 25. No city, town, township or county shall levy any inheritance tax or income tax.

State tax exclusive.

SCHEDULE B

SEC. 26. *Defining taxes under this schedule.*

License taxes. Taxes in this schedule shall be imposed as license tax for the privilege of carrying on the business or doing the act named, and nothing in this act contained shall be construed to relieve any person or corporation from the payment of tax as required in the preceding schedule. The license issued under this schedule shall be for twelve months and shall expire on the thirty-first day of May of each year. Such license thus obtained shall be a personal privilege, and shall not be transferable nor any abatement in the tax allowed; and unless otherwise provided in the section levying the tax, the tax levied for the use and benefit of the State shall be collected in each county in which the business is conducted, except as otherwise herein provided. Whenever in this act a tax is graduated with reference to the population of the city or town in which the privilege is exercised the minimum tax provided in such section shall be applied to the same business or privilege when conducted or exercised outside of a municipality.

Term of license.

License not transferable.

Collected in county where business is conducted.

SEC. 27. *Theaters.*

Theaters and opera houses. On each room or hall used as a theater or opera house, where public exhibitions or performances are given for profit, the license tax shall be as follows: In cities or towns of one thousand inhabitants or less, ten dollars per annum; over one thousand to three thousand, twenty-five dollars per annum; three thousand to five thousand, fifty dollars per annum; over five thousand to ten thousand, seventy-five dollars per annum; over ten thousand to fifteen thousand, one hundred dollars; over fifteen thousand, one hundred and fifty dollars. The license under this section shall be issued by the sheriff and shall be conspicuously posted in the entrance of the vestibule of the room or hall, and said room or hall shall not be liable for any other license tax by the county, but the said tax shall be divided and one-half paid to the State and one-half to the county. Companies or individuals when performing or exhibiting in rooms or halls licensed under this section shall not be required to pay any other county or State license tax: *Provided*, that no city shall levy a tax greater than the amount levied by the State.

Towns 1,000 or less.
Towns 3,000 to 5,000.
Towns 5,000 to 10,000.
Towns 10,000 to 15,000.
Over 15,000.
License issued by sheriff.

Division of tax.

Companies performing in licensed halls exempt.
Proviso: city tax.

SEC. 28. *Traveling theatrical companies.*

Companies in other than licensed halls. On every traveling theatrical company giving exhibitions or performances in any hall, tent or other place not licensed as provided in the preceding section, whether on account of municipal ownership or for any other reason, five dollars on each day's or part of a day's exhibitions or performances; that two or more exhibitions at different times on the same day and place shall only be liable for one day's tax, and the owner of the hall, tent, or other place

Rate.

Owner of hall liable for tax.

shall be responsible for the tax; but artists exhibiting paintings or statuary, work of their own hands, shall only pay two dollars: *Provided*, all such places of amusement as do not charge more than a total of twenty cents for admission at the door and the right to a reserved seat, and shall perform in any given place as much as one week at a time shall only be required to pay five dollars for the first day and one dollar per day for each succeeding day. Counties, cities, or towns shall not collect a greater amount than that of the State tax, and the proprietor of any such show shall apply in advance to the sheriff of any county in which a performance is to be given, for a license. Failing to do this, the show shall be subject to the actual expenses incurred by the sheriff or tax collector in enforcing payment of the license levied under this section.

Artists exhibiting own work.

Proviso: graduated tax.

County, city and town tax. Application for license.

Expense of collection.

SEC. 28a. *Moving picture or vaudeville shows.*

On each room, hall, or tent used as a moving picture or vaudeville show, a tax as follows: In towns of less than one thousand five hundred inhabitants, ten dollars per annum; less than five thousand inhabitants and more than one thousand five hundred, thirty dollars per annum; less than ten thousand inhabitants and more than five thousand, sixty dollars per annum; in towns or cities with more than ten thousand inhabitants and less than fifteen thousand, one hundred dollars per annum; more than fifteen thousand inhabitants, one hundred and fifty dollars per annum. Counties shall not levy any tax under this section, and cities or towns shall not levy a greater amount of license tax than that of the State.

Places used for moving pictures or vaudeville, graduated tax.

County may not levy tax under section.

SEC. 29. *Circuses, menageries, wild west, dog and pony shows, etc.*

On every exhibition of a circus, menagerie, wild west show, dog and pony show, and every other show not licensed in the preceding sections, a tax as follows, for each day or part of a day: Shows transported by wagons, \$10. Shows requiring transportation of

Exhibitions of circuses, Wild West, dog and pony, and other shows.

15-car trains and less.....	\$ 25
16 to 25-car trains.....	75
25 to 40-car trains.....	100
40 to 50-car trains.....	150
Over 50-car trains.....	200

Scale graduated by number of cars in trains.

Provided, that no county, city or town shall levy more than one-half of the amount levied by the State. On each side-show with shows requiring less than thirty cars for transportation, ten dollars; on all other shows, twenty-five dollars. On every exhibition of a show enumerated in this section that charges more than fifty cents general admission, the tax shall be three hundred dollars. Every county shall have the power to fix the county tax on all

Proviso: county, city and town tax. Side-shows.

All other shows charging more than 50 cents admission,

County tax.

Agricultural
fairs may be
protected.

Proviso: notice
to be given to
sheriff by
commissioners.

Statement to be
filed with
Treasurer.

Treasurer to fix
amount of tax.

Copy to sheriff
or tax collector.

Sheriff to report
advertisement
and exhibitions
to Treasurer.

Treasurer's
investigation.

Increase of tax
for failure to
file statement or
exhibition taxable
at higher rate.

Sheriff charged
with and to
collect tax.

Proviso:
Treasurer may
remit excess.

shows enumerated in this section at such amount as the county commissioners shall deem proper, not to exceed one-half the amount levied by the State. That the various county commissioners of any county in North Carolina in which there is a regularly organized agricultural fair may refuse to allow any circus, menagerie, wild west show, dog and pony show, carnival show, to exhibit within five miles of such fair either one week prior to or from its beginning to its ending: *Provided*, that notice is given the sheriff by the commissioners of said county not to issue such license to said entertainments sixty days prior to the date of such exhibition. The person, firm or corporation by whom any show taxed under this section is owned or controlled shall file with the State Treasurer, not less than five days before the same shall enter the State for the purpose of exhibiting therein, a statement, duly subscribed, setting out in detail such information as the State Treasurer may deem necessary to cover the places within the State where exhibitions are to be given, the character of the exhibition, etc. Upon receipt of such statement the State Treasurer shall fix and determine the amount of the license tax with which such show is chargeable, and shall indorse his findings upon such report, and transmit a copy thereof to the sheriff or tax collector of each and every county in which such show is to exhibit, with full and particular instructions as to the license tax to be collected therefrom, which instructions may be modified from time to time when deemed necessary for the purpose of the proper enforcement of this section. It shall be the duty of the sheriff of each and every county in which such circuses or shows are advertised or exhibited to promptly communicate such information to the State Treasurer; and in case the statement respecting any such shows as herein enumerated shall not be filed in time for certified copies thereof, with proper instructions, to be transmitted to the sheriffs of the several counties, it shall be the duty of the State Treasurer to cause his duly authorized representative to attend at one or more points in the State where such circus or show is advertised or expected to exhibit, for the purpose of securing such statement, or fixing and determining the amount of the license tax with which such show is chargeable and of giving proper instructions for the collection of such tax. Any circus or show which shall exhibit in the State before said statement shall have been filed, or which shall, after the filing of such statement, give any exhibition taxable at a higher rate than the exhibition authorized by the State Treasurer upon the basis of the statement filed, shall be chargeable with a license tax of fifty per cent greater than that hereinbefore prescribed, and the sheriff of any county in which such circus or show shall exhibit shall in all cases collect such excess tax and shall be charged with and make settlement as for other taxes: *Provided*, that the State Treasurer in his discretion may remit such excess tax, wholly or in part.

On all carnival companies, traveling circuses and shows of like character, moving picture and vaudeville shows, museums and menageries, merry-go-rounds and ferris wheels, and other like amusement enterprises, conducted for profit under the same general management and filling week-stand engagements, or in giving week-stand exhibitions, whether under canvas or not, the following taxes shall be paid for each week or part of week, to wit: On all such carnival companies and traveling circuses and shows of a like character, consisting of not more than six distinct attractions, conducted for profit, one hundred dollars (\$100) for the State and a like amount for the county; and, when consisting of more than six distinct attractions, conducted for profit, one hundred and fifty dollars (\$150) for the State and a like amount for the county: *Provided*, that towns and cities of less than ten thousand inhabitants may levy a like tax, in an amount not greater than that levied for both State and county purposes; and cities of more than ten thousand inhabitants may levy a like tax, in an amount not greater than twice that levied for both State and county purposes: *Provided further*, that no such carnival company or combination shall be relieved from the payment of the tax hereinbefore provided for, or of any part thereof, whether State, county, or municipal, by reason of the donation or appropriation of the whole or any part of the proceeds arising from the carrying on of the same to any religious, charitable, educational or other cause whatsoever: *Provided*, that this section does not repeal any local act prohibiting the showing of carnivals or the authority of the board of county commissioners to prohibit such shows.

SEC. 29a. On all permanent "Amusement Parks," when admission is regularly charged to either said park or any show, attraction or feature contained therein, two hundred and fifty dollars: *Provided*, no city, town or county shall levy any additional tax on such park or show, attractions or features contained therein: *Provided further*, any show, attraction or feature contained in such park shall be exempt from the provisions of this act: *Provided further*, this section shall not apply to baseball parks or parks owned or controlled by municipalities.

SEC. 30. *Certain entertainments exempt from license tax.*

All exhibitions or entertainments given for the sole benefit of religious, charitable or educational objects shall be exempt from taxation: *Provided*, that when operas, chautauquas, star courses or theatrical troupes are employed, such as usually appear in licensed halls or theaters, then the tax shall be the same as that imposed on traveling theatrical companies performing in unlicensed halls: *Provided further*, that no tax shall be charged for any exhibitions or entertainments for the sole benefit of religious, charitable or educational objects and given in halls used at the

Carnival companies, etc.

Companies of not more than six attractions.
More than six attractions.

Proviso: cities and towns of less than 10,000.

Cities of more than 10,000.

Proviso: no rebate for donations.

Proviso: local acts forbidding shows not affected.

Permanent amusement parks.

Proviso: parks exempt from local tax.

Proviso: attractions in park exempt.

Proviso: does not apply to baseball or municipally-owned parks.

Exhibitions for sole benefit of religious, charitable or educational objects.
Proviso: chautauquas, operas, star courses.

Proviso: religious, charitable or educational objects.

Free exhibitions
at city parks.

Proviso: chautauquas exempt
from county,
city and town
tax.

List of trades
and professions.

Proviso: no
municipal or
county tax.
License good in
all counties.

Rent collect-
ing and real
estate agents.
Towns less
than 5,000.
Towns 5,000 to
10,000.
Towns 10,000
to 15,000.
More than
15,000.
Subject to
municipal tax.

Real estate
auctions.

Proviso: does
not apply to
sales under
mortgage.

Coal dealers.

Wholesale.

Retail.

Towns less than
2,500.
Towns 2,500 to
10,000.
Towns more
than 10,000.
Proviso: dealers
not delivering.

time exclusively for such objects, nor for exhibitions given at city parks and other resorts, when no charges for admission are made: *Provided*, no county, city or town shall levy any additional tax on chautauquas, and no tax shall be collected for the use of the State on any bona fide chautauqua acting under contract with local committee of guarantors.

SEC. 31. *Attorneys, physicians, dentists, etc.*

On each and every practicing lawyer, practicing physician, dentist, oculist, photographer, optician, osteopath, architect, optometrist, veterinary surgeon, accountant, fire insurance adjuster, electrical engineer, chiropractor, civil engineer, or any person practicing any professed art of healing for fee or reward, the sum of five dollars: *Provided*, that no city, town, or county shall levy an additional license tax under this section. Said license when paid in one county shall be good in every other county in the State.

SEC. 32. *Real estate and rent-collecting agents.*

Every individual or firm or his or their agents acting as agent in buying and selling real estate of any and every description, or collecting rent for compensation, shall pay an annual license tax, in towns of less than five thousand, ten dollars; in towns of more than five thousand and less than ten thousand, fifteen dollars; in towns of more than ten and less than fifteen thousand, twenty dollars; in towns of more than fifteen thousand, twenty-five dollars. Cities and towns may, in their discretion, levy a tax under this section not in excess of the State tax.

SEC. 32a. *Real estate auction sales.*

Any person, firm or corporation that conducts auction sales of real estate for profit shall pay a tax of ten dollars per day on which auction sales of real estate are held, and the county may levy an equal amount: *Provided*, this tax shall not apply to sales under mortgage, deed of trust, or order of court.

SEC. 33. *Coal dealers.*

On every individual, corporation, firm, or association of persons engaged in and conducting the business of selling coal, at wholesale, an annual license tax of twenty-five dollars; at retail, an annual license tax in each town in which coal is sold or delivered: in towns of less than two thousand five hundred inhabitants, five dollars; in towns of more than two thousand five hundred and less than ten thousand inhabitants, fifteen dollars; in towns of more than ten thousand, fifty dollars: *Provided*, that where the retailer does not deliver the coal to his customers by means of wagons or freight cars or other vehicles, that in such case the annual license tax in any city shall be five dollars.

SEC. 34. *Collecting agencies.*

On every collecting agency collecting accounts, bills, notes or other money, from one person in favor of another, an annual license tax of twenty dollars.

Collecting agencies.

SEC. 34a. *Dealers in second-hand clothing.*

On every dealer in second-hand clothing, an annual license tax of forty dollars.

Dealers in second-hand clothing.

SEC. 34b. *Undertakers and embalmers, and retail dealers in coffins.*

On all undertakers and embalmers and retail dealers in coffins, an annual license tax in towns and cities of over fifteen thousand inhabitants fifty dollars: in towns and cities of more than ten thousand and less than fifteen thousand, thirty dollars: in towns and cities of more than five thousand and less than ten thousand, twenty dollars: in cities and towns or villages of less than five thousand inhabitants, ten dollars: in villages of less than five hundred inhabitants, the annual license tax shall not be more than five dollars: *Provided*, that this act shall not apply to cabinet makers (and who is not an undertaker) who makes coffins to order.

Undertakers and retail dealers in coffins.
 Cities over 15,000.
 More than 10,000, less than 15,000.
 More than 5,000, less than 10,000.
 Less than 5,000.
 Less than 500.
 Proviso: does not apply to cabinet-makers.

SEC. 35. *Dealers in horses and mules.*

On all persons, firms, or corporations who buy and sell horses and mules as a business or for profit, an annual license tax of twenty-five dollars. If horses or mules are shipped by carload, this tax shall give authority to buy and sell one carload of horses and mules, and for each additional carload of horses or mules bought, an additional tax of five dollars per car shall be paid semi-annually to the sheriff. Every person, firm or corporation engaged in this business shall keep an accurate record of invoices and freight bills covering such shipments until such invoices and freight bills shall have been checked up by the sheriff or traveling auditor of the State Tax Commission. The license for conducting the said business shall be issued by the sheriff of any county in which horses and mules are bought or sold, and shall be good in any county in the State: *Provided*, a separate license shall be required in every county where a separate place of business is maintained. No county, city, or town shall levy or collect any tax under this section. Any person required to take out a license under this section who shall sell or attempt to sell any horses or mules without having obtained such license shall be deemed guilty of a misdemeanor, and upon conviction shall be fined fifty dollars or imprisoned not exceeding thirty days, the fine to be paid into the State Treasury for the general school fund. No persons shall feign or pretend to be partners when they are in fact not bona fide such, in order to evade the tax to which

Dealers in horses and mules.
 Wholesale dealers.

License issued by sheriff.

Dealers must keep records to be checked by sheriff.

License good in all counties.

Proviso: separate license for each place.

No municipal or county tax.

Selling or attempting to sell without license a misdemeanor.
 Punishment.

Evasion of tax a misdemeanor.

Livery stable
keepers
classed as
dealers.

Proviso :
persons
dealing in
stock of their
own raising.
Proviso : relief
from tax under
section 41.

they would otherwise be liable under the provisions of this section, and a violation of this provision shall make the offender guilty of a misdemeanor. All persons, firms, or corporations operating under a livery stable license who buy horses and mules for sale shall be classed as horse dealers and, in addition to their livery stable tax, shall be required to pay such tax as he or they shall be liable for under this section: *Provided*, that this section shall not apply to persons dealing solely in horses or mules of their own raising: *Provided*, any person, firm, or corporation who pays the tax laid in this section shall not be liable for the twenty-five dollars license tax mentioned in section forty-one.

SEC. 36. *Phrenologists.*

Phrenologists.

On every person engaged in the practice of phrenology an annual license tax of twenty-five dollars for each county in which such person does business.

SEC. 37. *Bicycle dealers.*

Dealers in
bicycles and
fixtures.

Towns of
12,000 or over.
Towns less than
12,000.

On every individual, corporation, association, or firm, or his or their agents, engaged in the business of buying and selling bicycles or bicycle and motorcycle supplies and fixtures, an annual license tax as follows: In cities or towns of twelve thousand inhabitants or over, ten dollars; in cities and towns of less than twelve thousand inhabitants, five dollars: *Provided*, that nothing in this section shall apply to any individual, corporation, association, or firm conducting the exclusive business of repairing bicycles.

SEC. 38. *Commission merchants and persons selling stock in foreign corporations.*

Commission
merchants and
brokers.

On every commission merchant, broker, or dealer buying or selling goods and merchandise on commission, ten dollars per annum; and on every person, individual, firm, or corporation selling or offering for sale stock in foreign corporations, an annual tax of one hundred dollars.

SEC. 39. *Ship brokers.*

Ship brokers.

On every person engaged in the business of managing the affairs occurring between the owners of vessels and the shippers or consignees of the freight which they carry, usually known as "ship brokers," an annual license tax of forty dollars; on every person owning or operating marine railways with a hauling capacity of less than eighty tons, fifteen dollars; on every marine railway with a hauling capacity of more than eighty tons and less than one hundred and fifty tons, fifty dollars; on every marine railway with a hauling capacity of more than one hundred and fifty tons, seventy-five dollars.

Marine railways
less than 80
tons.

More than
80 and less
than 150 tons.

More than
150 tons.

SEC. 40. *Pawnbrokers.*

No person shall without a license authorized by law engage in the business of lending money or other things for profit for or on account of specific articles of personal property, other than farm products, deposited with the lender in pledge. Any person who shall in any manner lend or advance money as aforesaid on the pledge and possession of such personal property shall be held to be a pawnbroker. After such person shall have forfeited his right to redeem the property the pawnbroker may cause said property to be sold at public auction. The expense attending the sale shall be paid out of the proceeds of sale, and if any surplus arise from the sale, after satisfying the money advanced, with the interest and costs which have accrued, such surplus shall be paid over to the person depositing the property as aforesaid. Any person acting as pawnbroker without a license shall pay a fine of not less than fifty nor more than five hundred dollars. A pawnbroker shall pay for the privilege of transacting business an annual license tax of two hundred dollars.

Doing business without license forbidden.

Pawnbroker defined.

Sale of unredeemed pledges.

Expenses of sale.

Disposition of surplus.

Penalty for doing business without license.

License tax.

SEC. 41. *Livery stables.*

On every person, firm, or corporation who keeps horses or mules to hire or let, with or without vehicle, one dollar for every horse or mule kept for that purpose. Such person shall on the 31st day of May of each year furnish to the sheriff a sworn statement of the number of horses or mules sold or so kept at any time during the preceding twelve months, the taxes to be collected by the sheriff or tax collector. Every person, firm, or corporation, operating under a livery stable license who sells more than five horses or mules within six months shall be classed as a horse dealer and shall pay an additional tax of twenty-five dollars, and shall post license from a sheriff in some conspicuous place in his office or place of business.

Livery stable.

Annual statements.

Livierymen classed as horse dealers. Additional tax.

License to be posted.

SEC. 42. *Sewing machines.*

Every person, firm, or corporation selling sewing machines in this State shall pay an annual license tax to the Treasurer of one hundred dollars (\$100), and the Treasurer shall issue a license to said person, firm, or corporation to sell sewing machines until July first next thereafter. In addition to the license tax above required, every person, firm, or corporation selling sewing machines shall pay a tax of eighty (80) cents on every hundred dollars of the total amount received during each year for or on account of machines sold, leased, or exchanged in this State during said year and prior thereto, after the ratification of this act, which tax shall be paid to the Treasurer before securing an annual license on July first in each year. Any person, firm, or corporation selling sewing machines without having paid the license tax required by this section shall pay a penalty of two hundred and

Sewing machines.

Tax on receipts.

Tax paid before renewal of license.

Penalty for sale without license.

Double license and sales taxes. fifty dollars, to be recovered by the Treasurer in a civil action in the Superior Court of Wake County, and shall also pay double the license and sales taxes required by this section for the year then current. When a person, firm, or corporation makes application for the license required by this section the Treasurer shall require a sworn statement showing the amount of sales of sewing machines made by the applicant in this State for the year preceding the first day of July then last past. The Treasurer may require an itemized statement and may require the production of books and papers and may make such investigation as he may deem proper; and after making said investigation the Treasurer shall find what was the amount received from said sales for said year, and shall collect tax upon said amount at the rate aforesaid.

Sworn statements on application for license. If the applicant be a natural person he shall sign the application and statement of sales and swear to the correctness of the latter. If the application be made by a firm, one of the partners shall verify the application. If it be made by a corporation, the verification of the statement shall be made by one of the managing officers.

Investigation by Treasurer. Any person, firm, or corporation making a false statement for the purpose of defrauding the State out of taxes due under this section shall be guilty of a misdemeanor, and shall be liable to a penalty of one thousand dollars, to be recovered by the Treasurer in a civil action to be instituted in the Superior Court of Wake County. Any person, firm, or corporation taking out license under this section may employ an unlimited number of agents and secure a duplicate copy of said license for each agent by paying a fee of one dollar to the Treasurer, and the county in which the applicant does business may charge a tax of five dollars; each duplicate license so issued to contain the name of the agent to whom it is issued and the same to be nontransferable. An agent holding such duplicate copy of license is licensed thereby to sell only the sewing machines sold by the holder of the original license. No person, firm, or corporation licensed under this section shall be required to pay any other license or privilege tax; and no county shall have the right to impose any license or privilege tax. No city or town shall levy a license or privilege tax exceeding twenty dollars on any dealer having an office or selling from any receiving point. No person, firm, or corporation paying a tax upon gross sales under this section shall be required to pay a tax on the said sales under or by virtue of any other section of this act. Any merchant or dealer who shall buy sewing machines from a manufacturer or dealer paying the license and gross sales tax hereunder, may sell such sewing machines without paying any gross sales tax thereon, and without paying any license tax except the cost of securing a duplicate license in the name of the person, firm, or corporation taking out the license, and paying the gross sales tax; and such duplicate license shall protect any person, firm, or corporation selling sewing machines upon which the license and gross

Finding amount sales and collecting taxes.

Verification of report.

False statement a misdemeanor. Penalty. Action for penalty. Employment of agents.

Tax for duplicates of license. County tax. Duplicates nontransferable.

Machines sold under duplicate.

No further license required.

No county to impose license tax. City or town privilege tax.

Tax on sales full settlement.

Purchases by merchants or dealers.

Duplicate in name of original purchaser of license.

sales taxes shall have been paid, from any additional tax. Such duplicate license issued to such dealer may be issued in the name of the person, firm, or corporation taking out the original license and paying the gross sales tax, but may be marked for the benefit of the person, firm, or corporation desiring to again sell in this State such sewing machines.

SEC. 43. *Feather renovators.*

On every individual or firm or association of persons, or his or their agents, engaged in the business of renovating feathers, a license tax as follows: Ten dollars for each county in which such business may be solicited or conducted.

Feather
renovators.

SEC. 44. *Peddlers.*

Any person who shall carry from place to place any goods, wares, or merchandise and offer to sell or barter the same or actually sells or barter the same, shall be deemed to be a peddler and shall pay a license tax as follows: Each peddler on foot, twenty-five dollars for each county: each peddler with horse, ox, or mule, with or without vehicle, or with a vehicle propelled by any other power, seventy-five dollars for each county: each and every peddler of medicinal and proprietary preparations, flavoring extracts, spices and toilet articles, whether on foot or with horse, mule or ox, with or without vehicle, or with vehicle propelled by any other power, but having no free or paid attractions and no attractions upon the streets nor in a tent nor any other place for the purpose of receiving trade, one hundred dollars for each county: each and every peddler of medicines or drugs, whether on foot or with horse, mule, or ox, with or without a vehicle, or with a vehicle propelled by any other power, and having any free or paid attractions upon the street or in a tent or in any other place for the purpose of receiving trade, one hundred and fifty dollars for each county. Every itinerant salesman who shall expose for sale, either on the street or in a house rented temporarily for that purpose, goods, wares, or merchandise, shall pay a tax of one hundred dollars in each county in which he shall carry on such business, whether as principal or as agent for any other person. Every person mentioned in this section shall apply in advance for a license to the board of county commissioners of the county in which he purposes to peddle or sell, and the board of county commissioners may, in their discretion, issue the license upon the payment of the tax to the sheriff, which shall expire at the end of twelve months from its date. This section shall not apply to those who sell or offer for sale books, periodicals, printed music, ice, fuel, fish, vegetables, fruits, or any article of the farm or dairy or articles of their own individual manufacture, except medicines or drugs. The board of county commissioners shall have power at their discretion to exempt from tax under this section any poor and infirm person, and shall exempt Confederate soldiers, and such license

Peddler defined.

Peddlers on
foot.
Other peddlers.
Peddlers of
specifics with-
out advertising
attractions.

Peddlers of
specifics with
advertising
attractions.

Itinerant
salesmen.

Application for
license.

Issuance of
license discre-
tionary.

Peddlers not
subject to tax.

Power of county
commissioners
to exempt.

Confederate soldiers exempt.

Persons considered peddlers.

Proviso: exchanging woolen goods for wool.

Proviso: drummers selling by wholesale and blind persons.

Proviso: persons defined as itinerant merchants.

Proviso: tax refunded.

Proviso: county taxes under special acts.

Mercantile agencies.

No municipal or county tax. Representing unlicensed agency a misdemeanor.

Gipsies or fortune-tellers.

Indictments not barred.

Palmists and clairvoyants.

Lightning-rod agents.

shall be good in any county in the State. And no city, town, or county shall levy any tax on Confederate soldiers acting as peddlers. Any person carrying a wagon, cart, buggy, or motor-driven vehicle, or traveling on foot for the purpose of exhibiting or delivering any wares or merchandise, shall be considered a peddler: *Provided*, that this section shall not apply to persons or their agents engaged in exchanging woolen goods for wool: *Provided further*, that this section shall not apply to drummers selling by wholesale and bona fide residents who are blind: *Provided further*, that each person other than a bona fide citizen of the county in which he shall undertake to do business, who shall expose for sale goods, wares, or merchandise in any building, room, or stand rented for such purpose shall be liable to the tax herein imposed upon itinerant dealers: *Provided further*, that such tax shall be refunded to any such dealer who shall continue to do business in such county for a period of one year: *Provided further*, that nothing in this section shall prevent counties having special acts applying thereto from collecting a higher tax in accordance with the provisions of said special act.

SEC. 45. *Mercantile agencies.*

On every mercantile agency or association doing or soliciting business in this State which has for its object the rating of the commercial status of persons, firms, or corporations, the sum of two hundred and fifty dollars, to be paid by the principal office in the State to the State Treasurer; and no city, town, or county shall levy any additional license tax. Any person representing any mercantile agency which has failed to pay a license tax as above provided shall be guilty of a misdemeanor.

SEC. 46. *Gipsies or fortune-tellers.*

Every company of gipsies or strolling bands of persons living in wagons or tents or otherwise who trade horses or mules or receive rewards for pretending to tell fortunes, two hundred dollars in each county in which they offer to trade horses or mules or practice any of their crafts, recoverable out of any property belonging to any of the company; but nothing herein contained shall be so construed as to exempt them from indictment or penalties imposed by law; and any other person or persons receiving reward for pretending to tell fortunes or practicing the art of palmistry, and clairvoyants, shall pay twenty-five dollars in each county in which they offer to practice their profession or craft.

SEC. 47. *Lightning rod agents.*

Every person, firm, or corporation selling and erecting lightning rods in the State shall pay an annual license tax to the Insurance Commissioner of fifty dollars for each year, ending July first next, at which time all such licenses shall expire, and

the Insurance Commissioner on written application in such form as he shall prescribe, shall issue a license to said person, firm, or corporation to sell licensed brands of lightning rods until July first next thereafter. In addition to the license tax above required, every person, firm, or corporation selling lightning rods shall pay a tax of eighty cents on every hundred dollars received from the sale of lightning rods, which tax shall be paid to the Insurance Commissioner semiannually on or before January 30th and July 30th of each year. No license shall issue until all license fees and taxes are paid. Sworn returns for taxes shall be made to the Insurance Commissioner in such form as he shall prescribe, and the Insurance Commissioner may require the production of books and papers and make such investigation as he may deem proper. Any person, firm, or corporation making a false statement in any application or report required by this section shall be guilty of a misdemeanor, and shall also be liable to a penalty of one hundred dollars, to be recovered by the Insurance Commissioner in a civil action to be instituted in the Superior Court of Wake County. Each county in which any applicant sells or erects or proposes to sell or erect rods, shall be entitled to a tax of five dollars to be collected by the Insurance Commissioner, and by him shall be paid into the treasury of the county.

Any person, firm, or corporation taking out license under this section may employ agents and secure a duplicate copy of said license for each agent by paying a fee of one dollar to the Insurance Commissioner, each duplicate license so issued to contain the name of the agent to whom it is issued, and the same to be nontransferable. An agent holding such duplicate copy of license is licensed thereby to sell or erect only the classes or licensed brands of rods sold by the holder of the original license. No person, firm, or corporation licensed under this section shall be required to pay any other license or privilege tax. No county, city, or town shall levy a license or privilege tax exceeding twenty dollars on any dealer having a general office or selling from any receiving point. No person, firm, or corporation paying a tax upon gross sales under this section shall be required to pay a tax on said sales under or by virtue of any other sections of this act. Said amount shall be payable to the Insurance Commissioner for the use of the State and each county upon a license being issued by him, which license he is authorized to issue to sell such brand or make of lightning rods as are standard and efficient when properly erected. Only approved and licensed brands of lightning rods shall be allowed to be sold in this State and only by licensed agents.

Upon the filing with the Insurance Commissioner of samples of brands of rods by the manufacturer or maker of lightning rods

Additional tax.

Payment of sales tax to Insurance Commissioner.

Returns of sales.

Verification.

False statement a misdemeanor.

Penalty and its recovery.

Duplicates of licenses.

County and municipal tax.

Only approved and licensed rods may be sold

Approval by Insurance Commissioner.

and the payment of fifty dollars for each brand, the Commissioner is authorized to approve and license said brands of proper character and make.

SEC. 48. *Hotels.*

Hotels:
graduated tax.

On each hotel charging for transient custom more than one dollar and less than two dollars per day, an annual tax of twenty-five cents for each and every room; hotels charging not less than two dollars nor more than three dollars per day, fifty cents per room; hotels charging in excess of three dollars per day, seventy-five cents per room. Each hotel run on the European plan shall pay an annual tax of fifty cents on each room for which the charge is one dollar and fifty cents or less; on rooms for which the charge is over one dollar and fifty cents and less than two dollars and fifty cents, one dollar; on all rooms two dollars and fifty cents or more, one dollar and fifty cents. The office, dining-room, one parlor, the kitchen and two other rooms shall not be counted when calculating the number of rooms in the hotel: *Provided*, that one-half of the foregoing taxes shall be collected from resort hotels and boarding houses which are kept open for only six months or less in the year, whether the charges are made at daily, weekly, or monthly rates: *Provided further*, that this tax shall not apply to boarding houses charging less than ten dollars per week.

European plan
hotels.

Rooms not
counted.

Proviso: resort
hotels.

Proviso: does
not apply to
boarding houses
charging less
than \$10 a week.

SEC. 48a. *Restaurants.*

Restaurants or
hotel dining
service on Euro-
pean plan.
Graduated tax.

On each restaurant, or upon each hotel operating dining service on European plan, an annual license tax as follows: on those having chairs for less than ten persons, five dollars; on those having chairs for more than ten persons and less than twenty-five persons, ten dollars; on those having chairs for more than twenty-five persons, fifteen dollars.

SEC. 49. *Cotton compresses.*

Cotton com-
presses.

Every individual, firm, corporation, or association of persons engaged in the business of compressing cotton shall pay an annual license tax of two hundred and fifty dollars on each and every compress.

SEC. 50. *Billiard and pool tables, and bowling alleys.*

Billiard and
pool tables and
bowling alleys.
Tables and
alleys outside
towns.

On each billiard or pool table, each track of the bowling alley or alley of like kind kept for public use, an annual license tax of twenty-five dollars: *Provided, however*, that it shall be unlawful for any sheriff or other officer to issue a license under this section to any person or corporation to maintain a billiard or pool table or bowling alley for public use outside of incorporated towns or cities, except with the approval of the county commissioners, and all applications for such licenses are hereby required to be filed with the county commissioners at least ten

Application for
license.

days before being acted upon, and notice thereof published in some newspaper published in the county once a week for two weeks, or posted at three conspicuous places in the community where the license is to be exercised, for two weeks prior to the action of the county commissioners thereon: *Provided further*, that nothing herein shall be construed to require the payment of a license tax on bowling alleys in public parks or on public playgrounds not operated for gain or profit. Notwithstanding the issuance of license by the sheriff hereunder, any city or town shall have the right to prohibit the keeping, for public use, of any billiard or pool tables, bowling alley or alleys of like kind within its limits: *Provided further*, that one-half of the foregoing tax shall be collected from pool-rooms at winter or summer resorts which are kept open for not more than five months in the year.

Notice by publication required.

Parks and playgrounds.

Pool-rooms at resorts.

SEC. 51. *Gift enterprises; prize photographs.*

On any gift enterprise or any person or establishment offering any article for sale and proposing to present purchasers with any gift or prize as an inducement to purchase, twenty-five dollars; on every itinerant dealer in prize photographs or prizes of any kind, one hundred dollars in each county in which the business is conducted. The taxes in this section shall be paid to the sheriff or tax collector of the county, but shall not be construed as giving license or relieving such person or establishment from any penalties incurred by violation of the law.

Gift enterprises.

Itinerant dealers.

Taxes paid to sheriff.

Tax does not relieve from prosecution for violation of law.

SEC. 52. *Slot machines.*

Upon every slot machine operated in this State wherein is kept any article to be purchased by depositing therein any coin or thing of value, and for which may be had any article of merchandise whatsoever, or anything that can be exchanged for any article of merchandise, the sum of two dollars and fifty cents for every machine for each county where set up or operated. Upon every such machine wherein may be seen any picture, or any music may be heard by depositing in the machine any coin or thing of value, and each weighing machine and every machine for making stencils by the use of contrivances operated by slot, wherein money or other thing of value is to be deposited, the sum of two dollars and fifty cents for each machine in each county where set up or operated: *Provided*, that this section shall apply only to such slot machines where the return is in all cases both fixed and certain: *Provided further*, that no specific license tax shall be levied or collected on merchandise machines delivering merchandise of the market value of the coin deposited and used as an automatic clerk and kept by dealers in their storehouses and paying taxes as a merchant, or slot machines where drinking-water is delivered at one cent a glass: *Provided further*, that any person using, running, or operating a slot machine of any descrip-

Slot merchandise machines.

Picture or music machines.

Weighing and stencil machines.

Proviso: return fixed and certain.

Proviso: automatic clerks.

Machine delivering drinking-water.

Operation of other machines a misdemeanor. Punishment.

tion for any other purpose than above set forth, or machines exhibiting nude or obscene pictures, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than two hundred nor more than five hundred dollars, or imprisoned not less than three months nor more than one year, or both, at the discretion of the court: *Provided further*, where any machine requires a deposit of more than one cent, the tax shall be five dollars on each machine.

SEC. 53. *Bagatelle tables, etc.*

Bagatelle tables, shooting galleries and other games or play.

Graduated tax.

Towns of less than 5,000.
From 5,000 to 10,000.
More than 10,000.

Skating rinks: graduated tax.

Towns of less than 5,000.
From 5,000 to 10,000.
Over 10,000.
Proviso: tax outside of towns.

On each bagatelle table, merry-go-round, hobbyhorse, switchback railway, shooting gallery, or place for any other games or play, with or without name (unless used for private amusement or exercise alone), the following graduated tax shall be paid, to wit: In cities or towns of less than five thousand inhabitants, five dollars; from five thousand to ten thousand inhabitants, ten dollars; in all cities or towns of more than ten thousand inhabitants, twenty dollars. If kept in connection with any place where drinks of any kind are sold, fifty dollars. On skating rinks (unless used for private amusement or exercise alone), the following graduated tax, to wit: In cities or towns of less than five thousand inhabitants, five dollars; from five thousand to ten thousand inhabitants, ten dollars; and all cities or towns of more than ten thousand inhabitants, twenty dollars: *Provided*, that on each bagatelle table, merry-go-round, hobbyhorse, switchback railway or shooting gallery carried on outside of any incorporated city or town, the sum of five dollars. If kept in connection with any place where drinks of any kind are sold, fifty dollars.

SEC. 54. *Stockbrokers.*

Stockbrokers.

Every dealer in stocks, bonds, or other securities shall pay for the privilege of transacting business an annual license tax in towns of less than five thousand inhabitants, ten dollars; in towns of more than five thousand and less than ten thousand inhabitants, twenty-five dollars; in towns of more than ten thousand and less than fifteen thousand inhabitants, fifty dollars; in towns of more than fifteen thousand inhabitants, one hundred dollars. No county, city, or town shall levy or collect any tax under this section exceeding twenty-five dollars for the county and ten dollars for the city or town.

SEC. 55. *Bottling works.*

Bottling works.

Graduated tax.

Each person, firm, or corporation manufacturing or bottling soda water, coca-cola, pepsi-cola, ginger ale, and like preparations shall pay an annual tax, in rural districts and towns of two thousand five hundred inhabitants or less, thirty dollars; in towns of over two thousand five hundred and not exceeding five thousand inhabitants, sixty dollars; in towns of over five thousand and not exceeding ten thousand inhabitants, ninety dollars; in towns and

cities of over ten thousand and not exceeding twenty thousand inhabitants, one hundred and twenty dollars; in towns and cities of over twenty thousand inhabitants, one hundred and fifty dollars. Every wholesale dealer dealing in the products enumerated in this section shall pay one-half of the taxes imposed in this section; and when manufacturers or bottlers are also wholesale dealers in the products of other manufacturers, they shall also be liable for the tax as wholesale dealers: *Provided*, that wholesale dealers dealing in products manufactured or bottled by manufacturers or bottlers who have paid the tax imposed in this section, shall be liable for one-fourth of the tax imposed in this section: *Provided further*, that no county shall levy more than one-half of the amount levied by the State.

Wholesale dealers.

Proviso: wholesale dealers selling products of taxed bottles.

County tax.

SEC. 56. *Packing houses.*

Upon every meat packing house doing business in this State and upon every wholesale dealer in meat packing house products who owns and operates in this State a cold storage plant or cold storage warehouse in connection with said wholesale business, one hundred dollars for each county in which said business is carried on: *Provided*, that nothing in this act shall apply to packers slaughtering within the State as much as fifty per cent of their sales.

Packing houses or dealers with cold storage plants.

Proviso: exception.

SEC. 57. *Newspaper contests.*

Every person, corporation, or association that conducts contests and offers a prize or prizes to obtain subscriptions to newspapers, an annual license tax of ten dollars for weekly, semi- or triweekly newspapers, and twenty-five dollars for each daily newspaper in which said contest is advertised.

Newspaper contests.

SEC. 58. *Persons, firms, or corporations selling certain oils.*

Each person, firm, or corporation selling illuminating oil, lubricating oil, benzine, naphtha, or gasoline in this State shall pay an annual license tax to the State Treasurer, on or before the first day of July in each year, for the twelve months preceding the first day of June, where the gross sales exceed twenty-five thousand dollars, one per centum upon such gross sales. The said amount of sales shall be returned to the State Treasurer by the general manager of said oil company. If a corporation, and if a natural person, by him, and duly sworn, upon forms to be prepared by the State Treasurer for that purpose. Any person, firm, or corporation subject to this license tax and doing business in this State without having paid such license tax shall be liable to a penalty of one thousand dollars and in addition thereto to double the tax imposed by this section; and the State Treasurer is authorized to bring any suit for the collection of the same in the Superior Court of Wake County. No county shall impose any tax under this section upon the business of oil dealers. No

Dealers in oils, benzine, naphtha and gasoline.

Tax on sales.

Penalty for doing business without license.

Suit for collection.

No county tax.

Municipal tax. city or town shall levy a license or privilege tax exceeding ten dollars, and only when there is located in such city or town an agency, station or warehouse for the distribution and sale of such oils; and the person, firm or corporation paying the tax upon the gross sales as aforesaid shall not be liable for any other tax except the *ad valorem* tax upon the property situate and being in this State: *Provided*, that no tax shall be collected under the provisions of this section while the inspection fees or charges are collected under and by virtue of chapter five hundred and fifty-four of the Public Laws of one thousand nine hundred and nine, entitled "An act to provide for the inspection of illuminating oils and fluids," or under any act passed by the General Assembly of nineteen hundred and seventeen.

Proviso: payment of inspection fees.

SEC. 59. *Automobiles for hire.*

Motor vehicles for hire. On every person, firm, or corporation who keeps automobiles or other motor vehicles for hire, and who in each and every May lists a poll tax or property for taxation in the county in which the business is transacted, shall pay an annual tax of five dollars for each automobile or other motor vehicle kept for that purpose and having seating capacity for not more than seven persons, and for motor vehicles having seating capacity for more than seven persons, ten dollars: and if such person, firm, or corporation aforesaid does not list a poll or property for taxation the annual tax shall be ten dollars for motor vehicles having seating capacity for not more than seven persons, and twenty dollars for motor vehicles having seating capacity for more than seven persons. Every person, firm, or corporation operating one or more automobiles for hire shall carry a number plate in a conspicuous place on each machine so operated for hire, on which shall be printed or stamped the words, "For hire," and also number and date said license expires. Every person, firm, or corporation violating the provisions of this section shall be subject to a fine of five dollars for every day the offense continues without having said license plate. It shall be the duty of the State Tax Commission to purchase a sufficient number of plates for each county, to be paid for by the State Treasurer, and it shall be the duty of the sheriff in each county to purchase a sufficient number of license plates for his county and remit to the State Tax Commission, to be returned to the State Treasurer one-half of the cost of the license plates, to be deducted by the sheriff from the county tax. The authority herein given for purchase of license plates by the State shall include authority for payment for license plates purchased for the State for the years 1917 and 1918: *Provided*, the penalty provided above shall not apply, if the tax has been paid and application for the tax made to the sheriff of the county, until tag is furnished by the sheriff.

Graded tax.

Number plates.

Penalty for violations of act.

Tax Commission to supply plates to sheriff.

Proviso:

SEC. 60. *Building and loan associations.*

That on every building and loan association which avails itself of the exemption from *ad valorem* taxation on so much of the value of all its shares as may be represented by the total loans of such association as provided in the Machinery Act, an annual privilege tax of ten cents on each share in said association issued and outstanding on December thirty-first of the preceding year as shown by reports of such associations to the Insurance Commissioner. That said tax shall be payable to and collected by the Insurance Commissioner for the benefit of the State and the county, city, or town in which said association is located, and paid over to the treasurer or sheriff of each, one-third to the State, one-third to the county, and one-third to the city or town.

Building and loan associations.

Privilege tax on shares.

Tax payable to Insurance Commissioner.

Division of tax.

SEC. 61. *Malt dealers.*

Every person, firm, or corporation engaged in or conducting the business of manufacturing, buying, or selling malt shall pay an annual tax of ten dollars.

Manufacturers and dealers in malt.

SEC. 62. *Tobacco warehouses.*

Every person, firm, or corporation operating a warehouse in which leaf tobacco is sold upon commission, shall on or before the thirty-first day of May in each year, obtain a license from the sheriff of the county in which such warehouse is located, for the privilege of operating such warehouse for the next ensuing year. Such license shall be a personal privilege and shall not be transferable, nor shall any abatement be made in the tax. The license shall be for twelve months and shall expire on the thirty-first day of May of the year following. The tax which shall be paid for such license shall be as follows: If in a warehouse in which one million pounds of leaf tobacco or less was sold the previous year, \$25; if in a warehouse where more than one million pounds of leaf tobacco and less than two million pounds was sold the previous year, the tax shall be \$50; if in a warehouse where two million pounds of leaf tobacco and less than three million pounds of leaf tobacco was sold the previous year, the tax shall be \$125; if in a warehouse where more than three million pounds of leaf tobacco was sold the previous year and less than four million pounds, the tax shall be \$200; if in a warehouse where more than four million pounds of leaf tobacco was sold the previous year and less than five million pounds, the tax shall be \$300; if in a warehouse where more than five million pounds of leaf tobacco was sold the previous year, the tax shall be \$500. The Commissioner of Agriculture shall certify to the sheriff of each county on or before the thirtieth day of May of each year the name of each person, firm, or corporation operating a tobacco warehouse in such county, together with the number of pounds sold by such person, firm, or corporation for the preced-

Warehouses selling leaf tobacco upon commission.

License non-transferable.

Graduated tax.

Warehouse selling 1,000,000 pounds or less.

More than 1,000,000 and less than 2,000,000.

Less than 3,000,000 and more than 2,000,000.

More than 3,000,000 and less than 4,000,000.

More than 4,000,000 and less than 5,000,000.

More than 5,000,000.

Commissioner of Agriculture to certify tax.

Report and prosecution of those failing to report sales.

ing year. The Commissioner of Agriculture shall report to the solicitor of any judicial district in which a tobacco warehouse is located, which shall have failed to make reports of the tobacco sold by such warehouse, and the solicitor shall prosecute any such person, firm, or corporation under the provisions of this act.

Verification of warehouse reports.

The traveling auditors appointed by the Corporation Commissioners shall assist the sheriffs of the various counties in carrying out the provisions of this act, and shall have the right to examine the books of any warehouse for the purpose of verifying the reports made by such warehouse and ascertaining the number of pounds of leaf tobacco which shall have been sold by such warehouse.

Violation of act a misdemeanor.

Any person, firm, or corporation violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined in the discretion of the court.

No county or municipal tax.

No county, city, or town shall levy any additional tax under this section.

SEC. 63. *Newsdealers on trains.*

Newsdealers on trains.

Upon all persons, companies, or corporations carrying on the business of selling books, magazines, papers, fruits, confections or other articles of merchandise on railroad trains in this State, an annual license tax as follows: Where such news company operates on less than three hundred miles of railroad or railroads, two hundred and fifty dollars; where such news company operates on three hundred miles and less than five hundred miles of railroad or railroads, five hundred dollars; where such news company operates on five hundred miles or more of railroad or railroads, one thousand dollars. No county or municipality shall have authority to levy any tax for the privilege of carrying on said business.

Tax graduated on mileage operated over.

No county or municipal tax.

SEC. 64. *Soda fountains and venders of carbonated drinks.*

Soda fountains.

On each soda fountain operated by any person, firm, or corporation an annual tax as follows: In towns of less than one thousand inhabitants, five (\$5) dollars; in towns of over one thousand inhabitants and less than five thousand, ten (\$10) dollars; in towns of over five thousand inhabitants and less than ten thousand, fifteen (\$15) dollars; in towns of over ten thousand inhabitants and less than fifteen thousand, twenty (\$20) dollars; in towns of more than fifteen thousand inhabitants, twenty-five (\$25) dollars. No county shall levy any tax under this section. Nothing in this section shall be construed to authorize the sale of soft drinks containing cocaine or any of its salts or derivatives.

Graduated tax.

No county tax. Sales not authorized.

SEC. 65. *Dealers in patent rights and formulas.*

Dealers in patent rights and formulas.

On every person, firm, or corporation selling or offering for sale any patent right or formula, an annual license tax of ten dollars for each and every county, to be collected by the sheriff.

SEC. 66. *Stallions and jacks.*

All persons, firms, or corporations who own and keep for breeding purposes, for pay, any stallion or jack, shall pay an annual license tax of ten dollars (\$10) on each stallion or jack, the same to be collected by the sheriff of the county in which the horse or jack is kept or used for breeding purposes: *Provided*, that no county, city, or town shall levy any tax under this section.

Stallions and jacks.

Proviso: no city, county or town tax.

SEC. 67. *Insurance companies.*

The officer authorized to collect the tax on insurance, bond, and investment companies, associations, or orders, shall collect and pay into the State Treasury charges, fees, and taxes as follows: For each license issued to a life insurance company or association, two hundred and fifty dollars; for each license issued to a fire insurance company or association or to any company or association of companies operating a separate or distinct plant or agencies, two hundred dollars; for each license issued to an accident insurance company or association, two hundred dollars; for each license issued to a marine insurance company or association, two hundred dollars; for each license issued to a surety insurance company or association, one hundred dollars; for each license issued to a plate-glass insurance company or association, one hundred dollars; for each license issued to a boiler insurance company or association, one hundred dollars; for each license issued to a domestic mutual insurance company, fifty dollars; for each license issued to a domestic mutual insurance company operating in not more than two counties, ten dollars; for each license issued to a fraternal order, twenty-five dollars; for each license issued to a bond, investment, dividend, guaranty, registry, title guaranty, or debenture company, one hundred dollars; for each license issued to all other insurance companies or associations, one hundred dollars: *Provided*, that so much of said license fee collected from fire insurance companies as may be necessary shall be used by the Insurance Commissioner for the prevention of fire waste and accidents. All of said companies shall pay a tax of two and one-half per centum upon the amount of their gross receipts in this State with no deduction for dividends, whether returned in cash or allowed in payment or reduction of premiums or for additional insurance, and without any deductions except for return premiums: *Provided*, that if any general agent shall file with the Insurance Commissioner a sworn statement showing that at least one-fourth of the entire assets of his company, when his company has assets, are invested in and are maintained in any or all of the following securities or property, viz.: bonds of this State or of any county, city, or town of this State, or any property situate in this State and taxable therein, then the tax shall be one per centum upon the gross

Insurance company licenses.

Life Insurance.

Fire Insurance.

Accident.

Marine.

Surety.

Plate-glass.

Boiler.

Domestic mutual.

Fraternal order.

Bond, registry, title guaranty or debenture.

Other insurance companies.

Proviso: fire insurance fees used for prevention of fire waste.

Tax on gross receipts. No deductions allowed.

Proviso: investments reducing taxes and license fees.

Companies paying these taxes not subject to further taxation.
Fees and taxes paid to Insurance Commissioner.

receipts aforesaid and the license fee shall be one-half that named above; and if the amount so invested shall be three-fourths of the total assets, the tax shall be one-fourth of one per centum and the license fee one-fourth of that named above. Companies paying the tax levied in this section shall not be liable for tax on their capital stock, and no county, city, or town shall be allowed to impose any additional tax, license, or fee. The license fees and taxes imposed in this section shall be paid to the Insurance Commissioner and by him paid into the State Treasury as provided by law.

SEC. 67a. *Morris Plan companies.*

Morris Plan or similar companies.

Every person, firm, association, or corporation operating what are known as Morris Plan companies or doing a similar business in this State, shall pay an annual tax of twenty-five dollars. Said tax shall be paid to the Insurance Commissioner and by him into the State Treasury as other licenses, taxes and fees collected by him.

Paid to Insurance Commissioner.

SEC. 68. *Dealers in pistols, etc.*

Dealers in pistols and cartridges.

Every merchant, storekeeper, or dealer who shall keep in stock, sell, or offer for sale any pistol or metallic pistol cartridges or cartridges used in pistols, shall pay an annual tax of twenty-five dollars; and every such dealer who shall keep in stock any bowie knife, dirk, dagger, slungshot, loaded cane or brass, iron, or metallic knuckles, shall pay an annual license tax of one hundred dollars. A separate license shall be secured for each place where sales are made. That dealers in metallic cartridges only shall pay only one-fourth of said tax.

Dealers in other weapons.

Separate license.

SEC. 68a. *Dealers in cap pistols, fireworks, etc.*

Dealers in fireworks.

Every merchant, storekeeper, or dealer selling or offering for sale cap pistols, firecrackers or other fireworks, shall pay an annual license tax of twenty-five dollars. A separate license shall be secured for each place where sales are made.

Separate license.

SEC. 69. *Pianos and organs.*

Dealers in pianos and organs.

Every person, firm or corporation selling pianos, organs, graphophones, victrolas, and other instruments using disc or cylinder records, in this State, shall pay an annual license tax to the Treasurer of fifty dollars, and the Treasurer shall issue a license to said person, firm, or corporation to sell pianos, organs, graphophones, victrolas, and other instruments using disc or cylinder records, until July first next thereafter. In addition to the license tax above required, every person, firm, or corporation selling pianos, organs, graphophones, victrolas, and other instruments using disc or cylinder records, any one or all of them, shall pay a tax of forty cents on every hundred dollars received from the sale of pianos, organs, graphophones, victrolas and other

Tax on receipts.

instruments using disc or cylinder records, any one or all of them, which tax shall be paid to the Treasurer before securing an annual license on July first in each year. Any person, firm, or corporation selling pianos, organs, graphophones, victrolas and other instruments using disc or cylinder records, any one or all of them, without having paid the license tax required by this section shall pay a penalty of two hundred dollars, to be recovered by the Treasurer in a civil action in the Superior Court of Wake County, and shall also pay double the license and sales taxes required by this section for the year then current. When a person, firm, or corporation makes application for the license required by this section the Treasurer shall require a sworn statement showing the amount of sales of pianos, organs, graphophones, victrolas, and other instruments using disc or cylinder records, any one or all of them, made by the applicant in this State for the year preceding the first day of July then last past. The Treasurer may require an itemized statement and may require the production of books and papers and may make such investigation as he may deem proper; and after making said investigation, the Treasurer shall find what the amount was received from said sales for said year, and shall collect tax upon said amount at the rate aforesaid. If the applicant be a natural person, he shall sign the application and statement of sales and swear to the correctness of the latter. If the application be made by a firm, one of the partners shall verify the application. If it be made by a corporation, the verification of the statement shall be made by one of the managing officers. Any person, firm, or corporation making a false statement for the purpose of defrauding the State out of taxes due under this section shall be guilty of a misdemeanor and shall be liable to a penalty of one thousand dollars, to be recovered by the Treasurer in a civil action to be instituted in the Superior Court of Wake County. Any person, firm, or corporation taking out license under this section may employ an unlimited number of agents and secure a duplicate copy of said license for each agent by paying a fee of one dollar to the Treasurer, and the county in which the applicant does business may charge a tax of five dollars; each duplicate license so issued to contain the name of the agent to whom it is issued, and the same to be nontransferable. An agent holding such duplicate copy of license is licensed thereby to sell only the instruments sold by the holder of the original license. No person, firm, or corporation licensed under this section shall be required to pay any other license or privilege tax; and no county shall have the right to impose any license or privilege tax. No city or town shall levy a license or privilege tax exceeding twenty dollars on any dealer having an office or selling from any receiving point. No person, firm, or corporation paying a tax upon gross sales under this section shall be required to pay a tax on

Penalty for selling without license.

Action for recovery.

Sworn statement on application for license.

Investigation by Treasurer.

Verification of statements.

False statement a misdemeanor.

Penalty and recovery.

Number of agents unlimited.

Fee for duplicates of license.

County tax.

License nontransferable.

No other license or privilege tax.

No county tax.

Limit of city tax.

No further tax on sales.

Treasurer may exempt blind persons or Confederate Veterans.

the said sales under or by virtue of any other section of this act. The State Treasurer may in his discretion exempt from tax under this section blind persons and Confederate veterans selling or offering for sale musical instruments enumerated in this section, such exemption to be subject to withdrawal in the discretion of the State Treasurer at any time and the license canceled.

SEC. 70. *Cigarette dealers and manufacturers of cigarettes.*

Manufacturers of cigarettes.

On every manufacturer of cigarettes the following tax: Where the annual output of cigarettes by such manufacturer is less than two hundred and fifty million, two hundred and fifty dollars; where such annual output exceeds two hundred and fifty million, but does not exceed five hundred million, five hundred dollars; where such annual output exceeds five hundred million, two thousand dollars: *Provided*, that no county, city or town, or township shall levy or collect any tax, assessment, license, or fee from or on such manufacturer except the *ad valorem* tax.

Proviso: no county or municipal tax except *ad valorem*.

Retail dealers.

And every person retailing cigarettes shall pay a license tax of five dollars per annum. No county shall levy any tax under this section. No city or town shall levy a license or privilege tax exceeding ten dollars.

Limit of municipal tax.

SEC. 71. *Steam laundries.*

Steam laundries: graduated tax.

On every person, firm, or corporation engaged in operating a steam laundry an annual license tax in cities or towns of five thousand inhabitants or less, ten dollars; in cities of over five thousand and less than ten thousand inhabitants, fifteen dollars, and in cities of over ten thousand inhabitants, twenty-five dollars.

SEC. 72. *Manufacturers of automobiles.*

Manufacturers of and dealers in automobiles.

Every manufacturer of automobiles engaged in the business of selling the same in this State, or every person or persons or corporation engaged in selling automobiles or automobile trucks in this State the manufacturer of which has not paid the license tax provided for in this section, before selling or offering for sale any such machine, shall pay to the State Treasurer a tax of five hundred dollars and obtain a license for conducting such business.

Application for license.

Duplicates.

Any applicant for a license shall furnish the State Treasurer with the names of every class or style of machine offered for sale, with a written application for the license. The State Treasurer shall, upon the written application of any one who has obtained the license provided in this section and the payment of a fee of five dollars, issue a certified duplicate containing the name of the agent representing the holder of the license, which gives him the privilege of doing business as the agent of the holder of the license. Every one to whom license shall have been issued as provided in this section shall have power to employ an unlimited number of agents to sell only the machine designated in the

Number of agents unlimited.

license, upon the payment of the tax aforesaid. Each county may levy a tax of five dollars upon each agent doing business in the county. It shall be the duty of the State Treasurer to have this section printed on the face of each license issued under this act, for the information and protection of parties to whom the same may be issued: *Provided*, that where a manufacturer or person or persons or corporation licensed to do business in this State as provided by this act employs one or more traveling representatives, such traveling representatives may do business in any county in which the manufacturer or person or persons or corporation employing such traveling representatives has paid the tax of five dollars to the county as provided by this act, and such traveling representatives shall not be required to pay any tax to the county: *Provided further*, that if any officer, agent, or representative of such manufacturer shall file with the State Treasurer a sworn statement showing that at least three-fourths of the entire assets of the said manufacturer of automobiles are invested in any of the following securities or property, viz.: bonds of the State of North Carolina or of any county, city, or town of said State, or any property situated therein, and returned for taxation therein, the taxes named in this section shall be one-fifth those named: *Provided further*, that, if, at the expiration of a State license issued under this section to any manufacturer or person selling automobiles in the State, such license shall have been in force for less than six months, then upon a renewal of such license for the following year the manufacturer or person shall be allowed by the State Treasurer a rebate of two hundred and fifty (\$250) dollars on the new license.

County tax on agents.

Section printed on license.

Proviso: traveling representative.

Proviso: investments reducing taxes.

Proviso: rebate on renewal of license.

SEC. 73. *Emigrant agents.*

On every person, firm, or corporation engaged in procuring laborers for employment out of this State, an annual license tax of two hundred dollars for each county in which such person, firm, or corporation does business, the same to be collected by the sheriff. Any one violating provisions of this section shall be guilty of a misdemeanor and fined not less than two hundred dollars or imprisoned, in the discretion of the court.

Emigrant agents.
State and county tax.

Violation of act misdemeanor.
Punishment.

SEC. 74. *Plumbers, steam and gas-pipe fitters.*

On every person, firm, or corporation engaged in business as a plumber or steam or gas-pipe fitter, and having in their employ an average of not more than three persons for the previous year, an annual license tax of ten dollars; and upon those engaged in such business and having in their employ an average for the previous year of more than three and not more than six persons, an annual license tax of fifteen dollars; and upon those having an average of more than six persons employed for the previous year, twenty-five dollars.

Plumbers,
steam-fitters,
and gas-fitters.

Graduated tax.

SEC. 75. *Trading stamps.*

Trading stamps
and similar
devices.

An annual license tax for the State upon the business of issuing, selling, or delivering trading stamps or checks, receipts, certificates, tokens, or other similar devices to persons engaged in trade or business, with the understanding or agreement, expressed or implied, that the same shall be presented or given by the latter to their patrons as a discount, bonus, or premium or as an inducement to secure trade or patronage, and that the corporation, firm, or association, or person selling or delivering the same will give to the person presenting or possessing the same, money or other thing of value, or any concession or preference in any way on account of the possession or presentation thereof, is hereby assessed against and imposed upon each corporation, firm, association, or person engaged in such business, of two hundred dollars; that nothing in this act shall be construed to apply to a manufacturer or to a merchant who sells the goods of such manufacturer from offering to present to the purchaser or customer a gift of certain value as an inducement to purchase such goods: *Provided*, that no county, city, or town shall charge more than one hundred dollars.

Does not apply to
merchant or
manufacturer
offering definite
inducements.

Proviso: county
and municipal
tax.

SCHEDULE C

SEC. 76. *Defining taxes embraced in this schedule.*

Privilege tax.

The taxes embraced in this schedule shall be listed and paid as specially herein provided, and shall be for the privilege of carrying on the business or doing the act named: and, if a corporation, shall be a tax for the continuance of its corporate rights and privileges given under its charter, if incorporated in this State; or by reason of any act of domestication, if incorporated in another State, and shall be subject to other regulations mentioned in section twenty-six under Schedule B.

Regulations
under
Schedule B.

SEC. 77. *Privilege tax on railroads.*

Returns of
railroads to
Auditor.

Every steam railroad company and every person or agency operating a steam railroad in this State shall, on or before the thirtieth day of July in each year, make and return to the State Auditor, in such form and upon such blanks as shall be furnished by him, a true statement of the gross earnings of their respective roads for the preceding year ending the thirtieth day of June; of the number of miles of road operated by each such company or person, and the number of miles in the State, and the gross earnings per mile per annum during such year; which statement shall be verified by the oath of the secretary and treasurer of such companies, or of the person so operating such railroad, and the State Auditor shall certify said amount to the State Treasurer.

Returns to be
verified.

Certification by
Auditor to
Treasurer.

SEC. 78. *Rate of taxation.*

The annual license tax for operating such railroads within the State shall be as follows: When gross earnings per mile are one thousand dollars or less per year, a tax of two dollars per mile; when gross earnings per mile exceed one thousand dollars per year but do not exceed two thousand dollars, a tax of four dollars per mile; when gross earnings per mile exceed two thousand dollars per year, but do not exceed three thousand, a tax of six dollars per mile; when gross earnings per mile are in excess of three thousand dollars per year and not over five thousand dollars per year, a tax of eight dollars per mile; when gross earnings exceed five thousand dollars per mile per year, a tax of ten dollars per mile. The tax imposed by this section shall be paid to the State Treasurer at the time of making the report provided in section seventy-seven. No county, city, or town shall be allowed to collect any tax under this section.

Graduated tax on gross earnings.

Tax paid to Treasurer.

No county or municipal tax.

SEC. 79. *Privilege tax on express companies.*

That every express company doing business in this State shall, on or before the thirtieth day of July in each year, make and return to the Corporation Commission a statement of the total number of miles of railroad lines over which such express company operates in this State, showing also the number of miles over which an express business has been in business for two years or less; the said Corporation Commission shall certify the same to the State Treasurer as a basis for assessment and collection of the tax levied in the following schedule:

Returns to Corporation Commission.

Certification to Treasurer.

SEC. 79a. *Rate of taxation.*

That each express company doing business in this State shall pay to the State Treasurer an annual privilege or license tax of three (\$3) dollars per mile for each mile of railroad over which such company operates in this State, as shown by the report of such express company to the Corporation Commission: *Provided*, that only fifty per cent of the mileage tax herein provided for shall be levied and collected from express companies which earned not more than five per cent upon its capital investment the previous calendar year: *Provided*, that no county shall levy any tax under this section. There may be levied and collected by every incorporated municipality in the State of North Carolina from each express company, for the privilege of doing business within the municipal limits of said incorporated municipalities, a privilege or license tax, to be computed and based on the population of said municipalities, as follows: Incorporated municipalities having a population of five hundred people or less, five dollars per annum; incorporated municipalities having a population of five hundred people and not exceeding one thousand people, ten dollars per annum; incorporated municipalities having a

Tax on mileage.

Provide: only 50 per cent of tax to be paid by company earning not more than five per cent.

Provide: no county tax.

Municipal tax.

Graduation of municipal tax.

population of one thousand and not exceeding five thousand people, twenty dollars per annum; incorporated municipalities having a population of five thousand and not exceeding ten thousand people, thirty dollars per annum; incorporated municipalities having a population of ten thousand and not exceeding twenty thousand people, fifty dollars per annum; incorporated municipalities having a population of exceeding twenty thousand people, seventy-five dollars per annum: *Provided further*, that nothing in this section shall be construed to authorize the imposition of any tax upon interstate commerce, or upon any business transacted for the Federal Government.

Proviso: no tax upon interstate commerce or Government business.

SEC. 80. *Telegraph companies.*

Each and every person, firm, or corporation operating within this State the apparatus necessary to communication by telegraph shall pay, for the privilege of engaging in such business, to the State an annual license tax of two dollars per mile for each pole mile of such telegraph line owned or operated by them within the State, as shown by report of such telegraph company to the Tax Commissioners under section forty-eight of the Machinery Act, and it shall be the duty of the Tax Commissioners to certify to the State Auditor the number of miles of line operated by such telegraph company in this State, and it shall be the duty of the State Treasurer to collect the tax as herein levied upon the basis of mileage as reported: *Provided*, that nothing in this section shall be construed to authorize the imposition of any tax upon interstate commerce or upon any business transacted for the Federal Government: *Provided*, that no county shall levy any additional tax under this section, but towns may levy the following taxes: Those having a population of one thousand and not exceeding five thousand, ten dollars; from five thousand to ten thousand, fifteen dollars; from ten thousand to twenty thousand, twenty dollars; over twenty thousand, fifty dollars.

Telegraph companies.

Tax per mile.

Tax Commission to certify mileage to Auditor. Treasurer to collect tax. Proviso: no tax on interstate commerce or Government business. Proviso: no county tax.

Graduated town tax.

SEC. 81. *Telephone companies.*

On every telephone company doing business in this State, an annual tax of two and one-half per cent on the gross receipts of such telephone company within the State, reckoning for the purpose of ascertaining the amount of such gross receipts the proportion of the interstate business done within the State which is properly credited to North Carolina: *Provided*, that if any such company shall file with the Board of State Tax Commissioners a statement, signed and sworn to by its principal officer in this State, showing that at least one-quarter of the entire assets of his company, when his company has assets, are invested in and are maintained in any or all of the following securities or property, viz.: bonds of this State or of any county, city, or town of this State, or any property situated in this State and taxable

Telephone companies.

Tax on gross receipts.

Ascertainment of amount.

Proviso: investments reducing tax.

therein, then the tax shall be one and one-half per cent; and if the amount so invested shall be one-half of its total assets the tax shall be one per cent; and if the amount so invested shall be three-fourths of its total assets the tax shall be one-half of one per cent. The superintendent, general manager, or other chief officer of every such company shall make and return, under oath, to the Treasurer of the State, within ten days after the first day of January, April, July, and October of each year, the amount of the gross receipts of the company for the quarter ending on the first day of the month immediately preceding, and pay to the Treasurer the tax herein imposed at the time of making such return. It shall be the duty of each sheriff to report to the Treasurer any such company doing business in his county. In case of default of such return and payment of tax, the company shall pay a penalty of one thousand dollars, to be collected by such sheriff as the Treasurer of the State shall designate, by distress or otherwise: *Provided further*, no county, city, or town shall be allowed to impose an additional tax, license, or fee provided in this section, except the *ad valorem* tax.

Sworn returns
to Treasurer.

Payment of tax.

Sheriffs to
report
companies,
Penalty for
default.
Collection of
penalty.
Proviso: no
county or
municipal tax
except
ad valorem.

SEC. 82. *Franchise tax on corporations.*

Domestic corporations. Between the first day of May and the first day of July, one thousand nine hundred and thirteen, and annually thereafter during the month of May, each corporation organized under the laws of this State for profit shall make a report in writing, to the State Tax Commission, in such form as the Commission may prescribe.

Reports of
corporations to
State Tax
Commission.

SEC. 82 (1). Such report shall be signed and sworn to before an officer authorized to administer oaths, by the president, vice president, secretary, or general manager of the corporation, and forwarded to the Commission.

Sworn and
verified reports.

SEC. 82 (2). Such report shall contain—

- (a) The name of the corporation.
- (b) The location of its principal office.
- (c) The name of the president, secretary, treasurer, and members of the board of directors, with postoffice address of each.
- (d) The date of the annual election of officers.
- (e) The amount of authorized capital stock and the par value of each share.
- (f) The amount of capital stock subscribed, the amount of capital stock issued and outstanding, and the amount of capital stock paid up.
- (g) The nature and kind of business in which the corporation is engaged, and its place or places of business.
- (h) The change or changes, if any, in the above particulars made since the last annual report.

Contents of
report:
Corporate name,
Principal office.
Names and
addresses of
officers.
Date of annual
election.
Capital stock
and par value.
Capital sub-
scribed, issued
and outstand-
ing, and paid up.
Nature of
business and
location.
Changes since
last report.
Stock subscribed,
or issued and
outstanding.

SEC. 82 (3). Upon the filing of the report provided for in the last three preceding subsections, the Commission, after finding

Certificate to Auditor.	such report to be correct, shall, on or before the first Monday of August, determine the amount of the subscribed or issued and outstanding capital stock of each such corporation. On the first Monday in August, or as soon thereafter as practicable, the Commission shall certify the amount so determined by it to the Auditor of the State, who shall charge for collection on or about August fifteenth, as herein provided, from such corporation, a fee of one twenty-fifth of one per cent upon its subscribed or issued and outstanding capital stock, which fee shall not be less than five dollars in any case. Such fee shall be payable to the Treasurer of the State on or before the first day of the following October. No county, city, or town shall have the power to levy any franchise tax under this section.
Tax to be charged by Auditor.	
Minimum tax. Payable to Treasurer.	
No county or municipal tax.	
Report to Commission by foreign corporations.	SEC. S2 (4). <i>Foreign corporations.</i> Annually during the month of July, each foreign corporation, for profit, doing business in this State, and owning or using a part or all of its capital or plant in this State, and subject to compliance with all other provisions of law, and in addition to all other statements required by law, shall make a report in writing to the Commission in such form as the Commission may prescribe.
Verification of reports.	SEC. S2 (5). Such report shall be signed and sworn to before an officer authorized to administer oaths, by the president, vice president, secretary, superintendent, or managing agent in this State and forwarded to the Commission.
Contents.	SEC. S2 (6). Such report shall contain—
Name and domicile.	(a) The name of the corporation and under the laws of what State or country organized.
Principal office.	(b) The location of its principal office.
Names and addresses of officers.	(c) The names of the president, secretary, treasurer, and members of the board of directors, with the postoffice address of each.
Annual elections.	(d) The date of the annual election of officers.
Stock and par value.	(e) The amount of authorized capital stock, and the par value of each share.
Stock subscribed, issued and paid up.	(f) The amount of capital stock subscribed, the amount of capital stock issued, and the amount of capital stock paid up.
Business and places of business.	(g) The nature and kind of business in which the company is engaged and its place or places of business, both within and without the State.
Location of offices and names of agents.	(h) The name and location of its office or offices in this State, and the name and address of the officers or agents of the corporation in charge of its business in this State.
Value and location of property.	(i) The value of the property owned and used by the company in this State, where situated, and the value of the property owned and used outside of this State, and where situated.
Business in State.	(j) The volume of business done by the company in this State.
Outside business.	(k) The volume of business done by the company outside of the State, and where the said business is done.

- (7) The change or changes, if any, in the above particulars, made since the last annual report. Changes since last report.
- SEC. 82 (7). Upon the filing of the report provided for in the last three preceding subsections, the Commission, from the facts thus reported and any other facts coming to its knowledge bearing upon the question, shall, on or before the first Monday in September, assess and fix the proportion of the subscribed or issued and outstanding capital stock of the company represented by its property or business in this State, and certify the same to the Auditor of State on or before the first Monday in October. Assessment by Commission and certificate to Auditor.
- SEC. 82 (8). On or before October fifteenth the Auditor of State shall charge for collection, as herein provided, annually from such company, in addition to the initial fees otherwise provided for by law, for the privilege of exercising its franchise in this State, a fee of one twenty-fifth of one per cent upon the proportion of the subscribed or issued and outstanding capital stock of the corporation represented by property owned and used for or business transacted in this State as found and certified by the State Tax Commission, which fee shall not be less than five dollars in any case. Such fee shall be payable to the Treasurer of the State on or before the first day of the following December. No county, city, or town shall have the power to levy any franchise tax under this section. Privilege tax charged by Auditor.
- SEC. 82 (9). That nothing in the nine preceding subsections of this act shall apply to banks, insurance companies, fraternal, beneficent associations, building and loan associations, railroad, express, telephone or telegraph companies, or other corporations, upon which a franchise tax may be levied in other sections of this act. Fee payable to Treasurer.
- SEC. 82 (10). *General provisions.* Between the dates herein fixed for the determination of the amount of subscribed or issued and outstanding capital stock of a domestic corporation and the proportion of the authorized capital stock of a foreign corporation, represented by property owned and used or business transacted by it in this State, and the dates herein fixed for the certification to the Auditor of State of such amount or proportion, the Commission may, on the application of any person or company interested, or on its own motion, review and correct its findings. No county or municipal tax.
- SEC. 82 (11). Upon the payment of the tax or fee provided for in this act to the Treasurer of State, the Treasurer of State shall make out and deliver to the public utility or corporation so paying a receipt for the payment by such public utility or corporation of the tax or fee herein provided for. Companies paying franchise tax excepted.
- SEC. 82 (12). The fees, taxes, and penalties required to be paid by this act shall be the first and best lien on all property of the public utility or corporation, whether such property is employed by the public utility or corporation in the prosecution of Review and correction of findings.
- Treasurer to give receipts.
- Fees, taxes and penalties first lien on property.

its business or is in the hands of an assignee, trustee, or receiver for the benefit of the creditors and stockholders thereof.

Penalty for failure to report.

SEC. 82 (13). *Penalties.* If a public utility or corporation required to file a report by any provision of this act fails or neglects to make such report as required herein, it shall be subject to a penalty of ten dollars per day for each day's omission after the time limited in this act for making such report.

SEC. 82 (14). *Obsolete.*

Action for recovery.

SEC. 82 (15). Such taxes and fees and penalties thereon may be certified by the State Auditor to the sheriff of the county in which any such company has its home office, or of any county in which any such company may own property, for collection as provided in section four of this act, and if collection is not made in this way such taxes or fees and penalties thereon may be recovered by an action in the name of the State, which may be brought in the Superior Court of Wake County, or in any county in which such corporation has an office or place of business, or in which such public utility is doing business, or the line of any street, suburban, or interurban railroad company or railroad company is located, and such Superior Court shall have jurisdiction of such action regardless of the amount involved therein. The Attorney-General, on request of the State Treasurer, shall institute such action in the Superior Court of Wake County, or of any such counties as the State Treasurer may direct. In any such action it shall be sufficient to allege that the tax, fee, or penalty sought to be recovered stands charged on the delinquent duplicate of the Treasurer of State, and that the same has been unpaid for a period of thirty days after having been placed thereon.

Jurisdiction.

Action by Attorney-General.
Allegation.

Liabilities, restrictions and powers of foreign corporations.

SEC. 82 (16). All foreign corporations, and the officers and agents thereof, doing business in this State, shall be subject to all the liabilities and restrictions that are or may be imposed upon corporations of like character, organized under the laws of this State, and shall have no other or greater powers. Every contract made by or on behalf of any such foreign corporation, affecting the liability thereof, or relating to its property within this State, before it shall have complied with the provisions of section eleven hundred and ninety-four of the Revisal of one thousand nine hundred and five, shall be wholly void on its behalf and on behalf of its assigns; but shall be enforceable against it or them. Nothing contained in this subsection shall be held or construed to apply to insurance corporations, fraternal, beneficiary associations, or building and loan associations, banking, railroad, express, telephone, and telegraph companies.

Contracts affecting liability void.

Excepted corporations.

Forfeiture of charter or of domestication.

SEC. 82 (17). If a corporation, wherever organized, required by the provisions of this act to file any report or return or to pay any tax or fee, either as a public utility or as a corporation, organized under the laws of this State for profit, or as a foreign

corporation for profit doing business in this State and owning and using a part or all of its capital or plant in this State, or as a sleeping-car, freight line, or equipment company, fails or neglects to make any such report or return or to pay any such tax or fee for ninety days after the time prescribed in this act for making such report or return or for paying such tax or fee, the Commission shall certify such fact to the Secretary of State. The Secretary of State shall thereupon cancel the articles of incorporation of any such corporation which is organized under the laws of this State by appropriate entry upon the margin of the record thereof, or cancel the certificate of authority by any such foreign corporation to do business in this State, by proper entry. Thereupon all the powers, privileges, and franchises conferred upon such corporation by such articles of incorporation or by such certificate of authority shall cease and determine. The Secretary of State shall immediately notify such domestic or foreign corporation of the action taken by him.

Powers, privileges and franchise determined.

Notice to corporation.

SEC. 82 (18). Any person or persons who shall exercise, or attempt to exercise any powers, privileges, or franchises under the articles of incorporation or certificate of authority, after the same are canceled, as provided in any section of this act, shall be fined not less than one hundred dollars nor more than one thousand dollars.

Fine for corporate action after cancellation.

SEC. 82 (19). Any corporation whose articles of incorporation or certificate of authority to do business in this State have been canceled by the Secretary of State, as provided in section 82 (17) of this act, upon the filing, within two years after such cancellation with the Secretary of State, of a certificate from the Commission that it has complied with all the requirements of this act and paid all taxes, fees, or penalties due from it, and upon the payment to the Secretary of State of an additional penalty of fifty dollars, shall be entitled to again exercise its rights, privileges, and franchises in this State, and the Secretary of State shall cancel the entry made by him under the provisions of section 82 (17) of this act, and shall issue his certificate entitling such corporation to exercise its rights, privileges, and franchises.

Restoration within two years.

Additional penalty.

Cancellation of entry.

Certificate of restoration.

SEC. 82 (20). In addition to all other remedies for the collection of any taxes or fees due, under the provisions of this act, the Attorney-General shall, upon request of the State Treasurer, whenever any taxes, fees, or penalties due under this act from any public utility or corporation shall have remained unpaid for a period of ninety days, or whenever any corporation or public utility has failed or neglected for ninety days to make or file any report or return required by this act, or to pay any penalty for failure to make or file such report or return, apply to the Superior Court of Wake County, or of any county in the State in which such public utility or corporation is located or has an office or

Remedy by injunction.

Grant and issue of injunction.	place of business, for an injunction to restrain such public utility or corporation from the transaction of any business within this State until the payment of such taxes or fees and penalties thereon, or the making and filing of such report or return and payment of penalties for failure to make or file such report or return, and the cost of such application, which shall be fixed by the court. Such petition shall be in the name of the State, and if it is made to appear to the court, upon hearing, that such public utility or corporation has failed and neglected, for ninety days, to pay such taxes, fees, or penalties thereon, or to make and file such reports, or to pay such penalties for failure to make or file such reports or returns, such court shall grant and issue such injunction. All actions brought under this act shall have precedence over any civil cause of a different nature pending in such court, and such court shall always be deemed open for the trial of any such action brought therein.
Precedence of actions.	
Court always open.	
Remedy by <i>quo warranto</i> .	SEC. 82 (21). If any corporation fails or neglects to make and file the reports and returns required by this act, or to pay the penalties provided in this act for failure to make and file such reports or returns, for a period of ninety days after the time prescribed in this act, the Attorney-General, on request of the Commission, shall commence an action of <i>quo warranto</i> in the Superior Court of Wake County or any county in this State in which such corporation is located or has an office or place of business, to forfeit and annul its privileges and franchises. If the court is satisfied that any such corporation is in default as aforesaid, it shall render judgment ousting such corporation from the exercise of its privileges and franchises within this State, and shall otherwise proceed as provided by law.
Judgment by ouster.	
Personal liability of officer, agent or employee of delinquent corporation.	SEC. 82 (22). Whoever, being an officer, agent, or employee of any public utility, company, firm, person, copartnership, corporation, or association subject to the provisions of any law which the Tax Commission of North Carolina is required to administer, shall fail or refuse to fill out and return any blanks, as required by such law, or shall fail or refuse to answer any questions therein propounded, or shall knowingly or willfully give a false answer to any such question wherein the fact inquired of is within his knowledge, or who shall, upon proper demand, fail or refuse to exhibit to such commission or any commissioner, or any person duly authorized, any book, paper, account, record, or memorandum of such public utility which is in his possession or under his control, shall be fined not more than one thousand dollars for each offense.
Penalty.	
Forfeiture on corporation ordering delinquency by officer, agent or employee.	SEC. 82 (23). A forfeiture of not less than five hundred dollars nor more than one thousand dollars shall be recovered from any such public utility, company, firm, person, copartnership, corporation, or association for each violation of the next preceding subsection when such officer, agent, or employee acted in

obedience to the direction, instruction, or request of such public utility, company, corporation, or association, or any general officer thereof.

SEC. 82 (24). Every day during which any public utility, company, corporation, association, firm, copartnership, officer, or individual, subject to the provisions of any law which the Tax Commission of North Carolina is required to administer, or any officer, agent, or employee thereof, shall willfully fail to observe and comply with any order or direction of such Commission or to perform any duty enjoined by such law shall constitute a separate and distinct offense.

Separate offenses.

SEC. 82 (25). *Banks.* Each company, firm, corporation, person, association, copartnership, or public utility shall furnish the Commission in the form of returns prescribed by it all information required by law and all other facts and information, in addition to the facts and information in this act specifically required to be given, which the Commission may require to enable it to carry into effect the provisions of the laws which the Commission is required to administer, and shall make specific answers to all questions submitted by the Commission.

Additional returns prescribed by Commission.

SEC. 82 (26). Any such company, firm, corporation, person, association, copartnership, or public utility receiving from the Commission any blanks with directions to fill them, shall cause them to be properly filled out so as to answer fully and correctly each question therein propounded, and in case it is unable to answer any question, it shall, in writing, give a good and sufficient reason for such failure.

Specific answers to all questions.

Corporations to fill blanks fully and properly.

SEC. 82 (27). The answers to such questions shall be verified under oath by such person, or by the president, secretary, superintendent, general manager, principal accounting officer, partner, or agent, and returned to the Commission, at its office, within the period fixed by the Commission.

Reason for failure to answer.

Verification and return of answers.

SEC. 82 (28). The Commission shall cause to be prepared suitable blanks for carrying out the purpose of the laws which it is required to administer, and, on application, furnish such blanks to each company, firm, corporation, person, association, copartnership, or public utility subject thereto.

Commission to prepare and furnish blanks.

SEC. 82 (29). The Commission, when it deems the same necessary or advisable, may extend to any corporation or public utility a further specified time, not to exceed ninety days, within which to file any report required by law to be filed with the Commission, in which event the attaching or taking effect of any penalty for failure to file such report or pay any tax or fee shall be extended or postponed accordingly.

Commission may extend time for answer.

SEC. 83. *On each marriage license, one dollar.*

The tax on marriage licenses shall be one dollar, and shall be paid to the register of deeds. It shall be the duty of the regis-

Tax on marriage licenses.

Sworn returns from register of deeds.
 Payment to sheriff.
 Returns filed.
 Payment to State Treasurer.
 County Tax.

ter of deeds to render annually to the sheriff, on the first Monday in December, sworn statements in detail of taxes received by him under this section, and at the same time pay him the money thus received, and thereupon the sheriff shall file the statements of the register of deeds with the clerk of the Superior Court. The said marriage license tax shall be paid to the State Treasurer by the sheriff of the county in which the same is collected when he settles for the other State taxes. The counties may levy the same tax upon marriage licenses as is levied by the State.

SEC. 84. *Tax on seal affixed by officers.*

Seal taxes.

Whenever the seal of State, of the Treasury Department, or other public officer required by law to keep a seal (not including clerks of the courts, other county officers and notaries public) shall be affixed to any paper, the tax shall be as follows, to be paid by the party applying for the same: For the Great Seal of the State, on any commission, two dollars; on warrants of extradition for fugitives from justice from other States, a reciprocal seal tax and fee shall be charged, i.e., the same fee and seal tax must be collected from the State making requisition which is charged this State for like service. All fees and seal taxes of whatever kind collected by the private secretary of the Governor shall be paid into the treasury quarterly: for the seal of the State Department, one dollar; to be collected by the Secretary of State and paid by him into the treasury; for the seal of the State Treasurer, to be collected by him and accounted for as other public money, one dollar. Said officers shall keep an account of the number of times their seals may be used, and shall deliver to the proper officer a sworn statement thereof. Whenever a scroll is used in the absence of a seal by any of the said officers the said tax shall be on the scroll. Seals affixed for the use of any county or the State or used on the commissions of officers of the militia, or any other public officer not having a salary, or under the pension law, or under any process of court, shall be exempt from taxation: *Provided*, that no fee shall be charged for the affixing of a seal to any commission issued by the Governor to any person in the employ of the State or to be employed by the State under this section or under section 2737 of the Revisal of 1905, but this shall not be construed to apply to commissions issued to notaries public or justices of the peace. The officers collecting the said taxes and fees may retain as compensation five per centum only, as provided in the Revisal of one thousand nine hundred and five, except in cases of sheriffs, whose compensation shall be allowed by the Auditor. Any person receiving taxes under this section and willfully refusing or neglecting to pay the same as required, shall be guilty of a misdemeanor, and upon conviction shall be fined not more than five hundred dollars or imprisoned at the discretion of the court.

Great Seal of State.

Reciprocal tax.

Private Secretary of Governor to settle fees and seal taxes quarterly.
 Seal of State Department.
 Seal of State Treasurer.

Sworn statements.

Scroll seals.

Seals exempted.

Proviso: no fees for commissions issued by Governor to State employees.

Not applicable to notaries and justices of peace.

Commissions to officers on fees.

Sheriffs' compensation allowed by Auditor.

Neglect or refusal to settle seal taxes a misdemeanor.

Punishment.

SEC. 55. *License must be procured before beginning business.*

Each person, firm, or corporation who engages in any business or practices any profession for which a license is required by this act, except where the amount of the tax is contingent upon the amount of business transacted, shall procure said license annually in advance on or before the thirty-first day of May, or before engaging in the business or practicing the profession for which a tax is levied by this act. Any person, firm, or corporation who engages in any business or practices any profession for which a license is required by this act without first having procured a license therefor shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, in the discretion of the court: *Provided*, the fine shall not be less than twenty per cent of the tax in addition to the tax and the cost.

Annual license on or before May 31.

Penalty for failure to secure license.

SEC. 56. *License books to be furnished by State Tax Commission.*

The State Tax Commission shall, not later than April fifteenth in each year, furnish the sheriff in each county a book of blank license certificates, with corresponding stubs consecutively numbered, which shall provide separate blank space both for the State and for the county tax. Such license shall bear inscription, "Issued by State Tax Commission," and no other form of license certificate issued by the sheriff or tax collector of any county shall, after the first day of May, one thousand nine hundred and seventeen, be a valid license for any of the trades or professions taxable under this act.

License books.

Form of license.

SEC. 57. *License shall be kept posted where business is carried on.*

It shall be unlawful for any person, firm, or corporation to carry on any business or practice any profession, for which a license is required by this act without having the special tax license therefor posted in a conspicuous place at the place where such business is carried on; and if the business that is made taxable is carried on at two or more separate places, a separate license for each business shall be required. Any person violating the provisions of this section shall be liable for a penalty of twenty-five (\$25) dollars.

License to be posted.

SEC. 58. *Transacting business without license forbidden.*

It shall be unlawful for any person to carry on or practice any itinerant trade, business or profession for which a license is required under this chapter without having in his actual possession at the time of so carrying on or practicing said trade, business or profession, said license or duplicate thereof. Neither the State Treasurer nor Secretary of State nor sheriff shall have authority to issue a duplicate of any license unless expressly authorized to do so by this chapter, but each person, firm, or corporation

Unlawful to transact business without license.

Separate license for each agent.

Violation a misdemeanor. shall be required to take out a separate license for each agent. Any person violating the provisions of this act shall be guilty of a misdemeanor.

SEC. 89. *Duties of sheriffs and tax collectors in administering this act.*

Sheriffs agents of State.

Inquiry.

Demand for payment.

Collection by distress.

Proviso: liability of sheriff.

Proviso: enforcement of penalty.

Except where otherwise provided in this act, the sheriffs and tax collectors of the several counties of the State shall be the agents of the State for the issuing of license and collection of license taxes provided for in this act; and it shall be their duty from time to time to make diligent inquiry if all parties within their respective counties who are liable for any such specific tax have paid the same; and if after sixty days from the first day of May any person, firm, or corporation is found to be carrying on any business or practicing any profession for which a license is required by this act, without such license, it shall be the duty of such sheriff to demand the immediate payment of the tax, with an additional penalty of twenty per centum (the said penalty not to exceed ten dollars in any one case) as a penalty for failure to procure said license before engaging in such business or practicing such profession as required by this act; and in default of such immediate payment the sheriff shall have power, and it shall be his duty, to levy upon any personalty or real estate owned by such person, firm, or corporation, and sell the same for the payment of said tax, penalty, and costs, in the same manner as provided by law for levy and sale of property for collection of other taxes; and if sufficient property is not found it shall be his duty to swear out a warrant before some justice of the peace of his county for the violation of this act, as provided in section eighty-five: *Provided*, that the sheriff shall not be liable for false arrest for wrongfully levying upon any property under this section unless it shall appear that the sheriff did so maliciously: *Provided further*, that no sheriff shall issue any license under Schedule B after the expiration of sixty days from the first day of May without collecting the penalty herein provided, unless it be shown that the person, firm, or corporation to whom such license is issued did not engage in the business or practice the profession for which license is required after the first day of May and prior to the issuance of said license.

SEC. 90. *Special agents to assist sheriff in enforcement of this act.*

Traveling auditors.

It shall be the duty of the State Tax Commission to employ such number of traveling auditors or special agents, not exceeding three, as in their judgment necessary, to assist the sheriffs of the several counties of the State in securing the faithful observance of the provisions of this act and of the revenue laws of the State. Such traveling auditors, upon presentation of

certificate of authority from the State Tax Commission, shall have access to the books and records of any county officer in any county in the State.

Access to books and records.

SEC. 91. *Obsolete.*

SEC. 92. *Construction of Revenue Act.*

It shall be the duty of the State Treasurer to decide all questions presented to him which may arise upon the construction and execution of all sections of this act imposing license taxes which are payable directly to the State Treasurer, and of the State Tax Commission to construe all sections of this act imposing license taxes which are payable to the sheriffs and tax collectors of the several counties and to the clerks of the Superior Courts. Such decisions by the State Treasurer and the State Tax Commission shall be prima facie correct and a protection to the officers affected thereby. The population of cities and towns where the license tax is graduated in this act with respect to population shall be the number of inhabitants as determined by the last census of the United States Government.

Decisions of Treasurer and Tax Commission.

Population by which license taxes are graduated.

SEC. 93. *Fines for the benefit of the school fund.*

Whenever any officer, including justices of the peace, receives or collects a fine, penalty, or forfeiture in behalf of the State, he shall, within thirty days after such reception or collection, pay over and account for the same to the Treasurer of the County Board of Education for the benefit of the fund for maintaining the free public schools in such county. Whenever any fine or penalty is imposed by any officer the said fine or penalty shall be at once docketed, and shall not be remitted except for good and sufficient reasons, which shall be stated on the docket.

Disposition of fines.

SEC. 94. *Misappropriation of taxes deemed a misdemeanor.*

Any officer, including justices of the peace, violating the preceding section shall be guilty of a misdemeanor, and upon conviction shall be punished by fine or imprisonment, at the discretion of the court.

Misappropriation of fines.

SEC. 95. *Unless prohibited, county may levy same license tax as State.*

In cases where a specific license tax is levied for the privilege of carrying on any business, trade, or profession the county may levy the same tax and no more: *Provided*, no provision to the contrary is made in the section levying the specific license tax.

Tax levy by counties.

SEC. 96. *Appropriation for Auditor and Treasurer.*

A sum not to exceed two thousand five hundred dollars is hereby annually appropriated, out of any moneys not otherwise appropriated, to be expended by the Treasurer of the State as he

Appropriations for Auditor and Treasurer.

may deem best and necessary to secure the prompt and proper collection of taxes and the protection of the treasury; and seven thousand five hundred dollars or so much thereof as may be necessary is hereby annually appropriated to be used by the Auditor of the State for the proper enforcement of the Machinery Act, and in the employment and expenses of a traveling auditor.

SEC. 97. *Subjects of taxation revised in this act not otherwise taxable.*

Conflicting laws repealed.

All laws imposing taxes the subjects of which are revised in this act are hereby repealed: *Provided*, that this repeal shall not extend to the provisions of any law so far as they relate to the taxes listed or which ought to or would have been listed, or which may have been due previous to the ratification of this act.

SEC. 98. This act shall be in force from and after its ratification.

Ratified this 10th day of March, A. D. 1919.

CHAPTER 91

AN ACT TO AMEND SECTION 924, REVISAL OF 1905 OF NORTH CAROLINA, RELATING TO THE PAYMENT OF CERTAIN FUNDS INTO THE HANDS OF THE CLERKS OF THE COURTS.

The General Assembly of North Carolina do enact:

Revisal amended.

SECTION 1. That section nine hundred and twenty-four of the Revisal of one thousand nine hundred and five, chapter twenty-nine of the Public Laws of one thousand nine hundred and eleven, be, and the same is hereby, amended by adding after the word "clerk" the last word in said section, the following:

Sums due minor beneficiaries of life insurance policies of not more than \$300 in value may be paid to clerk of court.

"That in all cases where a minor child is now or may hereafter be the beneficiary of any policy of life insurance and the sum due to said minor child by virtue of any such policy does not exceed three hundred dollars, the insurance company which issued said policy may pay the sum due thereunder to the clerk of the Superior Court of the county where said minor child resides, whose duty it shall be to receive it, and said clerk shall issue and deliver to such insurance company his receipt for the sum so paid, which shall be a complete release and discharge of said company from any and all liability to said minor child under and by virtue of any such policy of insurance. Moneys so paid to said clerk shall be held and disbursed in the manner and subject to the limitations now provided by law."

Clerk's receipt a discharge of insurer.

Moneys held by clerk.

SEC. 2. This act shall be in force from and after its ratification. Ratified this 25th day of February, A.D. 1919.

CHAPTER 92

AN ACT TO AMEND CHAPTER 231, PUBLIC LAWS OF 1917,
IN RELATION TO THE ASSESSMENT OF PROPERTY
AND THE COLLECTION OF TAXES.

The General Assembly of North Carolina do enact:

ARTICLE I

BOARD OF STATE TAX COMMISSIONERS

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

In addition to the duties imposed upon the Board of Corporation Commissioners by the act creating said board, they are hereby created a Board of State Tax Commissioners, with powers and duties prescribed under this act.

Corporation Commission created board of State tax commissioners.

SEC. 2. The members of said board shall take and subscribe the constitutional oath of office to be filed with the Secretary of State.

Members to qualify.

SEC. 3. It shall be the duty of said board and they shall have power and authority to have general supervision of the system of taxation throughout the State, and to have and exercise general supervision over the administration of all assessment and tax laws, over all county, township, and city tax assessors and boards of equalization, to the end that all assessments of property, real, personal, and mixed, be made relatively just and uniform, and at its true value in money: to require all county, township, and city assessors, boards of equalization and levy and assessment officers, under penalty of forfeiture and removal from office as such assessors or boards, to assess all property of every kind and character at its true value in money.

General supervision of system of taxation.
General supervision of administration of laws, assessors and boards of equalization.

Tax assessors to assess property at true value.

1. To confer with and advise assessing officers as to their duties under this act, and to institute proper proceedings to enforce the penalties and liabilities provided by law for public officers, officers of corporations and individuals failing to comply with this act; to prefer charges to the Governor against assessing and taxation officers who violate the law or fail in the performance of their duties in reference to assessments and taxation: and in the execution of these powers the said board may call upon the Attorney-General or any prosecuting attorney in the State to assist said board, and any person or officer who fails or refuses to comply with any lawful order of the State Tax Commission shall be subject to a penalty or forfeiture of one hundred dollars, the same to be imposed by order of said Commission: and in addition any such person or officer so offending shall be liable to punishment by said board as for contempt.

To confer with and advise officers.
To institute proceedings for enforcement of penalties and liabilities.
To prefer charges against officers failing to perform duties.
May call prosecuting officers to assist.
Penalty for failure to comply with order of board.
Offenders punishable for contempt.

To prepare pamphlet for instruction of tax assessors. Pamphlet to explain working of tax laws.

Advisory and explanatory duties.

To receive and investigate complaints.

To correct irregularities.

To visit counties.

Purpose of visits.

To require reports from officers.

Penalty for neglect or refusal to furnish reports, or to hinder Commission.

Presumption of willful delay.

To investigate other laws and systems.

To make recommendations to legislature.

2. At least thirty days previous to the date fixed for listing taxes, to prepare a pamphlet for the instruction of tax assessors. Said pamphlet shall, in as plain terms as possible, explain the proper working of the tax laws of the State, and shall call particular attention to any points in the administration of the laws which have seemed to be overlooked or neglected. They shall advise the assessors of the practical working of the laws and explain any points which seem to be intricate and upon which assessors may differ.

3. To receive complaints as to property liable to taxation that has not been assessed or of property that has been fraudulently or improperly assessed through error or otherwise, and to investigate the same, and to take such proceedings and to make such orders as will correct the irregularity complained of, if found to exist.

4. To see that each county in the State be visited by at least one member of the board as often as is necessary, to the end that all complaints concerning the law of assessment and taxation may be heard; that information concerning its workings may be collected; that all assessing and taxation officers comply with the law and all violations thereof be punished, and that all proper suggestions as to amendments and change may be made.

5. To require from any registers of deeds, clerks of courts, mayors and clerks of towns, or any other officer in this State, on forms prescribed by said Board of State Tax Commissioners, such annual or other reports as shall enable said board to ascertain the assessed valuations of all property listed for taxation throughout the State under this act, the amount of taxes assessed, collected, and returned delinquent, and such other matters as the board may require, to the end that it may have complete and statistical information as to the practical operation of this act; that every such officer mentioned in this section who shall willfully neglect or refuse to furnish any report required by the commission for the purposes of this act; or who shall willfully and unlawfully hinder, delay, or obstruct said commission in the discharge of its duties, shall forfeit and pay one hundred dollars for each offense, to be recovered in an action in the name of the State. A delay of ten days to make and furnish such report shall raise the presumption that the same was willful.

6. To make diligent investigation and inquiry concerning the revenue laws and systems of other States and countries, so far as the same is made known by published reports and statistics and can be ascertained by correspondence with officers thereof, and, with the aid of information thus obtained, together with experience and observation of our own laws, to recommend to the Legislature at each regular session thereof such amendments, changes, or modifications of our revenue laws as seem proper and necessary to remedy injustice and irregularities in taxation and to facilitate the assessment and collection of public revenues.

7. To further report to the Legislature at each regular session thereof, or at such other times as the Legislature may direct, the whole amount of taxes collected in the State for all purposes, classified as to State, county, township, and municipal purposes, with the sources thereof; the amount lost, the cause of the loss, the proceedings of said board, and such other matters of information concerning the public revenues as it may deem of public interest.

Further reports to legislature.

8. To discharge such other duties as are or may be prescribed by law.

To discharge other duties.

SEC. 4. *Board to make annual report to the Governor.*

The Board of State Tax Commissioners shall, on or before the first day of January of each year, make an annual report to the Governor of the State, setting forth the workings of said Commission during the preceding year and containing the findings and recommendations of said Commission in relation to all matters of taxation. The State Tax Commission shall cause two thousand copies of said report to be printed on or before the first day of February succeeding the making of said report. One hundred copies of said report shall be placed at the disposal of the State Librarian for distribution and exchange, and a copy of said report shall be forwarded by said Tax Commission to each member of the General Assembly as soon as printed.

To make annual report to Governor.

Report to be printed.

Distribution of printed report.

SEC. 5. After the various tax lists required to be made under this act shall have been passed upon by the county board of equalization the State Board of Tax Commissioners or any member thereof shall have power to reconvene said board and to make such orders as the Tax Commissioners shall determine are just and necessary, and to direct and order such county boards of equalization to raise or lower the valuation of the property, real or personal, in any county, township, or city, and to raise or lower the valuation of property of any person, company, or corporation; and to order and direct any county board of equalization or board of county commissioners to raise or lower the valuation of any class or classes of property; and generally to perform and do any act or to make any order or direction to any county board of equalization, board of county commissioners, or any county or township assessor as to the valuation of any property or any class of property in any township, city, or county, which in the judgment of said Tax Commission may seem just and necessary, to the end that all property shall be valued and assessed in the same manner and to the same extent as any and all other property, real or personal, required to be listed for taxation. The Tax Commission or any member thereof are authorized to require county assessors to carefully place upon the assessment rolls, for taxation as provided by law, omitted property which may be discovered to have for any reason escaped assessment and taxation in previous years.

May reconvene county boards of equalization.

Procedure for correction of tax-lists.

General powers in revision of tax-lists.

Omitted property to be placed on lists.

May require counties to file itemized abstracts.

Power to make rules and regulations.

To keep record of proceedings. Certified copies of record to be received in evidence.

Sessions of board.

To have access to books, records and documents.

May subpoena witnesses.

Service of subpoena.

Attendance of witnesses compelled.

Fee for service of subpoena.

May examine witnesses under oath.

Administration of oath.

Board has right to examine books, papers or accounts.

Refusal to permit inspection, or failure to appear and testify a misdemeanor.

Punishments.

The Board of State Tax Commissioners are authorized to require the county assessors or clerk of the board of county commissioners of each county in the State to file with them, when called for, complete abstracts of all real and personal property in the county as equalized by the county board of equalization and itemized by townships. The Board of Tax Commissioners are authorized to make such rules and regulations as the board may deem proper to effectually carry out the purposes for which the board is constituted and to make all rules and regulations not inconsistent with law as the board may deem necessary with respect to its own meetings, proceedings, notices, and hearings.

SEC. 6. The said Board of State Tax Commissioners shall keep an accurate record of its official proceedings. Certified copies of its records, attested with its official seal, shall be received in evidence in all courts of the State with like effect as certified copies of other public records.

SEC. 7. *Place of meetings of board; shall have access to books, papers, etc., with power to subpoena and examine witnesses.*

Regular sessions of said board shall be held at the office of said board in the city of Raleigh. The said board and the members thereof shall have access to all books, papers, documents, statements and accounts on file or of record in any of the departments of State. It shall have like access to all books, papers, documents, statements and accounts on file or of record in counties, townships, and municipalities. Said board shall have the right to subpoena witnesses, upon a subpoena signed by the chairman of said board, directed to such witnesses, which subpoena may be served by any person authorized to serve subpoenas from courts of record in this State; and the attendance of witnesses may be compelled by attachment, to be issued by any Superior Court upon proper showing that such witness has been properly subpoenaed and has refused to obey such subpoena. The person serving such subpoena shall receive the same compensation now allowed to sheriffs and other officers for serving subpoenas. Said board shall have the power to examine witnesses under oath, said oath to be administered by any member of said board or by the secretary thereof. Said board shall have the right to examine books, papers or accounts of any corporation, firm, or individual owning property liable to assessment for taxes, general or specific, under the laws of this State; and any officer or stockholder of any such corporation, any member of any such firm, or any person or persons who shall refuse to permit such inspection, or neglect or fail to appear before said board in response to its subpoena, or testify, as provided for in this section, shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding one thousand dollars or by imprisonment in the State Prison for a period not exceeding two years, or both such fine and imprisonment, in the discretion of the court.

SEC. 8. The State Board of Tax Commissioners shall constitute a State Board of Equalization of valuations and taxes for the State. In case it shall appear or be made to appear to said board that any tax list in any county in the State is grossly irregular, unlawfully or unequally assessed, it shall be the duty of said board to equalize the valuations of real property among the several counties in the following manner:

Board to constitute State Board of Equalization, Grossly irregular lists corrected.

SEC. 9. *Lands; how equalized.*

Lands shall be equalized by adding to the aggregate assessed value thereof, in every county in which said board may believe the valuation to be too low, such rate per centum as will raise the same to its proper proportionate value, and by deducting from the aggregate assessed value thereof, in every county in which said board may believe the valuation to be too high, such per centum as will reduce the same to its proper value. Town and city lots shall be equalized in the same manner herein provided for equalizing lands, and, at the option of said board, may be combined and equalized with lands.

Equalization of assessment of property.

SEC. 10. *Final examination.*

When said board shall have separately considered the several classes of property as hereinbefore required, the results shall be combined into one table, and the same shall be examined, compared, and perfected in such manner as said board shall deem best to accomplish a just equalization of assessments throughout the State.

Results to be combined in one table. Examination, comparison and perfection.

SEC. 11. *When equalization completed.*

When said board shall have completed its equalization of assessments for any year the clerk of the board shall certify the rate per centum or amount finally determined by said board to be added to or deducted from the assessed valuation of each class of property in the several counties; and it shall be the duty of the clerk of the board of county commissioners to extend the rates of addition or deduction as ordered by the State Board of Equalization.

Final result certified to counties.

Reformation of lists by counties.

SEC. 12. The Board of State Tax Commissioners may direct that any member of the board shall hear complaints, make examinations and investigations.

Hearing examination and investigation of complaints.

SEC. 13. *Clerical assistance.*

The Corporation Commission may employ such additional clerks, agents, or other help as in their judgment they may deem necessary to put into proper execution the provisions of this act. The persons so selected shall hold office during the pleasure of said board. The sum of twenty thousand dollars (\$20,000) per annum, or so much thereof as may be necessary, is hereby appropriated for the payment of the services of said clerks, agents, or other help. The members of said board shall receive an annual salary

Employment of additional clerks permitted. Terms of office of clerks.

Appropriation.

Salaries of members of board.
 Members to devote whole time.
 Additional compensation to clerk.
 Allowances for expenses.

May employ special assistants and counsel.

Compensation.

Proviso : commission for collection of inheritance tax.

each of five hundred dollars (\$500) in addition to their salary as Corporation Commissioners and shall devote their whole time to the discharge of the duties of their office; and the clerk of said Commission shall receive three hundred dollars (\$300) in addition to his other salary; and they shall also receive their necessary traveling expenses, including necessary postage, stationery, and printing, in the performance of their duties, to be audited and allowed by the State Auditor and paid monthly by the State Treasurer out of the general fund. The State Tax Commission is hereby authorized to employ special assistants or counsel in the discovery and collection of all inheritance taxes that are overdue and unpaid, and whenever in the judgment of the Commission the interests of the State will be conserved thereby, the compensation, not to exceed five per centum of the amounts of revenue collected, to be audited and allowed by the State Auditor upon certificate of the State Tax Commission in the settlement of such taxes: *Provided* the commission of five per cent herein authorized for collection of inheritance taxes shall be limited to cases where actual settlement is pending at the time of the ratification of this act.

SEC. 14. Obsolete.

SEC. 15. *Commissioners to appoint township list-takers and assessors.*

County commissioners to appoint assessors.

May appoint assistant list-taker for wards.

Compensation of list-taker and assessor.

Proviso : compensation may be by names.

Per diem and mileage of county boards to be paid by county.

The board of commissioners of each county shall on the first Monday in the month of April, in each year, appoint one discreet freeholder in each township (or, in the discretion of the county commissioners of any county, they may appoint two), who shall have been a resident of the township for not less than twelve months, who shall be known as the township list-taker and assessor and who shall list and assess real and personal property in said township for taxation: *Provided*, said board of commissioners may appoint an assistant list-taker and assessor for the purpose mentioned in this act for each ward in any city or town in their respective townships. The township list-taker and assessor shall devote such portion of time to the duties of the office as may be necessary from the first day of May to the thirtieth day of June. The board of county commissioners shall allow each list-taker and assessor such compensation as said board shall deem just and proper for each day actually engaged in the performance of his duties, not exceeding four dollars per day: *Provided*, the board of commissioners may, if in their judgment deemed wise to do so, fix compensation on the basis of number of tax lists taken, not to exceed fifteen cents per name. Said board of county commissioners shall also allow each member of the board of equalization such per diem for the number of days actually engaged in the performance of his duties as said board of commissioners shall deem just and proper, and in addition thereto mileage at the rate of five

cents for each mile necessarily traveled in attending the meeting of the board of equalization. The per diem and mileage provided in this section shall be paid by the county.

SEC. 16. Obsolete.

SEC. 17. *General duties of township list-takers and assessors; reviewed by county assessor and county board of equalization; in force for four years.*

The township list-taker and assessor shall begin work of assessment and listing on Tuesday after the first Monday in May of each year, and shall complete the same as early as practicable, and shall return his list of assessments so made out for the year nineteen hundred and nineteen to the county assessor, and for other years to the clerk of the board of county commissioners. The assessment of real property, when made, shall be in force for four years, or until altered, as provided by this act, by reason of structural improvement, erection, or destruction.

Time for beginning assessment and listing.

Lists to be returned to county assessor.

SEC. 18. *Duties of township list-taker and assessor as to assessing and listing property.*

Each township list-taker and assessor appointed under the authority of this act shall advertise in five or more public places within the township not later than the twentieth day of April, notifying all taxpayers to return to him all real and personal property which each taxpayer shall own on the first day of May, and said return shall be made to the list-taker during the month of May under the pains and penalties imposed by law, and naming the times and places at which he will be present to receive tax lists. The township list-taker and assessor shall obtain from each taxpayer a full, complete, and detailed statement of each and every piece and kind of property, real, personal, and mixed, which said taxpayer shall own on the first day of May, together with, as near as possible, the true value in money of all such property owned by him or them, or which may be under his or their control as agent, guardian, administrator, or otherwise, and which should be listed for taxation; and it shall be the duty of said township list-taker and assessor to ascertain by visitation, investigation, or otherwise the actual cash value in money of each piece or class of property in his township, and to list such property at its actual value for taxation. He is hereby authorized and empowered to administer oaths in all cases necessary to obtain full and correct information concerning any taxable real and personal property in his township.

Advertisement of tax-listing.

Time for return.

Detailed statement of property.

Valuation by lister.

Value to be ascertained by visitation.

Administration of oaths.

SEC. 19. Obsolete.

SEC. 20. *Oath of township list-taker and assessor.*

Before entering upon the discharge of the duties of his office the assistant assessor shall take and subscribe the following oath

County assessor to be sworn.

before the chairman of the board of county commissioners for his county or some officer qualified to administer oaths:

Form of oath.

"I, ----- assistant assessor for ----- Township, of ----- County, do solemnly swear (or affirm) that I will discharge the duties devolving upon me as assistant assessor according to the laws in force governing said office: so help me, God."

Assistant assessor to make affidavit.

And upon making his complete returns of his assessments, embracing an abstract of the taxable property of the township, to the county assessor, the assistant assessor shall annex the following affidavit, subscribed and sworn to before a justice of the peace, who shall certify the same:

Form of affidavit or oath.

"I, the assistant assessor for ----- Township of ----- County, make oath that the foregoing list contains, to the best of my knowledge and belief, all the real and personal property required by law to be assessed in said township, and that I have assessed every tract or parcel of land or other real and personal property at its true value in money, and have endeavored to do equal justice to the public and to the taxpayers concerned."

False return by assessor misdemeanor.

Any assessor making a false return shall be deemed guilty of a misdemeanor.

SEC. 21. *Real property to be assessed at its true value in money.*

Valuation of real estate from actual view or information.

Real property shall be valued by the township list-taker and assessor, either from actual view or from the best information that the township list-taker and assessor can practically obtain, according to its true value in money. In determining the value the township list-taker and assessor shall consider as to each piece its advantage of location, quality of soil, quantity of standing timber, water privileges, water-power, mines, minerals, quarries, or other valuable deposits known to be available therein, and their value.

Matters for consideration in fixing values.

SEC. 22. *Personal property to be assessed at its true value in money.*

Assessments of personal property.

All articles of personal property shall, as far as practicable, be valued by the list-takers and assessors according to their true value in money; and after arriving at the total valuation of all articles of personal property which he shall be able to discover as belonging to any person, if he or they have sufficient evidence upon which to form a belief that such person has other personal property, consisting of money, credits, debts due or to become due, or any other thing of value liable to taxation, he, they, or the board of commissioners shall have power to take such action as may be necessary to get said property on the tax lists.

SEC. 23. *Defining actual value in money.*

The intent and purpose of the tax laws of this State is to have all property and subjects of taxation assessed at their true and actual value in money, in such manner as such property and subjects are usually sold, but not by forced sale thereof, and the words "market value" or "true value," whenever in the tax laws, shall be held and deemed to mean what the property and subjects would bring at cash sale when sold in such manner as such property and subjects are usually sold.

Intent and purpose of tax laws.

Terms defined.

SEC. 24. *Obsolete.*

SEC. 25. *Discovering property not listed.*

It shall be the duty of the county commissioners and the several list-takers to be constantly looking out for property which has not been listed for taxation, and when discovered such property shall be duly placed upon the assessment list and properly assessed for taxation. At any time before or after the tax list has been turned over to the sheriff as provided for in section eighty-five of this act such property may be so discovered, the list-taker shall make return thereof to the clerk of the board of county commissioners, who shall enter such property upon the tax books, make out a tax account, and place the same in the hands of the sheriff or tax collector and charge him with the same and issue such orders to the sheriff as provided in section eighty-five, and such orders shall have the force and effect of a judgment and execution against the real and personal property of the person charged with such list, as provided in section eighty-five of the regular tax list.

Omitted property listed upon discovery.

Return of list and entry of property.

SEC. 26. *County board of equalization.*

The board of county commissioners shall constitute the board of equalization in each county, and shall meet the second Monday in July in each year. Said board shall equalize the valuation so that each tract or lot of land or articles of personal property shall be entered on the tax list at its true value in money, and for this purpose they shall observe the following rules: (1) They shall raise the valuation of such tracts or lots of real or articles of personal property, including stocks, bonds, and shares in all incorporated companies, except such as are specifically exempt by law, as in their opinion have been returned below their true value, to such price or sum as they may believe to be the true value thereof; (2) they shall reduce the valuation of such tracts and lots or articles of personal property as in their opinion have been returned above their true value, as compared with the average valuation of real and personal property, including stocks, bonds, and shares of all incorporated companies of such county. In regard to real property, they shall have due regard to the relative situation, quality of soil, improvements, natural and artificial

County board of equalization.
Time of meeting.
Rules for equalizing values.

Raise of valuation.

Reduction of valuation.

Matters affecting real property.

Clerk of county board.

Copy of proceedings to State board.

Returns of aggregate and average values.

Accounts in detail.

Lists, schedules, statements and books to be filed before payment of compensation.

List-takers and assessors not to be paid until they have complied with law. Judgment of commissioners as to time.

Land listed at assessed value in nonassessment years.

Personal property listed and assessed.

List-taker to correct land value.

Pay of county commissioners as board of equalization.

advantages possessed by each tract or lot. The clerk of said board of county commissioners shall be clerk of the board of equalization, and shall within five days after adjournment of said board furnish the State Tax Commission with a copy of all proceedings of the county board of equalization with respect to any and all changes made by such board of valuations made and returned by the township list-takers and assessors. The clerk of the board shall also furnish the State Tax Commission within five days after adjournment of the county board of equalization, on blanks to be furnished by the Commission, statement from the returns made by the township list-takers and assessors of aggregate value of real and personal property by townships and as a whole for the county and average value per unit of land acreage and of the several classes of livestock.

SEC. 27. *Compensation of township list-takers and assessors.*

Township list-takers and assessors shall make out their accounts in detail, giving the date of each day when they shall have been employed, which account they shall verify under oath. They shall not be entitled to compensation until they shall have filed lists, schedules, statements, and books appertaining to assessment of property for such year with the county assessor for the clerk of the board of county commissioners, the books to be accurately made up, showing correct total values for each class of property, average value per unit and aggregate value of all property in the township. The list-takers and assessors shall not be entitled to pay unless they have performed the labor and made return in strict compliance with the law. The county commissioners shall be the judge of the number of days actually necessary for taking the lists and may regulate the same when a greater number of days are charged for than they deem necessary.

SEC. 28. *Listing in off years; correcting assessment.*

Except in the year when there shall be an assessment of real property, the township list-taker and assessor shall list the lands in his township at the valuation previously assessed on the same and shall list and assess all personal property in said township. Such township list-taker and assessor shall correct any parcel of real property on which any structure of over one hundred dollars value may have been erected or improved in excess of the value of one hundred dollars or on which any structure of the like value shall have been destroyed, agreeably to the returns made in accordance with the provisions of this act.

SEC. 29. *Compensation as members of board of equalization.*

The members of the board of county commissioners shall be allowed, each as a member of the board of equalization, their usual compensation per diem for the number of days actually

engaged in the performance of their duties, and in addition thereto mileage at the rate of five cents for each mile necessarily traveled in attending the meetings of the board of equalization. The per diem and mileage as provided in this section shall be paid by the county.

Per diem and mileage to be paid by county.

SEC. 30. *How to list property.*

Every person owning property is required to list and shall make out, sign, and deliver to the list-taker a statement, verified by his oath, of all the real and personal property, moneys, credits, investments in bonds, stocks, joint-stock companies, annuities, or otherwise, and the value of improvements on real estate since same was assessed, in his possession or under his control on the first day of May, either as owner or holder thereof, or as parent, guardian, trustee, executor, executrix, administrator, administratrix, receiver, accounting officer, partner, agent, factor, or otherwise: *Provided*, that whenever personal property has been conveyed in trust and the trustee resides out of the State, but the trustor resides within the State, then and in that case such property shall be listed for taxation in this State by said trustor where the property is situated. In all cases where a guardian, executor or executrix, administrator or administratrix, resides in a city or incorporated town, all personal property in the hands of such guardian, executor or executrix, administrator or administratrix shall be listed for taxation only where their wards resided on the first day of May and where the deceased persons resided on the date of their death, unless such wards or deceased persons were nonresidents of the State on the first day of May or at the day of death, in which case the guardian, executor or executrix, administrator or administratrix shall list the property where he or she resides on the first day of May: *Provided further*, that when personal property is held in trust for another by any person, firm, or corporation in this State, whether as guardian, trustee, or otherwise, and the *cestui que trust* is a resident of the State, then the same shall be listed for taxation in the county and township where the *cestui que trust* lived on the first day of May; and if the *cestui que trust* lived in a county in the State other than the county of the trustee, guardian, or other person so holding said property, then the property so held in trust may be listed for taxation by forwarding a list thereof, verified by oath, to the register of deeds of the county wherein the *cestui que trust* lived on the first day of May, and such register shall enter the same on the tax lists of the township in which the *cestui que trust* lived; and banks listing their stocks held in trust shall give the county in which the *cestui que trust* lives and shall forward to the register of deeds of that county the names of *cestuis que trustent* living therein, with the number of shares held by each, and their taxa-

Sworn statement by owner.

Items to be listed.

Proviso: personal property held in trust in State to be listed.

Where property held by guardians and representatives of deceased persons to be listed.

Personal property to be listed at residence of *cestui que trust*.

Banks to forward reports of shares to register of deeds.

Guardian
exempt from
municipal tax.

Evasion of tax
a misdemeanor.

Punishment.

One-half of
fine to informer.

ble value, to the end that they may be entered for school, county, and municipal taxation. The guardian shall be exempt from municipal taxation on the personal property of his ward when the ward resides outside of the corporate limits of the city or town. Any person who, to evade the payment of taxes, surrenders or exchanges certificates of deposit in any bank in this State or elsewhere for nontaxpaying securities, or surrenders any taxable property for nontaxable property, and after the date of listing property has passed takes said certificate or other taxable property back and gives up said nontaxpaying securities or property, or executes any fictitious note or other evidence of debt for deduction from his solvent credits, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than fifty nor more than two hundred dollars (one-half of which shall go to the informer), or imprisoned not less than one month nor more than six months, or both.

SEC. 31. *Who may list through agents.*

List to be given
by person
charged.

Proviso: ap-
pointment of
agents allowed.

Agents to
qualify.

Returns of
corporations.

The list shall be given by the person charged, during the months of May and June, as herein prescribed: *Provided*, that agents for the purpose of listing property may be appointed by females or nonresidents of the township where the property is situated, or by persons physically unable to attend and file their list at any time during the months of May and June: *Provided*, such person shall be required to qualify by stating under oath that he knows the extent and has a knowledge of the true valuation of the property to be listed. The property of a corporation shall be given in by the president, cashier, treasurer, or other person appointed for that purpose.

SEC. 32. *Where to list real estate, mineral, and quarry lands.*

Real property
to be listed
where situate.

Interests to be
listed
separately.
Mineral quarry
and timber
interests
described.

Attached or
detached timber
interests to be
listed.

All real property subject to taxation shall be listed in the township in which said property is situated on the first day of May. When the fee of the soil of any tract, parcel, or lot of land is in any person or persons, natural or artificial, and the right to any minerals, quarry, or timber therein is in another or others, the same shall be valued and listed, agreeable to such ownership, in separate entries, specifying the interest listed, and shall be taxed to the parties owning the different interests, respectively. In listing mineral, quarry, or timber interests the owner thereof shall describe the same in his list, together with the separate value of each separate tract or parcel of land in or on which the same shall be situated or located, and the list-taker shall be particular to enter the same on the tax list according to the returns. An owner of separate timber interests shall list the same, whether the timber shall be attached to or detached from the soil.

SEC. 33. *Where polls and personal property shall be listed.*

All taxable polls and all personal property shall be listed in the township in which the person so charged resides on the first day of May, subject to the following exceptions:

1. Such shares of stock as are directed to be listed otherwise by this act.

2. All goods and chattels situated in some township, town or city other than that where the owner resides shall be listed in the township, town or city where situated, and not elsewhere, if the owner or person having control thereof hires or occupies a store, mill, dock yard, piling ground, place for sale of property, shop, office, mine, farm, place of storage, manufactory or warehouse therein for use in connection with such goods and chattels: *Provided*, that all farm products, while owned by the raiser or producer, shall be listed where raised, and that all manufactured goods consigned or stored out of the State shall be listed where the owner resides. The residence of a person who has two or more places in which he occasionally dwells shall be that in which he dwells for the longest period of time during the year preceding the first day of May. The place where the principal office in this State is situated shall be deemed the residence of the corporation; but if there be no principal office in the State, then such property shall be listed and taxed at any place in the State where the corporation transacts business. For the purpose of assessing property and collecting taxes, a copartnership shall be treated as an individual, and property shall be listed in the name of the firm. A copartnership shall be deemed to reside in the township, town, or city where its business is principally carried on. Each partner shall be liable for the whole tax. Any taxpayer who willfully fails to list any personal property or poll liable to taxation in this State shall be guilty of a misdemeanor, and the failure to list shall be prima facie evidence that such failure was willful.

SEC. 34. *Debts owing by taxpayer may be deducted.*

The taxpayer, upon making a return to the list-taker of his property subject to taxation under the provisions of section forty of this act, shall file with the list-taker, on a blank to be prepared and furnished by the State Tax Commission, a statement of all the property of every kind and description owned by the taxpayer, and also a statement of his income subject to taxation under the laws of this State. All bona fide indebtedness owing by any person may be deducted by the list-taker from the amount of said person's credits, and insurance companies may deduct from solvent credits due to them an amount equal to their reinsurance reserve: *Provided*, that the State Tax Commission shall have the power, in their discretion, to summon any taxpayer to appear before any commissioner at some place within the county where the taxpayer resides and answer relative to the amount of solvent credits owned

Polls and personal property listed where owner resides. Exceptions. Shares of stock.

Goods and chattels where situate.

Farm products listed where raised.

Manufactured goods listed where owner resides.

Place of residence defined.

Residence of corporation.

Copartnership treated as individual.

Residence of copartnership.

Each partner liable for tax.

Failure to list misdemeanor.

Prima facie

Taxpayer to file list of property and income.

Deduction of debts from credits.

Deductions by insurance companies.

Prviso: examination of taxpayer by commission.

by him and the persons owing the same, as well as the nature of any indebtedness which has been deducted from solvent credits and the name of the person to whom said indebtedness is due.

SEC. 35. *Obsolete.*

SEC. 36. *Penalty for not listing personal property.*

Any person, firm, or corporation in this State owning or holding personal property of any nature or description individually or as agent, trustee, guardian, or administrator, executor, assignee, or receiver, which property is subject to assessment, who shall intentionally make a false statement to the list-taker and assessor of his assessment district, or to the board of equalization, for the purpose of avoiding the payment of the just and proportionate taxes thereon, shall forfeit the sum of ten dollars for every hundred dollars, or major fraction thereof, so withheld from the knowledge of such list-taker and assessor or board of equalization. It is hereby made a duty of the sheriff of any county, upon complaint made to him by any taxpayer of the assessment district in which it is alleged that property has been so withheld from the knowledge of the list-taker and assessor or board of equalization, or not included in the said statement, to investigate the case forthwith and bring an action in the Superior Court in the name of the State against the person so complained of. All forfeitures collected under the provisions of this section shall be paid into the county treasury.

SEC. 37. *List-takers and assessors shall administer oath.*

It shall be the duty of the list-takers and assessors of the several counties of the State, before receiving the returns of any taxpayer, to actually administer the oath required by law of taxpayers, the oath being read by the taxpayer in the presence and in the hearing of the list-taker and assessor or by the list-taker and assessor in the hearing and presence of the taxpayer; and for failure of said list-taker and assessor to so administer said oath, except in those cases where by law said oath may be made before some other person, such list-taker and assessor shall be guilty of a misdemeanor, and upon conviction shall be punished by imprisonment of not less than ten days nor more than six months, and in addition shall forfeit the sum of ten dollars for each omission, one-half to go to the person furnishing information sufficient to convict and one-half to the educational fund of the State, said amounts to be deducted from the compensation of such list-taker and assessor.

SEC. 38. *Oath of taxpayer.*

The list-taker and assessor shall require the owner, agent, guardian, personal representative, or other person having control of the property and listing such property, to make and subscribe

Forfeit for false statement as to personal property.

Sheriff to investigate and bring action.

Forfeitures to use of county.

List-takers and assessors to administer oaths.

Failure to administer oath a misdemeanor.

Punishment.

Forfeit.

One-half of forfeit to informer; one-half to State school fund.

List-taker and assessor to require oath.

the following oath, which shall be attached to each and every schedule, to wit:

"I do solemnly swear (or affirm) that the above and foregoing listed property is a full, true, and complete list of all and each kind of property owned by me or under my control as agent, guardian, personal representative, or otherwise, and that I have not neglected to list for taxation for the year all of each and every kind of property of which I am the owner or of which I have control as agent, guardian, personal representative, or otherwise, in the county of-----, State of North Carolina. That I have made full and true return of my income as required by law, and that I have not in any way connived at the violation or evasion of the requirements of law in relation to the assessment of property for taxation: so help me, God."

Form of oath.

SEC. 39. *Property held in trust listed separately.*

Property held in trust as agent, guardian, executor or executrix, administrator or administratrix, or in the right of a feme covert, shall be returnable on a separate list. The sheriff or other tax collector in any county shall be liable to suit on his official bond for failure to report any false return of property mentioned in this section which he may discover or which may be otherwise discovered and made known to him, and it shall be his duty to report such fraud to the grand jury of his county.

Property in trust or in right of married woman to be returned separately.
Sheriff liable on bond for failure to report.
Frauds to be reported to grand jury.

SEC. 40. *What shall be specified on tax list.*

The list shall state all property of the taxpayer, and also the age of the party, if a male, with reference to his liability to a poll tax. The list shall also contain, as of the first day of May (1) the quantity of land owned in the township, together with the kind and nature of any buildings erected thereon, and the land shall be described by name, if it has one; otherwise in a way that it may be identified, and each separate tract or parcel of land shall be separately listed and described: (2) manufacturing property outside of incorporated cities and towns; (3) the number of acres of mineral, timber, and quarry lands and lands susceptible of development for waterpower; (4) the number of town lots; (5) the number and value of horses; (6) the number and value of mules; (7) the number and value of jacks and jennets; (8) the number and value of cattle; (9) the number and value of hogs; (10) the number and value of sheep; (11) the number and value of goats; (12) the number and value of dogs; (13) the value of farming utensils, including farm tools and machinery of all kinds; (14) the value of carriages, harness, buggies, wagons, carts, and other vehicles; (15) the value of warehouse fixtures and office furniture; (16) the value of tools of mechanics; (17) the value of household and kitchen furniture, musical instruments, provisions of all kinds, including grain and forage; firearms; (18) the value of libraries

Tax-list to show all property and age of lister.
List to contain as of May 1:
Quantity of land and kind of buildings.
Manufacturing property.
Mineral, timber, quarry lands and water-powers.
Town lots.
Horses.
Mules.
Jacks and jennets.
Cattle.
Hogs.
Goats.
Farming utensils.
Carriages, harness and vehicles.
Warehouse and office furniture.
Tools of mechanics.
Furniture, musical instruments and provisions.

Libraries and scientific instruments.

Money on hand.

Credits, including uncollected interest.

Credits at market value.

Deduction of debts.

Money, investments, stocks and bonds.

Automobiles and pleasure boats.

Fishing tackle and floating property.

All other personal property whatsoever.

Income.

Address of nonresident.

Debts not recoverable unless listed.

County commissioners may exempt from poll tax.

Certificate of exemption.

and scientific instruments: (19) the amount of money on hand; (20) the amount of credits, including accrued interest uncollected and owing to the party, whether by a person in or out of the State, whether owing by mortgage, bond, note, bill of exchange, certificate, check, open account, or due and payable, whether owing by any State or government, county, city, town, or township, individual, company, or corporation; the value of cotton, tobacco, or other property in the hands of commission merchants or agents in or out of the State. If any credit be not regarded as entirely solvent, it should be given in at its current or market value, and the party may deduct from the amount of his credits owing to him the amount of collectible debts owing by him as principal debtor; (21) money, investments, stocks and bonds and shares of stock in incorporated companies which are not taxed through the corporation itself; (22) automobiles, pleasure boats of any and all kinds; (23) the number and value of seines, nets, fishing tackle, boats, barges, schooners, vessels and all other floating property; (24) all other personal property whatever, including all cotton in seed or lint; tobacco, either in leaf or manufactured; turpentine, rosin, tar, brandy, whiskey, musical instruments, bicycles, goods, wares and merchandise of all kinds; plated and silverware and all watches and jewelry possessed by the party or any minor child; (25) the income of the party for the twelve months next preceding the first day of May in the current year, if over one thousand two hundred and fifty dollars. If the party be a nonresident of the county and owns land therein, the list shall state his address, and may name an agent in the county to whom notice may be given respecting his taxes. If any person shall, with a view to evade the payment of taxes, fail or refuse to give in to the assessing officer any bonds, notes, claims, or other evidences of debt which are subject to assessment and taxation under this act, the same shall not be recoverable at law or suit in equity before any of the courts of this State until they have been listed and the tax paid thereon, together with any and all penalties prescribed by law for the nonpayment of taxes.

SEC. 41. *Commissioners shall have power to exempt; sheriff to garnishee if taxes are not paid in sixty days; form of attachment.*

The boards of commissioners of the several counties shall have power to exempt any person from the payment of poll tax on account of poverty and infirmity; and when any such person has been once exempted he shall not be required to renew his application unless the commissioners shall revoke the exemption. When such exemption shall have been made the clerk of the commissioners shall furnish the person with a certificate of such action, and the person to whom it was issued shall be required to list his poll,

but upon exhibition of such certificate the list-taker shall annually enter in the column intended for the poll the word "Exempt," and the poll shall not be charged in computing the list. If any poll tax or other tax shall not be paid within sixty days after the same shall be demandable it shall be the duty of the sheriff, if he can find no property of the person liable sufficient to satisfy the same, to attach any debt or other property incapable of manual delivery due or belonging to the person liable or that may become due before the expiration of the calendar year, and the person owing such debt or having such property in possession shall be liable for said tax. Any corporation, firm, or person who shall, on demand or request made, refuse to give to the tax collector of any county, city or town a list giving the names of all persons employed by them who are liable for tax, shall be guilty of a misdemeanor. For the purpose of carrying into effect the provisions of this section the following form shall be used as an attachment, viz.:

Collection of tax by garnishment.

List of employees to be furnished.

To A. B.-----

Take notice that this is to attach any debt that is now due or may become due to C. D., a delinquent in his poll (or property) tax for the year one thousand nine hundred and -----, and you are hereby summoned to appear before E. F., an acting justice of the peace for ----- County, and disclose any indebtedness which is or may be due said delinquent by you during the present calendar year, and to show cause why judgment should not be rendered against you for said delinquent tax and costs of this proceeding.

Form of attachment.

-----day of-----, 19----

A. B., Sheriff, or Tax Collector.

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

Fees of sheriff and justice of peace.

SEC. 42. *Bank taxation.*

The taxes imposed for State purposes upon the shares of stock in any bank, banking association, or savings institution (whether State or National) in this State shall be paid by the cashier of such bank, banking association, or savings institution, directly to the State Treasurer, and upon failure to pay the State Treasurer as aforesaid he shall institute an action against the bank, banking association, or savings institution to enforce the same in the county of Wake or in the county in which the bank, banking association or savings institution is located, which action shall be prosecuted in the name of the State of North Carolina on the relation of the Treasurer of the State, and which shall be tried at the return term of court: *Provided*, the complaint is filed ten days before the first day of such term, and shall have precedence over all other actions. The value of such shares shall be determined as

Bank taxes paid by cashier.

Treasurer to institute action for collection.

Trial at return term of court. Time of filing complaint. Determination of value of shares.

Real estate of banks to be listed with local authorities.

Shares of stock to be listed with State Tax Commission.

To be listed at market value. Deduction for property listed.

Ascertainment of value of shares.

Insolvent debts may be deducted.

State and Federal bonds to be deducted if bought and paid for 90 days before listing time.

Exception from 90-day clause.

Victory bonds.

Commission may investigate as to value of securities.

Action of commission may be reviewed by Superior Court.

is hereinafter in this section provided. Every bank, banking association, or savings institution (whether State or National) shall list its real estate in the county, city or town in which such real estate is located, for the purposes of county and municipal taxation. Every such bank, banking association, or savings institution shall, during the month of May, list annually with the State Tax Commission, in the name of and for its shareholders, all the shares of its capital stock, whether held by residents or nonresidents, at its market value on the first day of May, or, if it have no market value, then at its actual value on that day, from which market or actual value shall be deducted the assessed value of the real and personal property which such bank, banking association, or savings institution shall have listed for taxation in the county or counties wherein such real and personal estate is located. The actual value of such shares, where such shares have no market value, shall be ascertained by adding together the capital stock, surplus, and undivided profits, and deducting therefrom the amount of real and personal property owned by said institution on which it pays tax and dividing the net amount by the number of shares in said institution. Insolvent debts due said institution may be deducted from the items of undivided profits or surplus, if itemized and sworn to, and forwarded to the State Tax Commission by the cashier of such institution, also accrued and unearned interest, unpaid taxes, an amount not exceeding five (5) per cent of the bills receivable of said institution to cover any other bad or insolvent debts, and also an amount equal to the true value of any shares of stock owned in other North Carolina banks or corporations upon which the tax is paid by the owner or the corporation issuing the same. There shall also be deducted investments by such banks in bonds of this State and of the United States Government and of the Federal Farm Loan Bank and bonds of the Joint-stock Land Bank not exceeding twenty-five per cent of the capital stock and surplus of such banks. To be entitled to this deduction it must be shown by the reports of such banks that the bonds were purchased and paid for in full at least ninety days before the first day of May, except that bona fide purchases of the current issue of "Victory" bonds may be deducted if paid for in full not later than the twentieth day of April, nineteen hundred and nineteen. If the State Tax Commission shall have reason to believe that the market or actual value as given in is not its true value, it shall ascertain such true value by such examination and investigation as to it seems proper, and change the value as given in to such an amount as it ascertains the true value to be, which action on the part of the State Tax Commission may be reviewed by the Superior Court by an action brought against the State Tax Commission in its official capacity by the party aggrieved. But no action shall lie until all taxes admitted by such aggrieved party to be due shall have been paid or tendered. The taxes so assessed

upon the shares of any such bank, company or association shall be paid by the cashier, secretary, treasurer or proper accounting officer thereof, and in the same manner and at the same time as other taxes are required to be paid in such county, special school district or city; in default of such payment such cashier, secretary, treasurer or other accounting officer as well as such bank, company or association shall be liable for such taxes, and in addition, for a sum equal to ten per centum thereof. Any taxes so paid upon any such shares may, with the interest thereon, be recovered from the owners thereof by the bank, company, association or officer paying them, or may be deducted from the dividends accruing on such shares. The taxation of shares of any such bank, banking association, or savings institution shall not be at a greater rate than is assessed upon other moneyed capital in the hands of individual citizens of this State, whether such taxation is for State, county, school, or municipal purposes.

Taxes on shares of corporation stock to be paid by officer.

Taxation of shares of corporation not to be at higher rate than individuals pay.

Sec. 43. *Reports from corporations.*

Hereafter, except in the case of such corporations as are especially mentioned by name in other sections of this or the Revenue Act and required to make statements in other forms, it shall be the duty of the president, chairman, or treasurer of every corporation having capital stock, every joint-stock association or limited partnership whatsoever, now or hereafter organized or incorporated by or under any law of this State, to make a report in writing, to the State Tax Commission on or before the first day of July of each year, stating specifically:

Reports of corporations to State Tax Commission.

First. Total authorized capital stock.

What report is to specify.

Second. Total authorized number of shares.

Third. Number of shares of stock issued.

Fourth. Par value of each share.

Fifth. Amount paid into the treasury on each share.

Sixth. Amount of capital stock paid in.

Seventh. Amount of capital on which dividend was declared.

Eighth. Date of each dividend during said year ending with the first day of May.

Ninth. Amount of each dividend during the year ending with the first Monday in said month.

Tenth. Highest price of sales of stock between the first and fifteenth days of May; highest price of sale of stock during the year aforesaid; average price of sales of stock during the year.

And in said report one of the following named officers of such corporation, limited partnership, or joint-stock association, namely, the president, chairman, secretary, or treasurer, after being duly sworn or affirmed to do and perform the same with fidelity and according to the best of his knowledge and belief, shall estimate and appraise the capital stock of said company at its actual value in cash on the first day of May, after deducting therefrom the

Sworn appraisal of capital stock.

Deductions.

assessed value of all real and personal estate upon which the corporation pays tax, and the value of the shares of stock legally held and owned by such corporation in other corporations incorporated in this State and paying taxes on its capital stock in this State, as indicated or measured by the amount of profit made, either declared in dividends or carried into surplus or sinking fund; and when the same shall have been so truly estimated and appraised they shall forthwith forward to the State Tax Commission a certificate thereof, accompanied by a copy of their said oath or affirmation, signed by them and attested by a magistrate or other person duly qualified to administer the same. Every such corporation may also show a deduction from the total amount of its capital stock, surplus and undivided profits, the total amount of its actual investment in bonds of this State and of the United States and of the Federal Farm Loan Bank and bonds of the Joint-stock Land Bank which have been held as a continuing investment by such corporation for a period of not less than three months prior to the day on which such report is required by law to be made, except the bonds of the "Victory" loan issue may be deducted if held and paid for not later than April twentieth, nineteen hundred and nineteen: *Provided*, that if the State Tax Commission or either of them is not satisfied with the appraisal and valuation so made and returned, they are hereby authorized and empowered to make a valuation thereof, based upon the facts contained in the report herein required or upon any information within their possession, and to settle an account on the valuation so made by them for taxes, penalties and interest due the State thereon, of which such settlement immediate notice shall be given to such corporation by said State Tax Commission, with the right to the company dissatisfied with any settlement so made against it to appeal to the Superior Court in term-time of the county in which such company has its principal place of business in this State, and thence to the Supreme Court of this State; but before such company shall be allowed to exercise the right of appeal it shall, within twenty days after notice of such settlement, file with the State Tax Commission exceptions to the particulars to which it objects, and the grounds thereof, and said State Tax Commission shall hear said exceptions, after ten days notice of such hearing given by said State Tax Commission to said company; and if they shall overrule any of said exceptions, then such company, if it desires to appeal to said Superior Court shall, within ten days thereafter, give notice to said State Tax Commission of such appeal to said Superior Court, and the State Tax Commission shall thereupon transmit to said Superior Court a record of said settlement, with the exceptions of the company thereto, and all decisions thereon, and all papers and evidence considered in making said decision. The said cause shall be placed on the civil docket of said Superior Court and shall have precedence over other civil actions.

Certificate of appraisal to State Tax Commission.

Deduction of State and United States bonds.

Victory bonds: restriction of time of ownership.
 Provide: valuation by State Tax Commission if report unsatisfactory.

Notice to be given corporation.
 Corporation may appeal.

Exceptions to be filed with Commission before appeal.

Hearing on exceptions.

Notice of appeal.
 Record of appeal.

To take precedence over other civil actions.

dence of all other civil actions, and shall be tried under the same rules and regulations as are prescribed for the trial of other civil causes. The cause shall be entitled State of North Carolina on the relation of State Tax Commission against such company. Either party may appeal to the Supreme Court from the judgment of the Superior Court, under the same rules and regulations as are prescribed by law for other appeals, except that the State of North Carolina, if it shall appeal, shall not be required to give an undertaking or make any deposit to secure the costs of such appeal; and the Supreme Court may advance the cause on their docket so as to give the same a speedy hearing; and in the event of the neglect or refusal of the officers of any corporation, company, joint-stock association, or limited partnership for a period of sixty days to make the report and appraisalment to the State Tax Commission as herein provided, it shall be the duty of the State Tax Commission to estimate a valuation of the capital stock of such defaulting corporation, company, joint-stock association, or limited partnership, and settle an account for taxes, penalty and interest thereon, from which settlement an appeal may be made to the Superior Court of the county in which the corporation has its principal place of business. Corporations, limited partnerships, or joint-stock associations liable to tax on capital stock shall not be required to make any report or pay any further State tax on the mortgages, bonds, other securities and credits owned by them in their own right. The State Tax Commission is forbidden to divulge or make public any report of a corporation required to be made to it by this section. The State Tax Commission shall prepare and keep a record book, upon which it shall enter a correct list of all the corporations and banks which it has assessed for taxation, and said record shall show the assessed valuation placed upon same by it.

Entitlement of cause.
Appeal to Supreme Court.

Cause may be advanced on docket.
Delinquent corporation to be appraised by Commission.

Corporation may appeal.

Tax on capital to relieve credits.

Reports not to be made public.

Record book to be kept.

Sec. 43a. *Reports of names of officers and employees to be made to the State Tax Commission.*

That in addition to the information required by the preceding section to be reported to the State Tax Commission by domestic corporations, all corporations, both domestic and foreign, doing business in this State and required by any section of the Revenue and Machinery Acts to make report to the State Tax Commission shall also be required to report to the State Tax Commission the names and place of residence of all officers and employees of such corporations who were paid by such corporations salaries, wages or fees for the eight months ending January first, nineteen hundred and nineteen, in excess of six hundred and sixty-six dollars and sixty-six cents for unmarried persons and in excess of one thousand dollars for married persons and widows and widowers having minor child or children, and the total amount of such compensation for said period, and annually thereafter during the month of

Corporations to report salaries of officers and employees.

Limit of non-taxable incomes.

January for the preceding calendar year, the names of all officers and employees of such corporations who were paid by such corporations salaries, wages or fees in excess of one thousand dollars for unmarried persons and fifteen hundred dollars for married persons and widows and widowers having minor child or children, and the total amount of compensation. All such corporations shall be liable for penalties provided in section eighty-two of the Revenue Act for failure to make report as required by this section.

Penalty for failure to report salaries.

Persons, firms and companies to report names of employees drawing taxable incomes.

Limit of nontaxable incomes.

Penalty for failure to report.

Incomes of State employees to be reported.

Exceptions.

Time covered by reports.

Limit of nontaxable incomes.

Proviso: minimum exemption to persons not known to be married.

Traveling auditors to investigate incomes.

Reports from persons, firms, and companies not incorporated. Every person, firm, or company not incorporated shall report to the State Tax Commission during the month of May the name and place of residence of any one in their employ who was paid salaries, wages, fees or commissions for the eight months ending January first, nineteen hundred and nineteen, in excess of six hundred and sixty-six dollars and sixty-six cents for unmarried persons and one thousand dollars for married persons and widows and widowers having minor child or children. Every person, firm or company not incorporated failing to comply with the provisions of this section shall be liable for the payment of the tax upon such income as they failed to report as required by this section.

Reports from State Auditor and State institutions.—The State Auditor and the disbursing officer of every State institution or any agency receiving aid from the State government, and every department of the State government that pays salaries, wages, fees, or commissions by any other means than by warrants issued by the State Auditor shall make report to the State Tax Commission during the month of May of all such salaries, wages, fees or commissions paid for the eight months ending January first, nineteen hundred and nineteen, in excess of six hundred and sixty-six dollars and sixty-six cents for unmarried persons and one thousand dollars for married persons and widows and widowers having minor child or children; and annually thereafter in the month of January for the preceding calendar year, the names of all persons who receive salaries, wages, fees or commissions in excess of one thousand dollars for unmarried persons and one thousand five hundred dollars for married persons and widows and widowers having minor child or children: *Provided*, that if the person, firm, company or corporation is without knowledge that the person to whom salaries, wages, fees or commissions have been paid is unmarried or married, and is unable to ascertain such fact in each case reported, the names of such persons who receive salaries, wages, fees or commissions in excess of the minimum exemption shall be reported.

It shall be the duty of the State Tax Commission to have its traveling auditors make diligent investigation if all parties liable for an income tax have listed the same, and it shall also be the

duty of the State Tax Commission to have investigated the reports and records of the Collectors of Internal Revenue in this State, in so far as the same may be available under the Act of Congress, to the end that all parties liable for income tax in this State shall be duly charged therewith.

The State Tax Commission is forbidden to divulge or make public the information required to be reported in this section, but it shall be the duty of the State Tax Commission to furnish the information so reported to the registers of deeds of the several counties of the State, whose duty it shall be to compute the income tax on all such incomes liable for income tax within their respective counties and charge the same upon the tax books.

Commission not to divulge information. Information to be transmitted to register of deeds.

SEC. 44. *No exemptions as to foreign corporations.*

Nothing in this act shall be construed to exempt from taxation at its real value any property situate in the State belonging to any foreign corporation.

Property of foreign corporations not exempt.

SEC. 45. *Tax on building and loan associations.*

The secretary of each building and loan association organized and conducting business in this State shall list with the local assessor any tangible real and personal property owned by such association on the first day of May, including cash on hand on that date. Each and every such association shall report to the State Tax Commission on May first the amount of such return to the list-taker and shall also report the actual value of all shares of stock of such association, and shall deduct from the actual value of all shares the total loans made by such association. No other tax than the *ad valorem* tax herein provided for and the privilege tax under section sixty of the Revenue Act shall be charged or levied on said association or on the shares therein.

Property of building and loan associations to be listed.

Loans to be deducted.

No other than *ad valorem* tax to be levied.

SEC. 46. *State Tax Commission to make certificate to register of deeds.*

The State Tax Commission shall, on or before September first, certify to the register of deeds of the county in which such corporation, joint-stock association, limited partnership, or company whatsoever has its principal office or place of business the total value of the stock of such corporation, joint-stock association, limited partnership, or company whatsoever, as assessed for State taxation. The corporation, joint-stock association, limited partnership, or company whatsoever shall pay the county, township, town, or city taxes upon the valuation so certified by the State Tax Commission.

Commission to certify values to registers of deeds.

County and municipal tax to be paid on valuation fixed by Commission.

SEC. 47. *Penalty for failure to furnish reports.*

If the said officers of any such limited partnership, joint-stock association, or corporation shall neglect or refuse to furnish the

Penalty for failure to report.

State Tax Commission, on or before the thirty-first day of July of each and every year, with the report and appraisal of capital stock as aforesaid, as required by the forty-third section of this act, they shall be subject to a fine of fifty dollars, and it shall be the duty of the State Tax Commission to add five per centum to the tax of said limited partnership, joint-stock association, or corporation for each and every year for which said report and appraisal were not furnished, which percentage shall be settled and collected with the said tax in the usual manner of settling and collecting such taxes. If the officers of any such limited partnership, joint-stock association, or corporation, or any of them, shall intentionally fail to comply with the forty-third section of this act for three successive years, he or they shall be deemed guilty of a misdemeanor, and on conviction thereof shall be sentenced to pay a fine of five hundred dollars and undergo imprisonment not exceeding one year, or both, or either, at the discretion of the court.

Fine and addition to tax.

Continuous refusal to report misdemeanor.

Penalty: fine, imprisonment.

SEC. 48. *Foreign building and loan associations.*

All foreign building and loan associations doing business in this State shall list for taxation with the State Tax Commission, through its agent, its stock held by citizens of this State in the county, city, or town where the owners of said stock reside. In listing said stock for taxation the withdrawal value as fixed by the by-laws of each company shall be furnished by the list-taker, and the stock shall be valued for taxation as other money investments of citizens of this State. Any association or officer of said association doing business in this State who shall fail or refuse to so list shares owned by citizens of this State for taxation shall be barred from doing business in this State; and any local officer or other person who shall collect dues, assessments, premiums, fines or interest from any citizen of this State for any such association which has failed or refused to list for taxation the stock held by citizens of this State shall be guilty of a misdemeanor and subject to fine or imprisonment, or both, in the discretion of the court. All of said taxes shall be paid by the association listing said stock.

Foreign building and loan associations.

To be listed at withdrawal value.

Association failing to list barred from doing business.

Local collecting officers guilty of misdemeanor.

Punishment.

Taxes to be paid by association.

SEC. 49. *Telegraph companies.*

Every joint-stock association, company, copartnership, or corporation, whether incorporated under the laws of this State or any other State or of any foreign nation, engaged in transmitting to, from, through, in, or across the State of North Carolina telegraph messages shall be deemed and held to be a telegraph company; and every such telegraph company shall, annually, between the first day of May and the twentieth day of May, make out and deliver to the State Tax Commission a statement, verified by oath

Telegraph company defined.

To file sworn statement.

of the officer or agent of such company making such statement, with reference to the thirtieth day of April next preceding, showing:

- | | |
|---|---------------------------------------|
| First. The total capital stock of such association, company, co-partnership, or corporation. | Capital stock. |
| Second. The number of shares of capital stock issued and outstanding and the par value of each share. | Number and par value of shares. |
| Third. Its principal place of business. | Place of business. |
| Fourth. The market value of said shares of stock on the thirtieth day of April next preceding; and if such shares have no market value, then the actual value thereof. | Actual value of shares. |
| Fifth. The real estate, structures, machinery, fixtures, and appliances owned by said association, company, copartnership, or corporation and subject to local taxation within the State, and the location and assessed value thereof in each county where the same is assessed for local taxation. | Value and location of property owned. |
| Sixth. The specific real estate, together with the permanent improvements thereon, owned by such association, company, copartnership, or corporation situated outside the State of North Carolina and not directly used in the conduct of the business, with a specific description of each such piece, where located, the purpose for which the same is used, and the sum at which the same is assessed for taxation in the locality where situated. | Real estate outside of State. |
| Seventh. All mortgages upon the whole or any part of its property, together with the dates and amounts thereof. | Mortgages on property. |
| Eighth. (a) The total length of the lines of said association or company; (b) the total length of so much of their lines as is outside the State of North Carolina; (c) the length of the lines and wire mileage within each of the counties, townships, and incorporated towns within the State of North Carolina. | Details of length of lines. |

SEC. 50. *Telephone companies.*

Every telephone company doing business in this State, whether incorporated under the laws of this State or any other State, or of any foreign nation, shall, annually, between the first day of May and the twentieth day of May, make out and deliver to the State Tax Commission of this State a statement, verified by the oath of the officer or agent of such company making such statement, with reference to the thirtieth day of April next preceding, showing:

- | | |
|---|-------------------------|
| First. The total capital stock of such association, company, copartnership, or corporation invested in the operation of such telephone business. | Total capital. |
| Second. The number of shares of capital stock issued and outstanding, and the par or face value of each share. | Number and par value. |
| Third. Its principal place of business. | Place of business. |
| Fourth. The market value of said shares of stock on the thirty-first day of March next preceding; and if such shares have no market value, then the actual value thereof. | Actual value of shares. |

Value and location of property.

Fifth. The real estate, structures, machinery, fixtures and appliances owned by said association, company, copartnership, or corporation and subject to local taxation within the State, and the location and assessed value thereof in each county where the same is assessed for local taxation.

Value of real estate outside of State.

Sixth. The specific real estate, together with the permanent improvements thereon, owned by such association, company, copartnership, or corporation situated outside the State of North Carolina and not used directly in the conduct of the business, with a specific description of each such piece, where located, the purpose for which the same is used, and the sum at which the same is assessed for taxation in the locality where situated.

Mortgages on property.

Seventh. All mortgages upon the whole or any of its property, together with the dates and amounts thereof.

Details of length of lines.

Eighth. (a) The total length of the lines of said association or company; (b) the total length of so much of their lines as is outside the State of North Carolina; (c) the length of the lines and wire mileage within each of the counties, townships and incorporated towns within the State of North Carolina.

SEC. 51. *Express companies.*

Express company defined.

Every joint-stock association, company, copartnership, or corporation, incorporated or acting under the laws of this State or any other State or any foreign nation, engaged in carrying to, from, through, in, or across this State, or any part thereof, money packages, gold, silver plate, merchandise, freight, or other articles, under any contract, expressed or implied, with any railroad company or the managers, lessees, agents, or receivers thereof (provided such joint-stock association, company, copartnership, or corporation is not a railroad company), shall be deemed and held to be an express company within the meaning of this act; and every such express company shall, annually, between the first day of May and the twentieth day of May, make out and deliver to the State Tax Commission a statement, verified by the oath of the officer or agent of such association, company, copartnership, or corporation making such statement, with reference to the thirtieth day of April next preceding, showing:

To make statement.

Capital.

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

Par value of shares.

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

Third. Its principal place of business.

Value of shares of stock.

Fourth. The market value of said shares of stock on the thirtieth day of April next preceding; and if such shares have no market value, then the actual value thereof; and in case no shares

of stock have been issued, state the market value, or the actual value in case there is no market value, of the capital thereof, and the manner in which the same is divided.

Fifth. The real estate, structures, machinery, fixtures and appliances owned by the said association, company, copartnership, or corporation and subject to local taxation within the State of North Carolina, and the location and assessed value thereof in each county where the same is assessed for local taxation.

Value and location of property.

Sixth. The specific real estate, together with the improvements thereon, owned by the association, company, copartnership, or corporation situated outside the State of North Carolina and not used directly in the conduct of the business, with a specific description of each such piece, where located, the purpose for which the same is used, and the sum at which the same is assessed for taxation in the locality where situated.

Real estate outside of State.

Seventh. All mortgages upon the whole or any part of its property, together with the dates and amounts thereof.

Mortgages on property.

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

Details of lines or routes.

SEC. 52. *Sleeping-car companies.*

Every joint-stock association, company, copartnership, or corporation incorporated or acting under the laws of this or any other State or of any foreign nation and conveying to, from, through, in, or across this State, or any part thereof, passengers or travelers in palace cars, drawing-room cars, sleeping cars, dining cars, or chair cars, under any contract, expressed or implied, with any railroad company or the managers, lessees, agents, or receivers thereof, shall be deemed and held to be a sleeping-car company for the purposes of this act, and shall hereinafter be called "sleeping-car company"; and every such sleeping-car company doing business in this State shall, annually, between the first day of May and the twentieth day of May, make out and deliver to the State Tax Commission a statement, verified by the oath of the officer or agent of such company making such statement, with reference to the thirtieth day of April next preceding, showing:

Sleeping-car companies defined.

First. The total capital stock of such sleeping-car company invested in its sleeping-car business.

To file sworn statement.

Second. The number of shares of such capital stock devoted to the sleeping-car business issued and outstanding, and the par or face value of each share.

Capital.

Number and par value of shares.

Third. Under the laws of what State it is incorporated.

Where incorporated. Principal place of business.

Fourth. Its principal place of business.

Name and address of principal officers.	Fifth. The names and postoffice addresses of its president and secretary.
Value of shares.	Sixth. The actual cash value of the shares of such capital stock devoted to its sleeping-car business on the thirtieth day of April next preceding such report.
Value and location of property.	Seventh. The real estate, structures, machinery, fixtures, and appliances owned by said sleeping-car company and subject to local taxation within this State, and the location and assessed value thereof in each county within this State where the same is assessed for local taxation.
Mortgages.	Eighth. All mortgages upon the whole or any part of its property, and the amounts thereof devoted to its sleeping-car business.
Details of lines covered.	Ninth. (a) The total length of the main line of railroad over which cars are run; (b) the total length of so much of the main lines of railroad over which the said cars are run outside of the State of North Carolina; (c) the length of the lines of railroad over which said cars are run within the State of North Carolina: <i>Provided</i> , that where the railroads over which said cars run have double tracks, or a greater number of tracks than a single track, the statement shall only give the mileage as though such tracks were but single tracks; and in case it shall be required, such statement shall show in detail the number of miles of each or any particular railroad or system within the State. When the assessment shall have been made by the State Tax Commission in accordance with section fifty-seven of this act, the clerk of the Commission shall thereupon notify by registered letter the officer attesting such report of the amount assessed against it, and such sleeping-car company shall have thirty days within which to appear and make objection, if any it shall have, to said assessment.
Proviso: mileage as of single-track roads.	If no objection be made within thirty days the amount shall be credited to the State Treasurer, who shall thereupon send by registered letter to the officer attesting such report a bill for the State taxes upon said assessment and such sleeping-car company shall have thirty days within which to pay said taxes; and the clerk of the State Tax Commission shall certify to the county commissioners of the several counties through which such cars are used the value of the property of such sleeping-car company within such county in the proportion that the number of miles of railroad over which such cars are used in said county bears to the number of miles of railroad over which such cars are used within the State, together with the name and postoffice address of the officer attesting such report of such sleeping-car company, with the information that tax bills, when assessed, are to be sent him by mail; and such value, so certified, shall be assessed and taxed the same as other property within said county. And when the assessment shall have been made in such county the sheriff or county tax collector shall send to the address given by the clerk of the State Tax Commission to the county commissioners by registered mail a bill
Statement in detail if required.	
Notice to company of assessment.	
Time for filing objections.	
Bill for State taxes to be paid in 30 days.	
Certificate to county commissioners.	
Value certified to be taxed by county.	
Bill for county taxes to be sent.	

for the total amount of all taxes due to such county, and such sheriff or county tax collector shall add to such tax bills the postage and registration fee, and such sleeping-car company shall have sixty days thereafter within which to pay said taxes; and upon failure of and refusal to do so, such taxes shall be collected the same as other delinquent taxes are, together with a penalty of fifty per cent added thereto, and costs of collection.

Time for payment.

Collection of tax and penalty.

SEC. 53. *Refrigerator and freight-car companies.*

Every firm, person, or corporation owning refrigerator or freight cars operated over or leased to any railroad company in this State or operating in the State shall be taxed in the same manner as hereinbefore provided for the taxation of sleeping-car companies, and the collection of the tax thereon shall be followed in assessing and collecting the tax on the refrigerator and freight cars taxed under this section: *Provided*, if it appear that the owner does not lease the cars to any railroad company or make any contract to furnish it with cars, but they are furnished to be run indiscriminately over any lines on which shippers or railroad companies may desire to send them, and the owner receive compensation from each road over which the cars run, the State Tax Commission shall ascertain and assess the value of the average number of cars which are in use within the State as a part of the necessary equipment of any railroad company for the year ending April thirtieth next preceding, and the tax shall be computed upon this assessment.

Tax on refrigerator- and freight-car companies.

Proviso: assessment where cars are not leased.

SEC. 54. Every street railway company, waterworks company, electric light and power company, gas company, ferry company, bridge company, canal company, and other corporations exercising the right of eminent domain shall, annually, between the first and twentieth of May, make out and deliver to the State Tax Commission a statement, verified by the oath of the officer or agent of such company making such statement, with reference to the copartnership or corporation, showing:

Companies exercising right of eminent domain.

To make sworn statement.

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

Capital stock.

Second. The number of shares of capital stock issued and outstanding, and the par or face value of each share.

Number and par value of shares.

Third. Its principal place of business.

Principal place of business.

Fourth. The market value of said shares of stock on the thirty-first day of March next preceding; and if such shares have no market value, then the actual value thereof.

Value of shares.

Fifth. The real estate, structures, machinery, fixtures and appliances owned by said association, company, copartnership, or corporation and subject to local taxation within the State, and the location and assessed value thereof in each county where the same is assessed for local taxation.

Value and location of property.

Property outside of State.

Sixth. The specific real estate, together with the permanent improvements thereon, owned by such association, company, copartnership, or corporation situate outside of the State of North Carolina and not directly used in the conduct of the business, with a specific description of each such piece, where located, the purpose for which the same is used, and the sum at which the same is assessed for taxation in the locality where situate.

Mortgages.

Seventh. All mortgages upon the whole or any part of its property, together with the dates and amounts thereof.

Details of length of lines.

Eighth. (a) The total length of the lines of said association or company; (b) the total length of so much of their lines as is outside of the State of North Carolina; (c) the length of the lines within each of the counties and townships within the State of North Carolina.

SEC. 55. *State Tax Commission may require additional information.*

Examination of statements.

Upon the filing of the statements required in the preceding sections the State Tax Commission shall examine them and each of them; and if the commissioners shall deem the same insufficient, or in case they shall deem that other information is requisite, they shall require such officer to make such other and further statements as said commissioners may call for. In case of the failure or refusal of any association, company, copartnership, or corporation to make out and deliver to the State Tax Commission any statement or statements required by this act, such association, company, copartnership, or corporation shall forfeit and pay to the State of North Carolina one hundred dollars (\$100) for each additional day such report is delayed beyond the twentieth day of May, to be sued for and recovered in any proper form of action in the name of the State of North Carolina on the relation of the State Tax Commission, and such penalty, when collected, shall be paid into the general fund of the State.

May call for other and further information.

Penalty for failure to furnish information.

Action for recovery.

Penalty to general fund.

SEC. 56. *State Tax Commission shall examine statements.*

Tax Commission to value and assess property.

The State Tax Commission shall thereupon value and assess the property of each association, company, copartnership, or corporation in the manner hereinafter set forth, after examining such statements and after ascertaining the value of such properties therefrom, and upon such other information as they may have or obtain. For that purpose they may require the agents or officers of said association, company, copartnership, or corporation to appear before them with such books, papers, and statements as they may require, or they may require additional statements to be made to them, and may compel the attendance of witnesses in case they shall deem it necessary to enable them to ascertain the true cash value of such property.

May require attendance of officers and accounts.

SEC. 57. *Manner of assessment.*

Said State Tax Commission shall first ascertain the true cash value of the entire property owned by the said association, company, copartnership, or corporation from said statements or otherwise for that purpose, taking the aggregate value of all the shares of capital stock, in case shares have a market value, and in case they have none, taking the actual value thereof or of the capital of said association, company, copartnership, or corporation in whatever manner the same is divided, in case no shares of capital stock have been issued: *Provided, however,* that in case the whole or any portion of the property of such association, company, copartnership, or corporation shall be encumbered by a mortgage or mortgages, such board shall ascertain the true cash value of such property by adding to the market value of the aggregate shares of stock, or to the value of the capital in case there should be no such shares, the aggregate amounts of such mortgage or mortgages, and the result shall be deemed and treated as the true cash value of the property of such association, company, copartnership, or corporation. Such State Tax Commission shall, for the purpose of ascertaining the true cash value of property within the State of North Carolina, next ascertain from such statements or otherwise the assessed value for taxation, in the localities where the same is situated, of the several pieces of real estate situated within the State of North Carolina, and not specifically used in the general business of such associations, companies, copartnerships, or corporations, which said assessed value for taxation shall be by said board deducted from the gross value of the property as above ascertained. Said State Tax Commission shall next ascertain and assess the true cash value of the property of the associations, companies, copartnerships, or corporations within the State of North Carolina by taking as a guide, as far as practicable, the proportion of the whole aggregate value of said associations, companies, copartnerships, or corporations as above ascertained, after deducting the assessed value of such real estate without the State which the length of lines of said associations, companies, copartnerships, or corporations, in the case of telegraph and telephone companies within the State of North Carolina, bears to the total length thereof, and in the case of express companies and sleeping-car companies the proportion shall be the proportion of the whole aggregate value, after such deduction, which the length of lines or routes within the State of North Carolina bears to the whole length of lines or routes of such associations, companies, copartnerships, or corporations, and such amount so ascertained shall be deemed and held as the entire value of the property of said associations, companies, copartnerships, or corporations within the State of North Carolina. The State Tax Commissioners shall also assess the value for taxation of all real estate, structures, ma-

Commission to ascertain values.

Method for ascertaining values.

Proviso: property under mortgage.

To ascertain local assessments of real estate.

Commission to assess at true value.

Guide for assessment.

Telegraph and telephone companies.

Express and sleeping-car companies.

Commission to assess property for local taxation.

Value to be certified to counties and municipalities.

Property locally taxed to be deducted.

chinery, and appliances of telegraph companies within the State subject to local taxation, and this assessment, together with the franchise value, shall be certified by the Commission to the counties and municipalities where located on basis of wire mileage in such county or town in which such property is situated. From the entire value of the property within the State so ascertained there shall be deducted by the commissioners the assessed value for taxation of all real estate, structures, machinery, and appliances within the State and subject to local taxation in the counties as hereinbefore described in sections fifty, fifty-one, fifty-two, fifty-three, fifty-four, fifty-five, and fifty-six of this act, and the residue of such value so ascertained, after deducting therefrom the assessed value of such local properties, shall be by said board assessed to said association.

SEC. 58. *Value per mile.*

Valuation per mile.

Method of assessment.

Said State Tax Commission shall thereupon ascertain the value per mile of the property within the State by dividing the total value as above ascertained, after deducting the specific properties locally assessed within the State, by the number of miles within the State, and the result shall be deemed and held as value per mile of the property of such association, company, copartnership, or corporation within the State of North Carolina: *Provided*, the value per mile of telephone companies shall be determined on a wire mileage basis.

SEC. 59. *Total value for each county.*

Assessment apportioned to counties.

Said State Tax Commission shall thereupon, for the purpose of determining what amount shall be assessed by it to said association, company, copartnership, or corporation in each county in the State, through, across, and into or over which the lines of said association, company, copartnership, or corporation extends, multiply the value per mile, as above ascertained, by the number of miles in each such counties as reported in said statements or as otherwise ascertained, and the result thereof shall be by the clerk of said board certified to the chairman of the board of county commissioners, respectively, of the several counties through, into, over or across which the lines or routes of said association, company, copartnership, or corporation extend. All taxes due the State from any corporation taxed under the preceding sections shall be paid by the treasurer of each company direct to the State Treasurer.

Certificate of valuation to county commissioners.

Taxes to be paid direct to State Treasurer.

SEC. 60. *Companies failing to pay tax.*

Action for enforcement of payment of tax.

In case any such association, company, copartnership, or corporation as named in this act shall fail or refuse to pay any taxes assessed against it in any county in this State, in addition to other remedies provided by law for the collection of taxes, an action may be prosecuted in the name of the State of North Carolina by the

solicitors of the different judicial districts of the State on the relation of the county commissioners of the different counties of this State, and the judgment in the said action shall include a penalty of fifty per cent of the amount of taxes as assessed and unpaid, together with reasonable attorney's fees for the reduction of such action, which action may be prosecuted in any county into, through, over, or across which the lines or routes of any association, company, copartnership, or corporation shall extend, or in any county where such association, company, copartnership, or corporation shall have an office or agent for the transaction of business. In case such association, company, copartnership, or corporation shall have an office or agent for the transaction of assessed against the same by the State Tax Commission, or in case such association, company, copartnership, or corporation shall have refused to pay the taxes or any portion thereof assessed to it in any particular county or counties, such action may include the whole or any portion of the taxes so unpaid in any county or counties; but the Attorney-General may, at his option, unite in one action the entire amount of the tax due, or may bring separate actions to each separate county or adjoining counties, as he may prefer. All collections of taxes for or on account of any particular county made in any such suit or suits shall be by said board accounted for as a credit to the respective counties for or on account of which such collections were made by the said board at the next ensuing settlement with such county, but the penalty so collected shall be credited to the general fund of the State, and upon such settlement being made, the treasurers of the several counties shall at their next settlements enter credits upon the proper duplicates in their offices, and at the next settlement with such county report the amount so received by him in his settlement with the State, and proper entries shall be made with reference thereto: *Provided*, that in any such action the amount of assessment fixed by said State Tax Commission and apportioned to such county shall not be controverted.

Judgment to include penalty and attorney's fees.

Suit for part or all of tax.

Attorney-General may unite actions.

Collections credited to counties.

Penalty to general fund of State.

Proviso: amount of assessment not to be put in controversy.

SEC. 61. *Railroads.*

The commissioners selected from time to time under authority to establish the North Carolina State Tax Commission shall constitute a board of appraisers and assessors for railroad, canal, and steamboat companies and other companies exercising the right of eminent domain.

Assessment of railroad, canal, steamboat and other companies.

SEC. 62. *Railroads.*

The president, secretary, superintendent, or other principal accounting officer within this State, of every railroad, telegraph, telephone, street railway company, whether incorporated by the laws of this State or not, shall, at such date as real estate is required to be assessed for taxation, return to the said Commission

Reports of railroad, telegraph, telephone and other companies.

for assessment and taxation, verified by the oath or affirmation of the officer making the return, all the following described property belonging to such corporation within this State, viz.: The number of miles of such railroad lines in each county in this State and the total number of miles in this State, including the roadbed, right of way and superstructures thereon, main and sidetracks, depot buildings and depot grounds, section and tool houses, and the land upon which situated and necessary to their use; water stations and land, coal chutes and land, and real estate and personal property of every character necessary for the construction and successful operation of such railroad or used in the daily operation, whether situated on the charter right of way of the railroad or on additional land acquired for this purpose, except as provided below, including, also, if desired by the State Tax Commission, Pullman or sleeping cars or refrigerator cars owned by them or operated over their lines: *Provided, however,* that all machine and repair shops, general office buildings, storehouses and contents located outside of the right of way, and also real and personal property, other than the property as returned above to the State Tax Commission, shall be listed for purposes of taxation by the principal officers or agents of such companies with the list takers of the county where the real and personal property may be situated, in the manner provided by law for the listing and valuation of real and personal property. A list of such property shall be filed by such company with the State Tax Commission. It shall be the duty of the register of deeds, if requested so to do by the State Tax Commission, to certify and send to the said Commission a statement giving a description of the property mentioned in the foregoing proviso, and showing the assessed valuation thereof, which value shall be deducted from the total value of the property of such railroad company as arrived at by the Commission, in accordance with section sixty-six, before the apportionment is made to the counties and municipalities. The registers of deeds shall also certify to the Commission the local rate of taxation for county purposes as soon as the same shall be determined, and such other information obtained in the course of the performance of the duties of their office as the said Commission shall require of them; and the mayor of each city or town shall cause to be sent to the said Commission the local rate of taxation for municipal purposes.

Property to be returned.

Proviso: property listed for local taxation where situate.

List of property to be filed with State Tax Commission.

Certificate from register of deeds to Tax Commission.

Registers of deeds to certify local tax rate.

Mayor to send local tax rate.

Railroad company required to file map.

SEC. 62a. *Railroad companies required to file maps, etc.*

Every railroad company operating in this State shall also be required to file with the State Tax Commission a map or blue print showing the location within the corporate limits of every incorporated city or town of its main line of road, and its length, together with location of its right of way, not exceeding one hundred feet in width, and the location and value of all real estate owned by

any such company within the limits of any such city or town, and not included in the right of way so designated. Every such company shall also report the value of any and all buildings and structures within the limits of any such city or town, whether on or off its right of way, and the commission shall find the value of all such real estate, buildings and structures and shall certify to such city or town the value of same, in addition to the value per mile of so much of its main line as may be located within such city or town, for *ad valorem* taxation.

Location and value of real estate.

Commission to certify property in city or town.

SEC. 63. *Railroads.*

The movable property belonging to a railroad company shall be denominated for the purpose of taxation "rolling stock." Every person, company, or corporation owning, constructing, or operating a railroad in this State shall, in the month of May, annually return a list or schedule to the State Tax Commission, which shall contain a correct detailed inventory of all the rolling stock belonging to such company, and which shall distinctly set forth the number of locomotives of all classes, passenger cars of all classes, sleeping cars and dining cars, express cars, horse cars, cattle cars, coal cars, platform cars, wrecking cars, pay cars, hand cars, and all other kinds of cars, and the value thereof, and a statement or schedule, as follows: (1) The amount of capital stock authorized and the number of shares into which such capital stock is divided; (2) the amount of capital stock paid up; (3) the market value, or, if no market value, then the actual value of shares of stock; (4) the length of line operated in each county and total in the State; (5) the total assessed value of all tangible property in the State; (6) and, if desired, all the information heretofore required to be annually reported by section five thousand two hundred and ninety-one of the Revisal. Such schedule shall be made in conformity to such instructions and forms as may be prescribed by the Commission, and with reference to amounts and value on the first day of May of the year of which the return is made.

Rolling stock defined.

Rolling stock to be returned.

Items of inventory.

Statement or schedule.

Instructions and forms.

SEC. 64. *Tangible and intangible property assessed separately.*

(a) At such dates as real estate is required to be assessed for taxation, the said Commission shall first determine the value of the tangible property of each division or branch of such railroad, of rolling stock and all other physical or tangible property. This value shall be determined by a due consideration of the actual cost of replacing the property, with a just allowance for depreciation on rolling stock, and also of other conditions, to be considered as in the case of private property.

Valuation of tangible property.

Considerations determining value.

(b) They shall then assess the value of the franchise, which shall be determined by due consideration of the gross earnings as compared with the operating expenses, and particularly by con-

Value of franchise.

sideration of the value placed upon the whole property by the public (the value of the physical property being deducted), as evidenced by the market value of all capital stock, certificates of indebtedness, bonds or any other securities, the value of which is based upon the earning capacity of the property.

(c) The aggregate value of the physical or tangible property and the franchise, as thus determined, shall be the true value of the property for the purpose of an *ad valorem* taxation, and shall be apportioned in the same proportion that the length of such road in each county bears to the entire length of such division or branch thereof; and the State Tax Commission shall certify, on or before the first day of September, to the chairman of the county commissioners and the mayor of each city or incorporated town the amount apportioned to his county, city or town; and the said Commission shall make and forward a like certificate to the Auditor of the State. All taxes due the State from any railroad company shall be paid by the treasurer of each company directly to the State Treasurer within thirty days after the first day of July of each year; and upon failure to pay the State Treasurer as aforesaid, he shall institute an action to enforce the same in the county of Wake or any other county in which such railroad is located, adding thereto twenty-five per centum of the tax. The board of county commissioners of each county through which said railroad passes shall assess against the same only the tax imposed for county purposes.

SEC. 65. *Railroads.*

When any railroad has part of its road in this State and part thereof in any other State, the said Commission shall ascertain the value of railroad track, rolling stock, and all other property liable to assessment by the State Tax Commission of such company as provided in the next preceding section, and divide it in the proportion to the length such main line of road in this State bears to the whole length of such main line of road, and determine the value in this State accordingly: *Provided*, the Commission shall in valuing the fixed property in this State give due consideration to the character of road-bed and fixed equipment, number of miles of double track, the amount of gross and net earnings per mile of road in this State, and any other factor which would give a greater or less value per mile of road in this State than the average value for the entire system. On or after the first Monday in July the said Commission shall give a hearing to all the companies interested touching the valuation and assessment of their property. The said Commission may, if they see fit, require all argument and communications to be presented in writing.

SEC. 66. *Railroads.*

If the property of any railroad company be leased or operated by any other corporation, foreign or domestic, the property of the

lessor or company whose property is operated shall be subject to taxation in the manner hereinbefore directed; and if the lessee or operating company, being a foreign corporation, be the owner or possessor of any property in this State other than which it derives from the lessor or company whose property is operated, it shall be assessed in respect to such property in like manner as any domestic railroad company.

Other property of lessee company.

SEC. 67. *Railroads.*

The State Tax Commission shall have power to summon and examine witnesses and require that books and papers shall be presented to them for the purpose of obtaining such information as may be necessary to aid in determining the valuation of any railroad company. Any president, secretary, receiver, or accounting officer, servant or agent of any railroad or steamboat company having any portion of its property or roadway in this State, who shall refuse to attend before the said Commission when required to do so, or refuse to submit to the inspection of said commissioners any books or papers of such railroad company in his possession, custody, or control, or shall refuse to answer such questions as may be put to him by said Commission, or order, touching the business or property, moneys and credits, and the value thereof, of said railroad company, shall be guilty of a misdemeanor, and on conviction thereof before any court of competent jurisdiction shall be confined in the jail of the county not exceeding thirty days and shall be fined in any sum not exceeding five hundred dollars and costs; and any president, secretary, accounting officer, servant, or agent aforesaid, so refusing as aforesaid, shall be deemed guilty of contempt of such Commission, and may be confined, by order of said Commission, in the jail of the proper county until he shall comply with such order and pay the cost of his imprisonment.

Powers of commission in determining values.

Officers required to attend before commission.

Refusal misdemeanor.

Punishment as for contempt.

SEC. 67a. *Tax Commission to certify; when tax payable.*

The State Tax Commission shall, upon the completion of the assessments as directed in the preceding section, certify an itemized list of the names of the various corporations assessed, together with the valuations assessed against each, to the Auditor of the State, and it shall be the duty of the Auditor to cause the State, State school, and pension tax levy to be computed thereon against each corporation so certified, and to furnish the State Treasurer with same for collection, and said list shall be a charge against the State Treasurer. All such taxes due the State shall be paid by the secretary or treasurer of any such corporation direct to the State Treasurer within thirty days after receipt of bill from the Treasurer of taxes due. The State Tax Commission shall also certify to the register of deeds of the county the total valuation as hereinbefore determined and apportioned by the Commission, and

List of corporations and values to be certified.

Auditor to compute tax.

List to be charge against Treasurer.

Payment to be made to Treasurer.

Certificate to counties.

Assessment and collection of school and county tax.

in case of corporate excess, to the county in which the corporation has its principal place of business, and the board of county commissioners shall assess against same the tax imposed for county and school purposes, which shall be paid to the sheriff or tax collector of the county.

SEC. 68. *Canal and steamboat companies.*

Property of canal and steamboat companies. Assessment on failure to return.

The property of all canal and steamboat companies in this State shall be assessed for taxation as above provided for railroads. In case any officer fails to return the property as provided in this section, the Commission shall ascertain the length of such property in this State, and shall assess the same in proportion to the length at the highest rate at which property of that kind is assessed by them.

SEC. 69. *Private banks and bankers.*

Banks, bankers, brokers and stock jobbers to file statements.

Specifications of statements.

Every bank (not incorporated), banker, broker, or stock jobber shall, at the time fixed by this chapter for listing personal property, make out and furnish the assessor a sworn statement, showing (1) the amount of property on hand and in transit; (2) the amount of funds in the hands of other banks, bankers, or brokers and subject to draft; (3) the amount of checks or other cash items, the amount thereof not being included in either of the preceding items; (4) the amount of bills receivable, discounted, or purchased, and other credits due or to become due, including interest receivable and accrued, but not due, and interest due and unpaid; (5) the amount of bonds and stocks of every kind, State and county warrants, and other municipal securities and shares of capital stock, or joint stock or other companies or corporations held as an investment or any way representing assets; (6) all other property appertaining to said business, other than real estate, which real estate shall be listed and assessed as other real estate is listed and assessed under this act; (7) the amount of deposits made with them by other parties; (8) the amount of all accounts payable, other than current deposit accounts; (9) the amount of bonds and other securities exempt by law from taxation, specifying the amount and the kind of each, the same being included in the preceding fifth item. The aggregate amount of the first, second, and third items in said statement shall be listed as moneys. The amount of the sixth item shall be listed the same as other similar personal property is listed under this chapter. The aggregate amount of the seventh and eighth items shall be deducted from the aggregate amount of the fourth item of said statement, and the amount of the remainder, if any, shall be listed as credit. The aggregate amount of the ninth item shall be deducted by the tax lister from the aggregate amount of the fifth item of such statement, and the remainder shall be listed as bonds or stocks.

Items listed as moneys.

Items listed as personal property. Deductions.

Amount listed as credit.

Deduction from stocks and bonds.

SEC. 70. *Stock-brokers and private bankers.*

No person, bank, or corporation shall, without a license authorized by law, act as a stock-broker or private banker. Any person, bank, or corporation that deals in coin, foreign or domestic exchange, Government stock, or other certificates of debt or shares in any corporation or chartered company, bank-notes or other notes used as a currency, or to sell the same or any of them on commission or for other compensation, or who negotiates loans upon real estate securities, shall be deemed to be a stock-broker. A stock-broker shall have the right to buy for profit or to sell on commission the coin, exchange, stocks, certificates of debt, shares in chartered companies, bank-notes and notes used as currency, as aforesaid, and may sell either privately or by auction, and also negotiate loans on real estate securities. Any person, bank, or corporation engaged in the business of receiving money on deposit or in lending or advancing money, or in negotiating loans on any class of securities, or in discounting, buying, or selling negotiable or other paper or credits, commonly known as stock-brokers, whether in an office for the purpose or elsewhere, shall be deemed to be a private banker, and in the latter case the tax shall be paid for the additional privilege of private banking. Any person, bank, or corporation violating this section shall pay a fine of not less than one hundred nor more than five thousand dollars for each offense.

Stock-broker or private banker without license forbidden.
Stock-broker defined.

Rights of stock-broker.

Private banker defined.

Privilege tax.
Fine for violation of section.

SEC. 71. *Taxpayer refusing to answer guilty of a misdemeanor; list taker and chairman board of commissioners may examine witnesses.*

If any person liable to be charged with taxes shall willfully refuse to answer any questions respecting his property, or refuse to file, sign, and swear to his returns, he shall be guilty of a misdemeanor, and, on conviction, liable to be punished by a fine not exceeding fifty dollars or imprisoned not exceeding thirty days or both; and it shall be the duty of the assessors or list taker to have the offender prosecuted; and the list taker shall complete the list from the best information he can obtain. Every list taker and chairman of the board of county commissioners shall have power to send for persons and papers and to examine witnesses and administer oaths.

Refusal to answer questions or verify returns a misdemeanor.

Punishment.

Assessor or list-taker to prosecute.
List-taker to complete list.
List-taker may send for persons and administer oaths.

SEC. 72. *What property exempt.*

The following real estate and no other shall be exempt from taxation, State and local:

Real estate exempt.

1. Real estate directly or indirectly owned by the United States or this State, however held, and real estate lawfully owned and held by counties, cities, towns, or school districts, used wholly and exclusively for public and school purposes, and all property used exclusively for educational purposes.

Real estate for public use and school purposes.

Graveyards and burial lots.

2. Such property as may be set apart for graveyards or burial lots, except such as is held for the purpose of speculating in the sale thereof.

Property of churches and religious bodies.

3. Buildings, with the land they actually occupy, lawfully owned and held by churches or religious bodies and wholly and exclusively used for religious worship or for the residence of the minister of any such church or religious body, together with the additional adjacent land reasonably necessary for the convenient use of any such building. The occasional leasing such buildings for schools, public lectures, or concerts or the leasing of such parsonages shall not render them liable to taxation; also buildings and land upon which is situate, lawfully owned and held by churches or religious bodies, when secured through gift by will, and when the income from said property is used exclusively for religious, charitable or benevolent purposes, and when said income does not exceed twenty-five hundred dollars (\$2,500) annually.

Buildings and land devoted to educational purposes.

4. Buildings, with the land they actually occupy, wholly devoted to educational purposes, belonging to and actually and exclusively occupied and used by churches, public libraries, incorporated colleges, academies, industrial schools, seminaries, or other corporate institutions of learning, together with such additional adjacent land owned by said churches, libraries, and educational institutions as may be reasonably necessary for the convenient use of such buildings respectively, and also the buildings thereon used as residences by the officers or instructors of such educational institutions.

Property of religious and charitable associations.

5. Real estate belonging to and actually and exclusively occupied and used by Young Men's Christian Associations and other similar religious associations, orphan or other asylums, reformatories, hospitals, and nunneries, which are not conducted for profit, but purely and completely as charities.

Property of benevolent and charitable institutions.

6. Buildings, with the land they actually occupy, belonging to any benevolent or charitable association and used exclusively for lodge purposes or meeting rooms by such association, together with such additional adjacent land as may be necessary for the convenient use of the buildings for such purposes, and also the proceeds and profits arising from rents, leases, etc., or rooms in said buildings, whether occupied for lodge and meeting purposes or not, when such rents, proceeds and profits are used for charitable and benevolent purposes.

Proceeds from rents.

7. The property of Indians who are not citizens, except lands held by them by purchase.

Property of Indians not citizens.

Personal property exempt.

The following personal property and no other shall be exempt from taxation, State and local:

Public property.

1. Property directly or indirectly owned by the State, however held; by the United States, however held; and property lawfully owned and held by the counties, cities, towns, or school districts,

used wholly and exclusively for county, city, town, or public school purposes.

2. The furniture and furnishings of buildings lawfully owned and held by churches or religious bodies and wholly and exclusively used for religious worship or for the residence of the minister of any church or religious body or such ministers' private libraries, and also the private libraries of the teachers in the public free schools of the State.

Furniture used for religious worship or residence of minister.

Private libraries of ministers.

3. The furniture, furnishings, books, and instruments contained in buildings wholly devoted to educational purposes, belonging to and actually and exclusively used by churches, public libraries, incorporated colleges, academies, industrial schools, seminaries, or other incorporated institutions.

Equipment devoted to educational purposes.

4. Personal property, including endowment funds, belonging to Young Men's Christian Associations and other similar religious associations, orphan or other asylums, reformatories, hospitals, and nunneries which are not conducted for profit, but purely and completely as charities.

Property of religious and charitable associations.

5. The furniture and furnishings of buildings and other property belonging to any benevolent or charitable association and used for lodge purposes and meeting rooms by said associations, or when such property or the proceeds of same is used for charitable or benevolent purposes.

Furniture of lodges and meeting-rooms.

6. Wearing apparel, private libraries, kitchen and other household furniture, not exceeding in value twenty-five dollars, and also growing crops.

Wearing apparel, libraries and furniture.
Growing crops.

SEC. 73. *Form of assessing and listing property.*

The State Tax Commission shall prepare forms to be used in assessing and listing property for taxation by assessors and list takers. It shall transmit said forms to the clerk of the board of commissioners of each county by the fifteenth day of April, and the clerk shall deliver to each board of list takers and assessors the necessary number of forms for their respective use. The assessors' forms shall be furnished every fourth year and the list takers' forms annually.

State Tax Commission to prepare forms for listing property.
Time for sending forms.
Clerk to deliver blanks to assessors.

SEC. 74. *List shall be completed by the third Monday in June; shall make a return of polls and property not listed.*

The list taker and assessor shall, on or before the third Monday in June, return the tax list to the county assessor in the year nineteen hundred and fifteen and in other years to the register of deeds or to the auditor in counties where the tax lists are made out by such officer. He shall also return a list of taxable polls and property of the township not given in for taxation. The returns so made shall be open to the inspection of all persons interested, and the clerk shall give to any person desiring it a copy of so much thereof as relates to his property on paying a fee of ten cents.

Time for return of tax lists.

List of delinquents.

Returns open for inspection.

Fee for copy of return.

SEC. 75. *Oaths of list takers and assessors.*

Returns to be verified.

The list taker and assessor, upon making returns to the board of commissioners of the lists and statements, shall take and subscribe an oath to the effect following, which may be administered by the chairman of the board of commissioners or any officer authorized to administer oaths:

Form of oath.

"I, -----, list-taker and assessor of ----- in the county of ----- do solemnly swear (or affirm) that the value of all real and personal property, moneys, credits, investments in bonds, stocks, joint-stock companies, or otherwise, of which a statement has been made to me by the persons required by law to list the same, is truly returned and set forth in that statement; that in every case where by law I have been required to ascertain the items and value of the real and personal property, moneys, credits, investments in bonds, stocks, joint-stock companies, or otherwise, of any person, company, or corporation, I have diligently and by the best means in my power endeavored to ascertain the real value thereof, and that I verily believe a full list, with the value thereof estimated by the rules prescribed by law, is set forth in annexed returns; that in no case have I knowingly omitted to receive from any person from whom by law I was required to receive a statement of the description and value of real and personal property or of the amounts of moneys, credits, investments in bonds, stocks, joint-stock companies, or otherwise, which he was required to list, or in any way connived at any violation or evasion of any of the requirements prescribed by law in relation to the listing or valuation of property, moneys, credits, investments in bonds, stocks, joint-stock companies, or otherwise, of any kind of taxation, and that I have returned to the board of commissioners the original returns made to me, or which I have made, or which by law I am required to procure and return."

False return a misdemeanor.

Any list-taker and assessor making a false return as aforesaid shall be guilty of a misdemeanor.

SEC. 76. *List-takers and assessors to furnish list of exempt property.*

List of exempted property.

Each list taker and assessor shall, when making the assessment roll for his district, enter on the blanks so furnished him, in regular order, the name of the owner, if known, and, from the best information he can obtain, a correct description of all real and personal property then exempt from taxation in his town or assessment district, together with a statement of its value, for what purpose used, and the rent, if any, obtained therefor. The list of such exempt property, when completed, on or before the first day of October shall be delivered by the list taker and assessor to the register of deeds, who, on or before

Time for delivery of lists.

the first day of November next thereafter, shall make duplicates thereof and transmit such duplicates to the State Tax Commission and file the original in his office.

Duplicates to State Tax Commission.

SEC. 77. *Equalization of values.*

The board of commissioners of each county, after notice in one newspaper or by poster put up, shall meet on the second Monday in July and revise the tax list and valuation reported to them; and it shall be the duty of the register of deeds, without additional compensation, to complete the list by computing the tax payable by each person, affixing the same opposite his name. The board of commissioners shall sit for one day at least, and when necessary shall sit until the revision is complete, and shall hear all persons objecting to the valuation of their property. They shall have power to summon and examine witnesses, and shall correct the list of the list takers and assessors as may be right and just, so that the valuation of similar property throughout the county shall be as near uniform as possible. They shall have power, after notifying the owner or agent, to raise the valuation of such property as they shall deem unreasonably low. The said board of commissioners, on tendering the prescribed oath, may take the list of any person applying to list his taxables at any meeting of the commissioners, held on or before the second Monday in July, upon his paying the clerk twenty-five cents for recording the same. The board of commissioners shall ascertain the valuation of his property by the examination of witnesses or otherwise, and insert it in the abstract, and without satisfactory excuse they shall add to the tax of the person so allowed to give in five per centum on the regular amount of his tax for that year.

County commissioners to revise list and valuation.

Register of deeds to compute tax.

Duration of meeting.
To hear objections to valuation.
Powers of commissioners.

May raise valuation.

Delayed lists may be accepted, on payment of fee.

To ascertain value.

May add 5 per cent on delayed listing.

SEC. 78. *The taxpayer may complain to board of commissioners.*

If any person shall complain before the board of commissioners that his property, either real or personal, has been improperly valued, or that he is charged with an excessive tax, he may be required to present his claim in writing, and the board of commissioners shall hear any evidence adduced by him and shall summon and examine any witness necessary for a just decision of the question, including the assessors or list taker who made the valuation. If the board of commissioners shall find that he has cause for complaint, they shall direct the clerk to render a true account thereof, and the account thus rendered, certified by the clerk, shall be transmitted to the State Tax Commission, and if the same is approved by them they shall certify it to the State Auditor, who shall credit the sheriff with the overcharge in his settlement for the year.

Complaints of improper valuation or excessive tax.

Claim to be presented in writing.
Hearing on complaint.

True account to be rendered.
Account to be certified to State Tax Commission.
Certificate to Auditor.
Credit to sheriff.

SEC. 79. *Commissioners may give certificate of relief granted.*

Complaints
after settlement
by sheriff.

Record of
complaint and
award.

Certified copy
copy of records.

Fee for copy.

Copy transmitted
to State Tax
Commission.

Order by
commission.

Auditor to issue
warrant.

If the application for relief be made to the board of commissioners after the sheriff shall have settled the accounts with the State and county, the board of commissioners shall carefully examine the case, and, if in their opinion the applicant is entitled to relief, shall direct the clerk to record on the record book the cause of complaint, the amount which in the opinion of the board of commissioners should be refunded to the applicant. The clerk shall make out a copy of such record, certify the same, under the seal of the board of commissioners, and deliver it to the applicant, who shall pay the clerk a fee of twenty-five cents. Such copy shall be transmitted to the State Tax Commission for their approval or disapproval. If the State Tax Commission shall approve the same, they shall issue an order to that effect, and it shall be the duty of the Auditor of the State, upon receiving a certified copy thereof, to issue a warrant on the Treasurer of the State for the amount of State tax specified. The Treasurer shall, on presentation of such warrant, pay to the holder of the same the amount to be refunded.

SEC. 80. *Sheriff may recover overpayment by error.*

Sheriff repaid
on payment by
error.

If a sheriff or tax collector shall, in consequence of an error in the abstract of taxes sent to the State Auditor, or otherwise, be charged with more than the true amount with which he should be chargeable, and pay the amount so charged in excess to the Treasurer of the State, the Auditor shall, upon the certificate of the board of commissioners setting forth the nature of such error, give its warrant upon the Treasurer of the State for the amount so paid in excess, and the Treasurer shall pay the same.

SEC. 81. *Commissioners to enter property escaping taxation in previous years.*

Property
entered for
lapsed years.

Addition to
taxes.
To list unlisted
railroad property.
Assessment.

In all cases where the board of commissioners shall have omitted or in any future year shall omit to enter upon the duplicate of their county any land or town lots situated within their county subject to taxation, it shall be their duty, when they enter the same to duplicate the next succeeding year, to add to the taxes of the current year the simple taxes of each and every preceding year in which such land or town lots shall have so escaped taxation, with twenty-five per centum in addition thereto, so far back as the said lands have escaped taxation; and the State Tax Commission shall have like power to list unlisted railroad property. When no assessment has been made for the years in which said property has so escaped taxation, the board of commissioners shall be authorized to value and assess the same for those years: *Provided*, this shall not apply beyond five years. In all cases where any personal property, choses in action

Proviso: limit
for which back
taxes may be
collected.

or any property, except lands liable to taxation, shall have been omitted or shall be omitted in any future year from the tax list by the owner or person required by law to list the same, the board of commissioners shall enter the same on the duplicate of the next succeeding year and shall add to the taxes of the current year the simple taxes of such preceding year, not exceeding five years, with twenty-five per centum added thereto, in which such personal property as aforesaid shall so have escaped taxation, and the said board of commissioners shall value and assess the personal property aforesaid for those years, and are empowered to examine witnesses and to call for papers, to determine the value and to ascertain the persons liable for the tax upon said personal property. The provisions of this section shall extend and apply to all cities, towns and like municipal corporations having the powers under their charter to tax the property aforesaid, and the powers and duties herein imposed upon the board of commissioners of the county shall be exercised and performed by the board of commissioners or the board of aldermen, as the case may be, of the city or town or other municipal corporation.

Omitted personal property to be entered.

Additional taxes.

Assessment.

Power extended to municipalities.

Sec. 82. *The board of commissioners shall insert omitted property.*

The chairman of the board of commissioners shall examine the tax list from each township for the previous year and insert in said list the description and valuation of all property not given in, and shall charge all such persons with twenty-five per centum in addition to the tax with which they would otherwise be chargeable, unless satisfactory excuse therefor be rendered to the board of commissioners on or before the first Monday in October; and all persons who own property and willfully fail to list it within the time allowed before the list taker or board of commissioners shall be guilty of a misdemeanor, and the failure to list shall be prima facie evidence that such failure was willful, and it shall be the duty of the board of commissioners to present to the grand jury the names of all such persons. The list taker and assessor shall report to the board of commissioners any change he may make to the tax list as to real estate, and the said board shall note such change in a book to be kept for that purpose. It shall be the duty of the commissioners of each county to employ a competent man, whose duty it shall be to spend such time as the commissioners may deem necessary to make diligent search for property not listed for taxes and to put such property on the tax books: *Provided*, the cost of listing such unlisted property shall not exceed ten per cent of the revenue so derived, said expense to be divided pro rata between the State and county: *Provided further*, that nothing in this section shall be construed as authorizing or empowering the county commissioners to appoint tax collectors.

County commissioners to insert unlisted property.

Additional tax.

Willful failure to list misdemeanor.
Failure prima facie evidence. To present names to grand jury.
Changes reported and noted.

Search for property not listed.

Proviso: limit and apportionment of cost.

Proviso: commissioners not to appoint tax collector.

SEC. 83. *Register of deeds to make out tax duplicates.*

Register of deeds to make two copies of list.

Form furnished by State Tax Commission.

Receipts and stubs.

Tax receipts to furnished by county.

Proviso: carbon receipt and cost book.

One copy to remain in office.

One copy to tax collector.

Order for collection.

Order has force and effect of judgment. Appeals to be noted.

The board of county commissioners shall cause the register of deeds to make out two copies of the tax-list for each township, as revised and settled by the tax-lister, according to a form to be furnished to them by the State Tax Commission. Such form shall show in different columns the sum due by each taxpayer to the State and to the county, and also in separate columns the amount of school poll tax levied by the General Assembly and the county commissioners, and the total amount of property school tax levied by the General Assembly and the county commissioners. The register of deeds or auditor shall also fill out receipts and stubs for all taxes charged on the tax books so made out, the receipts to be written in full except date and signature of collecting officer. Receipt books for this purpose shall be furnished by the county, on order of the register of deeds or auditor: *Provided*, this shall not be required in counties using carbon receipt books and cash book combined, but such may be used in lieu thereof. One of said copies shall remain in the office of the clerk of the board of commissioners; the other shall be delivered to the sheriff or tax collector on or before the first Monday in October 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 real and personal property of the person charged with such list. In such list the clerk shall note all appeals from the judgment of the board of commissioners which have been perfected by the giving of a bond. Said order shall be in the following or similar form:

STATE OF NORTH CAROLINA,

-----County.

Office Board of Commissioners, ----- County.

To the Sheriff of ----- County:

Form of order.

You are hereby commanded to collect the taxes herein mentioned according to the provisions and requirements of the existing law.

In witness whereof, I hereunto set my hand and seal ----- day of -----, 19---

Clerk Board of Commissioners.

Compensation for computing taxes and making out lists.

The board of commissioners shall make an order for the payment to the register of deeds or auditor, as the case may be, of such a sum as may be deemed a proper compensation for the work of computing the taxes and making out the tax-list and the necessary copies thereof, including the making of such abstract and returns as he may be required to furnish to the State Tax Commission and Auditor; but the sum allowed for computing the

taxes and making out the tax-list shall not exceed five (5) cents for each name appearing on the tax-list, to be paid by the county treasurer out of the county funds.

Limit of compensation.
To be paid by county.

SEC. 84. *Agents paying taxes shall have lien.*

When property is assessed to any person as agent for another or in a representative capacity, such person shall have a lien upon such property or any property of his principal in his possession until he is indemnified against the payment thereof, or, if he has paid the tax, until he is reimbursed for such payment.

Agents' lien.

SEC. 85. *Register of deeds shall make report to State Tax Commission and Auditor.*

The clerk of the board of commissioners shall, on or before the first Monday in November, after the lists are deposited with him by the board of commissioners, return to the State Tax Commission and Auditor an abstract of the same, showing the number of acres of land and their value, and the value of town lots and the number of white and negro polls, separately and specify every other subject of taxation and the amount of county and State tax payable on each subject and the amount payable on the whole. At the same time the clerk shall return to the State Tax Commission and Auditor an abstract of the list of the poor, county, and school taxes payable in his county, setting forth separately the tax levied on each poll and on each one hundred dollars value of real and personal property for each purpose, and also the gross amount of taxes of every kind levied for county purposes.

Abstracts to State Commission and Auditor.

Abstracts of county tax.

SEC. 86. *Penalty for register of deeds failing to make report.*

If any register of deeds shall make a default of any of the duties prescribed in the preceding section or shall fail to deliver to the State Auditor a copy of the sheriff's return of taxes received under Schedules B and C of "An act to raise revenue," and a copy of the settlement of the State tax account between the board of commissioners and the sheriff or tax collector, made, sworn to, and subscribed, he shall forfeit and pay to the State one thousand dollars, to be recovered against him and the sureties of his bond in the Superior Court of Wake County, before the clerk thereof, on motion of the State Auditor to inform the solicitor of such default, and at the same time furnish him with a certified copy of the official bond of said register of deeds. The clerk of the Superior Court shall transmit to the State Auditor, on or before the second Monday in October in each year, a certified copy of the official bond of the register of deeds and his sureties under the same penalties for default as are prescribed in this act. The register of deeds shall transmit to the State Auditor annually a copy of the bond of the clerk of the Superior Court.

Penalty for failure of register of deeds to report.

Recovery on bond.

Auditor to notify solicitor and send copy of bond.

Copies of official bonds sent to State Auditor.

Copy of clerk's bond to Auditor.

SEC. 87. *Property may be divided upon sale.*

Apportionment of valuation on division of property.

In case, within the interval between the regular periods of the valuation of lands or real property, any piece of land or real property shall become divided in ownership, either by partition or sale of a portion thereof or otherwise, either of the part owners may at any time, upon five days notice to the other part owner, apply to the board of commissioners for an apportionment of valuation. The board of commissioners shall allow such amendment to the tax duplicate as they may think just, and the person who has in custody the tax duplicates shall amend the same according to the assessment of the board of commissioners on the production of a certified copy of their proceedings ordering the change: *Provided*, that no amendment made after a tax has become due shall operate to affect the tax.

Amendments to tax-list.

Proviso: amendment not to affect tax due.

SEC. 88. *Taxes due the first Monday in October.*

Taxes due.

All taxes shall be due on the first Monday in October in each year, and on all taxes paid in the months of October and November a discount shall be given to the taxpayer of one per cent. All taxes paid in the month of December shall be paid at the net amount charged, and from and after the first day of January a penalty of one per cent per month shall be charged and collected by the sheriff or tax collector; that is to say, that on all taxes paid in the month of January, after the first day of January, a penalty of one per cent shall be added on the taxes paid, and in the month of February, after the first day of February, a penalty of two per cent shall be added, and an additional penalty of one per cent for each additional month of delay in settlement of same. Upon all taxes paid into the State Treasury and upon all county taxes paid into the county treasury by any sheriff or tax collector on or before the fifth day of December, the State Auditor and county treasurer shall credit against the total amount of taxes charged against any such sheriff or tax collector a discount of one per cent, and upon all payments made into the State Treasury and upon all county taxes paid into the county treasury by the sheriff or tax collector between the fifth day of December and the fifth day of January payments shall be credited at the net amount of such payments. Upon all taxes charged against any such sheriff or tax collector and remaining unpaid on the fifth day of January a penalty of one per cent shall be added, and an additional penalty of one per cent shall be added to so much of said taxes as remain charged against such sheriff or tax collector and unpaid on the fifth day of each succeeding month thereafter until paid. Any provisions in any local act prescribing a different schedule of discounts and penalties than that provided here is hereby repealed. The sheriff or tax collector shall note on the tax duplicate against the name of the party the date of payment and the amount paid. He shall also give

Discount on taxes paid in October and November.

Penalty after January 1.

Discount to sheriff for early collection.

Penalty against sheriff for taxes paid after January 5.

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 and on conviction, shall be fined at the discretion of the court: *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 sheriff or tax collector) and given the bonds required by law; and if upon examination the commissioners are not satisfied with the solvency of the surety to said bonds, they may require new bonds to be given. The sheriff or collecting officer shall produce receipts for the State and county taxes for the previous year, if he was sheriff or tax collector, before receiving the tax duplicate from the board of commissioners, and in the event the sheriff fails to produce the aforesaid receipts or give the required bond, the board of commissioners shall appoint a tax collector who shall give bond as required of the sheriff to faithfully collect and pay over the taxes according to law. When the sheriff shall collect by his deputies, they shall, before the clerk of the board of commissioners, or before a justice of the peace of the county, take and subscribe an oath faithfully and honestly to account for the same with a sheriff or other persons authorized to receive the same. Said oath shall be filed with the register of deeds and kept in the office of the board of commissioners, and for failure of any deputy sheriff to pay over such taxes as he may collect, he shall be guilty of a misdemeanor.

Failure to give give receipt for taxes a misdemeanor.

Provide: full settlement and bond.

Receipts for previous years.

Appointment of tax collector.

Deputies to be sworn.

Oath filed.

Failure to pay over tax a misdemeanor.

SEC. 89. *Sheriff shall attend to receive taxes.*

The sheriff or his deputy or tax collector shall attend at the courthouse or his office in the county town during the months of October and November for the purpose of receiving taxes. He shall also in like manner attend at least one day during the month of October at some one or more places in each township, of which fifteen days notice shall be given by advertisement at three or more public places and in a newspaper, if one is published in the county: *Provided*, that nothing in this section shall be construed to prevent the collecting officer from levying and selling after the first day of November, but he shall not sell before that day unless he has reason to believe the taxpayer is preparing to leave the county or State. The sheriff or tax collector shall be entitled to fifty cents for each actual levy or sale and fifteen cents for each advertisement, but in no case shall said sums be collected where no levy or sale or advertisement is made on real or personal property. No tax due from insolvents shall be credited to the sheriff in settlements with the State Auditor except such as shall be allowed by the board of commissioners, a list whereof, containing the names and amounts and subscribed by the sheriff, shall be returned by the sheriff to the board of commissioners.

Sheriff shall attend to receive taxes.

Attendance in townships.

Advertisement of attendance.

Provide: collection by distraint.

Fees for levy and sale.

Insolvents allowed by county commissioners.

and the same shall be allowed only on his making oath that he has been at the dwelling house or usual place of abode of each of the taxpayers and could not there or elsewhere in the county find any property wherewith to discharge his taxes or such part thereof as is returned unpaid, and that the persons named in the list were insolvent at the time when by law he ought to have endeavored to collect the taxes. Such list shall be recorded in the commissioners' docket and a copy thereof shall be returned to the State Auditor on or before the day of the settlement of the sheriff with the Treasurer.

List recorded.
Copy to Auditor.

Acts repealed.

Chapter one hundred and fifty of the Laws of one thousand eight hundred and eighty-three, and amendments thereto, and all special acts prescribing or authorizing a time for collection and settlement of State taxes differing from the general provisions of this act for the collection and settlement of State taxes are hereby repealed, and all such special acts shall have no relation to the collection and settlement of taxes for the year one thousand nine hundred and seventeen and for subsequent years.

SEC. 90. *Sheriff to make report of all parties liable for Schedules B and C taxes to State Tax Commission.*

Sheriff to furnish lists under Schedules B and C.

The sheriff of each county, within ninety days after the ratification of this act, and every six months thereafter, and as often as he may be called upon, shall ascertain and furnish to the State Tax Commission, upon blanks to be furnished by said commission, a complete list of all subjects in his county liable for tax under Schedules B and C of the Revenue Act, which said list shall be duly verified upon the oath of said sheriff, and said State Tax Commission shall deliver a copy of said return to the State Auditor. Any sheriff failing to make the report provided for in this section within thirty days of the time prescribed shall forfeit and pay to the State the sum of two hundred and fifty dollars, to be recovered on suit instituted by the State Tax Commission in the Superior Court of Wake County.

Verification of lists.

Copy to Auditor.

Forfeit for failure.

Suit for forfeit.

SEC. 91. *Clerks of cities and towns shall furnish information.*

Annual reports from cities and towns.

The clerk of each city and town shall annually make out and transmit to the State Tax Commission, on blanks furnished by the said commission, a statement showing the assessed valuation of all property within his town or city, and separately the amount of all taxes levied therein by said town or city, including school district, highway, street and sidewalk taxes for the current year, and the purposes for which the same were levied; also a complete and detailed statement of the bonded and other indebtedness of his town or city, and of the accrued interest, if any, remaining unpaid, and the purpose for which said indebtedness was incurred.

Statement of debt.

SEC. 92. *City or county indebtedness shall be reported.*

Each register of deeds, city or town clerk, whenever required by the State Tax Commission, shall furnish a full and complete statement showing the bonded indebtedness and all other indebtedness of his respective county, city, or town, the purpose for which the same was incurred, and all accrued interest, if any, remaining unpaid.

Reports of county and municipal debts.

SEC. 93. *City clerk or assessor failing to carry out provisions of this act.*

Every clerk of any town or city and every assessor who shall fail or neglect to perform any duty required of him by any of the provisions of this act shall for ever such neglect or failure forfeit not less than twenty nor more than fifty dollars, and every clerk of the court and every register of deeds who shall fail or neglect to perform any duty required of him by this act shall for every such failure forfeit not less than twenty-five nor more than one hundred dollars, and it shall be the duty of the State Tax Commission to cause every such forfeiture to be collected.

Penalty on municipal clerk and assessor.

Penalty on clerk of court and register of deeds.

SEC. 94. *All taxes received shall be paid to State Treasurer within ten days after the first of the following month.*

All city, county, or State officers authorized to collect or receive privilege taxes or license fees for the State shall make return of the same on the first of every month to the State Auditor, and within ten days thereafter pay the amount mentioned in said return to the State Treasurer; and, further, it shall be the duty of the State Treasurer to immediately notify the State Tax Commission of any failure upon the part of any official to account as aforesaid. Any officer violating this section shall be guilty of a misdemeanor.

Officers to make returns on first of each month.

Payment within ten days.

Notification of failure.

Violation of section a misdemeanor.

SEC. 95. *Highest rate to be charged.*

Should there be any doubt as to which license fee any corporation, firm, or individual should pay on account of the business partaking of the nature of more than one subject of taxation, such corporation, firm, or individual shall be charged the highest license which might be levied; but this discretion shall not be exercised by the sheriff when the businesses carried on are separate and distinct branches, but each shall then be taxed as required by law.

Highest license to be charged in case of doubt.

When businesses are separate.

SEC. 96. *Definitions.*

The words and phrases following, whenever used in this act, shall be construed to include in their meaning the definitions set opposite the same in this section, whenever it shall be necessary to the proper construction of this act:

Definitions.

1. Bank, banker, broker, stock jobber—whoever has money employed in the business of dealing in coin, notes or bills of ex-

Bank, banker, broker, stock jobber.

change, or in any business of dealing or in buying or selling any kind of bills or exchange, checks, drafts, bank notes, promissory notes, bonds, warrants, or other writing obligatory, or stocks of any kind or description whatsoever, or receiving money on deposit.

Collectors. 2. Collector or collectors—county, township, and deputy collectors, including sheriffs.

List-takers and assessors. 3. List-takers and assessors have all authority conferred upon list-takers in this act.

Credits. 4. Credits—every claim or demand for money, labor, interest, or valuable things due or to become due, including money on deposit.

He. 5. He—male, female, company, corporation, firm, society, singular or plural number.

Real property, real estate, land, tract, lot. 5. Real property, real estate, land, tract, lot—not only the land itself, whether laid out in town or city lots, or otherwise, with all things therein, but also all buildings, structures, and improvements and other permanent fixtures of whatever kind thereon, and all rights and privileges belonging or in any wise appertaining thereto, except where the same may be otherwise denominated by this act.

Shares of stock, shares of capital stock. 7. Shares of stock, shares of capital stock—the shares into which the capital stock of every incorporated company or association may be divided.

Tax, taxes. 8. Tax, taxes—any taxes, special assessments or costs, interest, or penalty imposed upon property.

SEC. 97. *Mistakes in assessments.*

Correction of errors on assessment roll. If on the assessment roll there is an error in the name of the person assessed, or any taxable property shall not be entered thereon, the name may be changed or the property entered on the list by the assessors after the roll has been returned to the clerk of the board of commissioners, or such error may be corrected or the omission supplied by the board of commissioners upon satisfactory evidence of such error or omission, at a regular meeting of the board; and the board, upon reasonable notice may make an order requiring the person affected to show cause at a day to be therein appointed, why the error shall not be corrected or omission supplied, and, upon reasonable notice, his name and the property be entered on the tax-list.

Order to show cause.

SEC. 98. *Taxes on railroads shall be a lien on property of the same.*

Lien for taxes on railroad property perpetual and paramount. The taxes upon any and all railroads in this State, including roadbed, right of way, depots, sidetracks, ties and rails, now constructed or hereafter to be constructed, are hereby made a perpetual lien thereupon, commencing from the first day of May in each current year, against all claims or demands whatsoever

of all persons or bodies corporate except the United States and this State; and the above described property or any part thereof may be taken and held for payment of all taxes assessed against said railroad company in the several counties of this State.

SEC. 99. *Removing or concealing personal property a misdemeanor.*

If any person whose duty it is to list personal property for taxation shall remove or conceal same, or cause same to be removed or concealed, for the purpose of avoiding taxation, or shall fail to list same for taxation, he shall be guilty of a misdemeanor.

Removal or concealment of property or failure to list a misdemeanor.

SEC. 100. *Sheriff to keep the records of settlement of taxes.*

Every sheriff shall keep a record of the taxes collected by him from the clerk of the court, register of deeds and under Schedule B of the Revenue Act. A suitable book for the purpose shall be provided by the State Auditor for recording all forfeitures, arrears from insolvents, double taxes and taxes on unlisted subjects; and on the first Monday in December in each year the sheriff shall deliver, on oath, to the board of commissioners a statement setting forth all sums received to that date not previously accounted for, the date of such receipts, the person from whom received, the amount received from each person, the subjects on which received, and the aggregate amounts, accompanied by an affidavit taken and subscribed before the clerk of the commissioners and attested by him that the statement is correct and that no receipts have been omitted; and the register of deeds shall record the same in a book to be kept for that purpose, and shall before the second Monday in December send an abstract of such statement, with the affidavit, to the State Auditor, on a blank to be furnished by the State Auditor, register the same in a book kept in his office for that purpose, and keep a copy of the same in a conspicuous place in the courthouse until the first day of January next ensuing.

Records to be kept by sheriff.

Book provided by State Auditor.

Annual statement of sheriff.

Report to be recorded.

Abstract to State Auditor.

Copy posted.

SEC. 101. *Sheriff to settle State taxes third Monday in January; commissioners personally liable for failure to make report.*

The sheriff or other accounting officer, shall, on or before the second Monday of January in each year, settle his State tax account with the commissioners of his county and pay the amount for which said sheriff or collector is liable to the Treasurer of the State, in such manner or at such place as he shall direct, on or before the third Monday of said month: *Provided*, the State Treasurer may extend the time on a sufficient amount to cover the State tax on the land sales in each county to the first Monday in May. The commissioners shall forthwith report to the State Auditor the amount due from such accounting officer, set-

Date for settlement of State taxes.

Payment.

Proviso: extension of time.

Report to Auditor.

ting forth therein the net amount due to each fund; and the Treasurer, upon a statement from the State Auditor, shall open an account against such officer and debit him accordingly. Upon the failure of the board of county commissioners to make this report to the State Auditor on or before the third Monday of January of each year, or if a report has been filed which is not correct and the commissioners fail to file an amended and corrected report within thirty days after being notified so to do by the State Auditor, the commissioners of such county shall each personally be liable to a penalty of one hundred dollars, and it shall be the duty of the State Auditor forthwith to institute an action in the county of Wake to enforce the same. The sheriff or tax collector, in making his settlements as aforesaid, shall file with the commissioners a duplicate of the list required in this act. In such settlement the sheriff or other officer shall be charged with the amount of public tax as the same appears by the abstract of the taxables transmitted to the State Auditor; also with all double tax and taxes on unlisted property by him received, and with other tax which he may have collected or for which he is chargeable. The State Auditor shall give to each sheriff or tax collector a certified statement embracing the subjects of taxation contained in both lists and the amount of tax on each subject which the sheriff or tax collector shall deposit with the clerk of the commissioners of his county for public inspection; that the sheriffs and tax collectors shall receive five per cent on all taxes collected by them for State, county, township, school district, or other purposes whatsoever, up to the sum of fifty thousand dollars, and upon all such sums so collected by him in excess thereof he shall receive two and one-half per cent commission, and that the sheriffs or tax collectors shall receive for their own use in addition to other fees or salary received by them, commission of five per cent on all privilege and license taxes collected under Schedule B of the Revenue Act, and any provision in any local act in conflict with this provision is hereby repealed; that all laws and clauses of laws, whether general or special, in conflict herewith are hereby repealed: *Provided further*, that this section shall not apply so as to affect the compensation of the sheriff or tax collector of Buncombe County as fixed by private statute.

Sec. 102. *Deductions to be made in settlement.*

The State Auditor, in making the settlement of the amount due from the sheriff or tax collector aforesaid, shall deduct from the list returned:

- Deductions from list.
- Insolvents.
1. Taxes on personal property certified by the clerk of the commissioners of the county, by order of the commissioners, to be insolvent and uncollectible.

2. All overpayments made in former settlements by reason of any error in the clerk's abstracts of taxables.

Overpayments on former settlements.

Commission.

3. The commission allowed by law.

SEC. 103. *Sheriff or tax collector to be paid per diem for settlement.*

For his settlement with the State Treasurer the sheriff or tax collector shall be allowed by said board of commissioners, and deducted from the amount due the State three dollars for each day he may be actually necessarily engaged therein with the commissioners at the county seat.

Payment allowed for settlement.

SEC. 104. In every cause of failure by the sheriff or other accounting officer to settle his account within sixty days from the time prescribed by section one hundred and one of this act for such settlement, and to take the oath required in his settlement and pay the amount due to the Treasurer, the State Auditor shall forthwith report to the Treasurer the account of such sheriff or officer, as shown by the abstract of listed and unlisted taxables furnished by the register of deeds or auditor for such county, deducting therefrom for commissions, but adding thereto one thousand dollars and ten per centum of the amount of taxes with which said sheriff is charged for the amount of taxes supposed not to appear in the list transmitted by the register of deeds or auditor, and furnish him a copy of the official bond of the said officer and his sureties; and if the whole amount be not paid, the Treasurer, on motion of the solicitor in the Superior Court of Wake County, before the clerk thereof, within thirty days after default shall have occurred, shall recover judgment against him and his sureties, without other notice than is given by the delinquency of the officer; and to the end that obligations and names may be known, the clerk of the Superior Court shall, on or before the second Monday in each year, transmit to the State Auditor, a copy, certified under the seal of the court, of the bond of the sheriff and his sureties, upon pain for his default of forfeiting to the State one thousand dollars, which the State Auditor shall and is hereby specially charged to collect in like manner and at such times as is provided in this section.

Auditor to report account on failure to make settlement.

Deductions and additions.

Copy of official bond.

Judgment on bond by motion.

Clerk of court to certify copy of sheriff's bond to Auditor.

Auditor to enforce forfeit.

SEC. 105. The sheriff or tax collector shall pay the county taxes to the county treasurer or other lawful officer. He shall at no time retain over three thousand dollars for a longer time than ten days, under a penalty of two per centum per month to the county upon all sums so unlawfully retained, and shall, on oath, render a statement to the board of commissioners at their monthly meeting of the amount in his hands. On or before the first Monday of February in each year the sheriff shall account to the county treasurer or other lawful officer for all taxes due the county for the fiscal year, and on failing to do so he shall pay the county treasurer a penalty of two per centum per month

Settlement of county tax.

Penalty for retention of money.
Monthly statements.

Final account.

Penalty for delay.

- Proviso :
commissioners
may remit
penalty.
- Proviso :
extension of
time.
- Treasurer may
grant
indulgences.
- May relinquish
penalties.
- Bid in
property.
- Sheriff charged
with county
taxes.
Deductions
allowed.
- Costs and fees.
- Proviso :
extension of
time for collec-
tion and settle-
ment.
- Proviso :
forfeit for
misuse of tax
money.
- Lien for tax
paramount.
- Auditing
committee.
- Report of audit.
Audit filed and
recorded on
approval.
- on all sums unpaid and this shall be continued until final settle-
ment: *Provided*, the board of county commissioners may in their
discretion relieve the sheriff or tax collector of said penalty of
two per centum per month upon payment in full of the county
taxes: *Provided further*, the county commissioners may extend
the time of settlement of county taxes by the sheriff of the county
to the first Monday in May.
- SEC. 106. The Treasurer of the State, with the advice and
approval of the Attorney-General, is hereby authorized, when
in the judgment of these officers it may be best to secure the
interest of the State and will not lose any lien held by the State,
to grant indulgence to defendants in the execution and relin-
quish penalties upon payment of amount of dues owing to the
State; and likewise to bid for in behalf of the State and pur-
chase property of said defendant when necessary to secure the
payment of the dues.
- SEC. 107. The sheriff or tax collector shall be charged with
the sums appearing by the tax-list as due for the county taxes,
and shall be allowed to deduct therefrom, in like manner as is
prescribed in this act in regard to his settlement of the State
taxes, all insolvents and uncollectible poll taxes, and also the
amount of county tax on the lands bid off by the county, and
costs and fees, which shall be, for making a deed, fifty cents;
for registering, twenty-five cents; and such other necessary sums
as were actually paid by the sheriff: *Provided*, a majority of
any board of county commissioners may extend the time for col-
lecting and settlement of county taxes in the respective counties
to such time as they may deem expedient, not to extend beyond
the first of May in the year following in which taxes were levied:
Provided further, that any sheriff, tax collector or county treas-
urer who shall use any part of the county or State taxes other-
wise than as directed by law shall forfeit double the amount of
his commission on county and State taxes for the year in which
he so misused said taxes. No mortgage or lien on any property
shall be superior to the taxes on said property, whether said
mortgage or lien was given prior or subsequent to the levy of
the taxes.
- SEC. 108. The board of county commissioners, at their last
regular or other subsequent meeting in each year, shall appoint
one or more of their number, not to exceed three, to be present
at the accounting and settlement between the sheriff and county
treasurer provided for in the preceding section, and also to audit
and settle accounts of the county treasurer and all other county
officers authorized to receive or disburse county funds. The
account so audited shall be reported to the board of county com-
missioners, and when approved by them shall be filed with the
clerk and recorded on his books, and shall be prima facie evi-
dence of their correctness and impeachable only for fraud or

special error: *Provided*, the compensation allowed the committee for their services shall not exceed three (\$3) dollars per day each for the time actually spent in said settlement, and there shall be no allowance for extra clerical aid.

Proviso:
pay of auditing
committee.

SEC. 109. In case the sheriff of a county shall fail, neglect, or refuse to account with the county treasurer and auditing committee as above required, or to pay what may rightfully be found due on such accounts, he shall forfeit and pay to the State for the use of the county a penalty of two thousand five hundred dollars. It shall be the duty of the county treasurer (and if he neglect or refuse to perform it, it shall be the duty of the chairman of the board of commissioners) to cause an action to be brought in the Superior Court of the county on the bond of the sheriff against him and his sureties to recover the amount owing by him and the penalties aforesaid. If the sheriff shall fraudulently and corruptly fail to account as aforesaid, he shall be criminally liable thereupon in like manner and with the same penalties imposed for such criminal defalcation in section one hundred and four of this act.

Forfeit on
sheriff for fail-
ure to account
and pay.

Action on bond.

Criminal lia-
bility of
sheriff.

SEC. 110. In each year the county treasurer shall give five days notice to all the county officers (except the sheriff) authorized to receive or disburse the county funds to appear at the courthouse, on a certain day in January, before him and the committee appointed by the board of commissioners and present an account of all sums received or disbursed for the county, with their vouchers, and any officer failing to attend and account shall be deemed guilty of a misdemeanor. The accounts, when audited, shall be reported to the board of commissioners at their next meeting, and if approved shall be filed with the clerk and recorded in their proceedings, together with their approval, and shall be deemed prima facie correct.

Settlement with
other county
officers.

Failure to
attend and
account a
misdemeanor.

Report, approval
and record of
accounts.

SEC. 111. Whenever in this act a duty is imposed upon the sheriff of a county of which a tax collector has been or may be appointed, it shall be incumbent upon the tax collector to perform said office instead of the sheriff; and such tax collector shall collect all the taxes, have all the emoluments, and be subject to all the penalties as provided in case of sheriffs in this act; and it shall be the duty of all persons having tax moneys in hand to account for and settle with said tax collector.

Tax collectors
charged with
duties and
powers of
sheriffs.

SEC. 112. If any sheriff shall die during the time appointed for collecting taxes his sureties may collect them, and for that purpose shall have all power and means for collecting the same from the collectors and taxpayers as the sheriff would have had, and shall be subject to all the remedies for collecting and settling of the taxes, on their bond or otherwise, as might have been had against the sheriff if he had lived.

Sureties to
collect on death
of sheriff.
Powers and
liabilities.

SEC. 113. The sheriff (and in case of his death, the sureties) shall have one year, and no longer, from the day prescribed for

Time for com-
pletion of
collection.

his settlement and payment of the State taxes to finish the collection of all taxes, but the extension of time for collection shall not extend the time of his settlement of the taxes.

Acts to be printed and distributed.

SEC. 114. The Secretary of State shall have printed five thousand copies of this act and the Revenue Act of this session and distribute the said acts among the officers whose duty it is to execute or carry into effect any portion thereof.

Copies for General Assembly.

SEC. 115. The Secretary of State shall in like manner have printed ten copies of said act for each member of the General Assembly and forward the same to him.

State Treasurer to enforce payment of taxes directly due to him.

SEC. 116. Upon failure to pay the State Treasurer within thirty days after the same shall have become due any tax which by law is made payable direct to the State Treasurer, it shall be the duty of the State Treasurer to enforce payment of the same, and to this end shall have the same rights of levy and sale of any property owned by any such person as given in section eighty-nine of the Revenue Act to the sheriffs in collection of Schedule B taxes, and upon application by the State Treasurer it shall be the duty of the sheriff in any county to levy upon and sell such property to satisfy the tax due, together with any costs and penalties. The State Treasurer may also institute an action to enforce the same in the county of Wake or in the county in which the property is located.

Sheriff to levy when Treasurer makes application.

Treasurer may also bring suit.

Penalty for doing business without license.

SEC. 117. Any person, firm, or corporation who is liable for any license or privilege tax under Schedules B and C, and who practice their or its profession or trade without paying said license or privilege tax, shall be subject to a penalty of two hundred and fifty dollars, the same to be recovered by the State Tax Commission in an action to enforce same in the Superior Court of Wake County or in the county of the defendant. Every person engaged in any itinerant business that is made taxable under the Revenue Act shall have with him when so engaged in such business either the original license required to be obtained for engaging in each business or a duplicate thereof, and shall exhibit the same upon demand of any sheriff, deputy, constable, or other officer.

Action for recovery.

Persons engaged in itinerant business must exhibit license.

Repealing clause.

Proviso: vested interests not affected.

SEC. 118. All act and parts of acts inconsistent with the provisions of this act are hereby repealed: *Provided*, that such repeal shall not in any manner affect any rights heretofore acquired, or the collection of any taxes heretofore levied or assessed, or the validity of any sale heretofore made, or any rights heretofore acquired in the law of this State.

SEC. 119. *Sales of real estate may be made on the first Monday in any month.*

Revisal amended.

That section two thousand eight hundred and eighty-eight of the Revisal of nineteen hundred and five providing that sales of real estate for taxes shall be made on the first Monday in

May of each year, be, and the same is hereby amended by inserting after the word "year" in the fifth line of said section the words "or may sell upon the first Monday of any subsequent month, after giving notice as required by section two thousand eight hundred and eighty-eight, Revisal of nineteen hundred and five."

Real estate may be sold on first Monday of any month.

SEC. 120. *Actual sale of real estate conclusive evidence.*

That where actual sales of real estate are made for taxes under the general laws of the State the taxpayer whose real estate has been sold for taxes shall be precluded thereafter from attacking such sale on the ground that the tax could have been procured from personal property.

Actual sales conclusive evidence.

SEC. 121. That this act shall be in force from and after its ratification.

Ratified this 10th day of March, A.D. 1919.

CHAPTER 93

AN ACT AMENDATORY OF AND SUPPLEMENTAL TO THE BILL ENTITLED "AN ACT TO RAISE REVENUE"

The General Assembly of North Carolina do enact:

SECTION 1. That section forty-two of said act relating to bank taxation be, and the same is hereby amended, by striking out the word "twentieth" in said section where the same occurs between the word "the" and the word "day" in --- line of said section and insert in lieu thereof "thirtieth." Which act was ratified tenth day of March, one thousand nine hundred and nineteen.

Amendment.

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

Ratified this 11th day of March, A.D. 1910.

CHAPTER 94

AN ACT IN RELATION TO THE PRACTICE OF VETERINARY MEDICINE OR SURGERY IN NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That all persons who have been practicing veterinary medicine or surgery previous to the first day of March, one thousand nine hundred and three, shall be allowed to practice

Qualification for practice of veterinary medicine and surgery.

Names to be registered in clerk's office.

veterinary medicine or surgery in this State: *Provided*, they make affidavit to the effect that they have practiced veterinary medicine or surgery as a profession previous to the said date, and have had their names registered in the office of the clerk of the Superior Court of the county in which they reside on or before June first, nineteen and nineteen, in a book that shall be kept for that purpose.

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

Ratified this 3d day of March, A.D. 1919.

CHAPTER 95

AN ACT TO AMEND SECTION 34, CHAPTER 101, PUBLIC LAWS OF 1915, EXCEPTING BURKE COUNTY FROM THE OPERATION OF THE PRIMARY ELECTION LAW.

The General Assembly of North Carolina do enact:

Chapter 101, Public Laws 1915, amended. Burke County exempted from operation of primary law.

SECTION 1. That section thirty-four of chapter one hundred and one of the Public Laws of one thousand nine hundred and fifteen be, and the same is hereby, amended by inserting the word "Burke" after the word "Beaufort" and before the word "Davidson," in line six of said section.

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

Ratified this 24th day of February, A. D. 1919.

CHAPTER 96

AN ACT TO AMEND HOUSE BILL 330, SENATE BILL 157, RATIFIED FEBRUARY 7, 1919, RELATING TO STATE GRANT IN MACON COUNTY.

The General Assembly of North Carolina do enact:

Vested rights not affected by amendment relative to State grant.

SECTION 1. Amend section one of House Bill number three hundred and thirty, Senate Bill number one hundred and fifty-seven, ratified February seventh, one thousand nine hundred and nineteen, by adding thereto: This act shall in no way affect vested rights.

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

Ratified this 3d day of March, A.D. 1919.

CHAPTER 97

AN ACT TO CREATE JUVENILE COURTS IN NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. *Jurisdiction over children.* The Superior Courts shall have exclusive original jurisdiction of any case of a child less than sixteen years of age residing in or being at this time within their respective districts—

Superior Court given exclusive jurisdiction.

(a) Who is delinquent or who violates any municipal or State law or ordinance or who is truant, unruly, wayward, or misdirected or who is disobedient to parents or beyond their control, or who is in danger of becoming so; or

Who violate law or are wayward.

(b) Who is neglected, or who engages in any occupation, calling, or exhibition, or is found in any place where a child is forbidden by law to be and for permitting which an adult may be punished by law, or who is in such condition or surroundings or is under such improper or insufficient guardianship or control as to endanger the morals, health or general welfare of such child; or

Neglected or found in places forbidden by law.

(c) Who is dependent upon public support or who is destitute, homeless or abandoned, or whose custody is subject to controversy.

Dependent upon public support.

When jurisdiction has been obtained in the case of any child, unless a court order shall be issued to the contrary, or unless the child be committed to an institution supported and controlled by the State, it shall continue for the purposes of this act during the minority of the child. The duty shall be constant upon the court to give each child subject to its jurisdiction such oversight and control in the premises as will conduce to the welfare of such child and to the best interests of the State .

Time of which jurisdiction extends.

Duty of court towards child.

SEC. 2. *Establishment in each county of a separate part of the Superior Court to be known as the Juvenile Court; appointment of judge.* There shall be established in each county of the State a separate part of the Superior Court of the district for the hearing of cases coming within the provisions of this act. Such part of the Superior Court shall be called The Juvenile Court of ----- County.

Establishment of juvenile courts provided for.

The clerk of the Superior Court of each county in the State is hereby appointed and authorized to act as judge of the Juvenile Court in the hearing of cases coming within the provisions of this act, in which cases the child or children concerned therein reside in or are at the time within such county. Proceedings in such cases may be initiated before such judge and in hearing such cases, such judge shall comply with all the requirements and conform to the procedure provided in this act.

Clerk of Superior Court the judge of juvenile court.

Proceedings.

Definitions.

SEC. 3. *Definitions.* The term "court" when used in this act without modification shall refer to the Juvenile Court to be established in each county as hereinabove provided. The term "judge" when used in this act shall refer to the clerk of the Superior Court acting as judge of the Juvenile Court. The term "child" shall mean any minor less than eighteen years of age. The term "adult" shall mean any person eighteen years of age or over.

Sessions of court.

SEC. 4. *General provisions.* Sessions of the court shall be held at such times and in such places within the county as the judge shall from time to time determine. In the hearing of any case coming within the provisions of this act the general public may be excluded and only such persons admitted thereto as have a direct interest in the case. Sessions of the court shall not be held in conjunction with any other business of the Superior Court, and children's cases shall not be heard at the same time as those against adults.

Record.

The court shall maintain a full and complete record of all cases brought before it, to be known as the Juvenile Record. All records may be withheld from indiscriminate public inspection in the discretion of the judge of the court, but such record shall be open to inspection by the parents, guardians, or other authorized representatives of the child concerned. No adjudication under the provisions of this act shall operate as a disqualification of any child of any public office, and no child shall be denominated a criminal by reason of such adjudication, nor shall such adjudication be denominated a conviction.

Such records open to child's representatives.

No child a criminal by reason of court's adjudication.

Purpose of act remedial.

This act shall be construed liberally and as remedial in character. The powers hereby conferred are intended to be general and for the purpose of affecting the beneficial purposes herein set forth. It is the intention of this act that in all proceedings under its provisions the court shall proceed upon the theory that a child under its jurisdiction is the ward of the State and is subject to the discipline and entitled to the protection which the court should give such child under the circumstances disclosed in the case.

Child may be brought before court upon petition.

SEC. 5. *Petition.* Any person having knowledge or information that a child is within the provisions of this act and subject to the jurisdiction of the court, may file with the court a petition verified by affidavit, stating the alleged facts which bring such child within said provisions. The petition shall set forth the name and residence of the child and of the parents, or the name and residence of the person having the guardianship, custody, or supervision of such child, if the same be known or ascertained by the petitioner, or the petition shall state that they are unknown, if that be the fact.

Contents of petition.

Summons for appearance of child.

SEC. 6. *Issuance of summons; traveling expenses.* Upon the filing of the petition or upon the taking of a child into custody, the court may forthwith or after an investigation by a proba-

tion officer or other person, cause to be issued a summons signed by the judge or the clerk of the court directed to the child, unless such child has been taken into custody, and to the parents or, in case there is no parent, to the person having the guardianship, custody or supervision of the child, or the person with whom the child may be, requiring them to appear with the child at the place and time stated in the summons to show cause why the child should not be dealt with according to the provisions of this act.

The judge may in his discretion authorize the payment of necessary traveling expenses incurred by any witness or persons summoned or otherwise required to appear at the hearing of any case coming within the provisions of this act. Such expenses, when approved by the judge of the Superior Court, shall be a charge upon the county in which the petition is filed.

Traveling
expenses of
witnesses.

SEC. 7. *Custody of the child; release.* If it appears from the petition that the child is embraced with subdivision (a) of section 1 of this act, or is in such condition or surroundings that the welfare of the child requires that its custody be immediately assumed, the court may endorse or cause to be endorsed upon the summons a direction that the officer serving the same shall at once take such child into his custody.

Custody of child.

In the case of any child who has been taken into custody or pending the final disposition of any case, the child may be released in the custody of a parent or other person having charge of the child or in the custody of a probation officer or other person appointed by the court to be brought before the court at the time designated. Any child embraced in this act may be admitted to bail as provided by law. When not released as herein provided such child, pending the hearing of the case, shall be detained in such place of detention as hereinafter provided for.

Release in
custody.

Bail.
Detention.

SEC. 8. *Service of summons.* Service of summons shall be made personally by reading to and leaving with the persons summoned a true copy thereof: *Provided*, that if the court is satisfied that reasonable but unsuccessful effort has been made to serve the summons personally upon any of the parties named therein, or if it shall appear to the satisfaction of the court that it is impracticable to serve a summons personally upon any of them, the court may make an order providing for service of the summons by registered mail or by publication or otherwise in such manner as the judge shall determine. It shall be sufficient to confer jurisdiction if service is effected at any time before the time fixed in the summons for the return thereof, but the court, if requested by the child or a parent, or in case there is no parent, by the person having the guardianship, custody or supervision of the child, shall not proceed with the hearing earlier than three days after the service. Failure to serve a summons upon any person other than said child shall not impair the jurisdiction of the court to proceed in cases arising under subdivision

Service of
summons by
reading.

By mail or
publication.

Hearing.

Failure to serve
summons does
not impair
jurisdiction.

(a) of section one of this act, provided that for good cause shown the court shall have made an order dispensing with such service.

Failure to appear contempt of court.

If the person summoned as herein provided shall fail without reasonable cause to appear and abide the order of the court or bring the child, he may be proceeded against as for contempt of court. In case the summons cannot be served or the party served fails to obey the same, and in any case when it shall be made to appear to the court that such summons will be ineffectual, or that the welfare of the child requires that he shall be brought forthwith into the custody of the court, a warrant may be issued on the order of the court either against the parent or guardian or other person having custody of the child or with whom the child may be or against the child himself.

Warrants.

Papers, by whom served.

The sheriff or other lawful officer of the county in which the action is taken shall serve all papers as directed by the court, but the papers may be served by any person delegated by the court for that purpose.

Determination of case.

SEC. 9. *Hearing; judgment.* Upon the return of the summons or other process or after any child has been taken into custody, at the time set for the hearing, the court shall proceed to hear and determine the case in a summary manner. The court may adjourn the hearing from time to time and inquire into the habits, surroundings, conditions and tendencies of the child so as to enable the court to render such order or judgment as shall best conserve the welfare of the child and carry out the objects of this act. In all cases the nature of the proceedings shall be explained to the child and to the parents or the guardian or person having the custody or the supervision of the child. At any stage of the case the court may, in its discretion, appoint any suitable person to be the guardian *ad litem* of the child for the purposes of the proceeding.

Judgment.

Proceedings to be explained to child or guardian.

Appointment of guardian.

Findings of court.

The court if satisfied that the child is in need of the care, protection or discipline of the State may so adjudicate and may find the child to be delinquent, neglected, or in need of more suitable guardianship. Thereupon the court may

Probation.

(a) Place the child on probation subject to the conditions provided hereinafter; or

Commitment to custody of fit person.

(b) Commit the child to the custody of a relative or other fit person of good moral character, subject, in the discretion of the court to the supervision of a probation officer and the further orders of the court; or

Commitment to custody Board of Charities.

(c) Commit the child to the custody of the State Board of Charities and Public Welfare, to be placed by such board in a suitable family home and supervise therein; or

Commitment to State institution.

(d) Commit the child to a suitable institution maintained by the State or any subdivision thereof, or to any suitable private institution, society or association incorporated under the laws of the State and approved by the State Board of Charities and Pub-

lic Welfare authorized to care for children or to place them in suitable family homes; or

(c) Render such further judgment or make such further order of commitment as the court may be authorized by law to make in any given case.

(f) If a child of fourteen years of age be charged with a felony for which the punishment as now fixed by law cannot be more than ten years in prison his case shall be investigated by the probation officer and the judge of the Juvenile Court as provided for in this act, unless it appears to the judge of the Juvenile Court that the case should be brought to the attention of the judge of the Superior Court, in which case the child shall be held in custody or bound to the next term of the Superior Court as now provided by law.

SEC. 10. *Place of detention.* No child coming within the provisions of this act shall be placed in any penal institution, jail, lockup, or other place where such child can come into contact at any time or in any manner with any adult convicted of crime and committed or under arrest and charged with crime. Provision shall be made for the temporary detention of such children in a detention home to be conducted as an agency of the court for the purposes of this act, or the judge may arrange for the boarding of such children temporarily in a private home or homes in the custody of some fit person or persons subject to the supervision of the court, or the judge may arrange with any incorporated institution, society or association maintaining a suitable place of detention for children for the use thereof as a temporary detention home.

In case a detention home is established as an agency of the court it shall be furnished and carried on so far as possible as a family home in charge of a superintendent or matron who shall reside therein. The judge of the Juvenile Court may, with the approval of the State Board of Charities and Public Welfare, appoint a matron or superintendent or both and other necessary employees for such home in the same manner as probation officers are appointed under this act, their salaries to be fixed and paid in the same manner as the salaries of probation officers. The necessary expense incurred in maintaining such detention home shall be a public charge.

In case the judge shall arrange for the boarding of children temporarily detained in private homes, a reasonable sum for the board of such children while temporarily detained in such homes shall be paid by the county in which such child shall reside or may be found.

In case the judge shall arrange with any incorporated institution, society or association for the use of a detention home maintained by such institution, society or association, he shall enter an order which shall be effectual for that purpose and a reasonable

Further judgment.

Child under fourteen charged with felony.

Child not be detained in contact with adult prisoners.

May be boarded in private home or temporarily detained in suitable institution.

Detention home.

Officials of detention home.

Compensation. Expense a public charge.

Payment of board by county.

Compensation of institution or association for care of children.

sum shall be appropriated by the county commissioners for the compensation of such institution, society or association for the care of children residing or found within the county who may be detained therein.

Probation officers.

SEC. 11. *Appointment and discharge of probation officer; compensation.* The judge of the Juvenile Court in each county shall appoint one or more suitable persons as probation officers who shall serve under his direction. The appointment of such probation officers shall be approved by the State Board of Charities and Public Welfare.

Chief probation officer.

The County Superintendent of Public Welfare shall be the chief probation officer of every Juvenile Court in his county and shall have supervision over the work of any additional probation officer which may be appointed.

Discharge of probation officer.

The judge appointing any probation officer may discharge such officer for cause after serving such officer with a written notice: *Provided*, that no probation officer shall be discharged without the approval of the State Board of Charities and Public Welfare.

Compensation of probation officers.

The judge appointing any probation officer may in his discretion determine that a suitable salary be paid and may, with the approval of the judge of the Superior Court, fix the amount thereof. Such salary so determined and so approved shall be paid by the board of county commissioners: *Provided*, that no person shall be paid a salary as probation officer without a certificate of qualification from the State Board of Charities and Public Welfare.

Proviso: certificate from Board of Charities.

The State Board of Charities and Public Welfare shall establish rules and regulations pursuant to which appointments under this act shall be made to the end that such appointments shall be based upon merit only.

Rules governing appointment.

Appointment in writing.

The appointment of a probation officer shall be in writing and one copy of the order of appointment shall be delivered to the officer so appointed and another filed in the office of the State Board of Charities and Public Welfare.

Period of probation.

SEC. 12. *Procedure in using probation.* When the court places any child or adult on probation as provided in this act it shall determine the conditions of probation which may be modified by the court at any time. A child shall remain on probation for such period as the court shall determine during the minority of such child. An adult shall remain on probation for such period as the court shall determine, not to exceed five years. The conditions of probation shall be such as the court shall prescribe and may include among other conditions any or several of the following: that the probationer (*a*) shall indulge in no unlawful or injurious habits; (*b*) shall avoid places or persons of disreputable or harmful character; (*c*) shall report to the probation officer as directed by the court or probation officer; (*d*) shall permit the probation officer to visit him in a reasonable manner at his place of abode or elsewhere; (*e*) shall answer any reasonable inquiries on the part

Conditions of probation.

of the probation officer concerning his conduct or condition; (*f*) shall if a child of compulsory school age attend school regularly; (*g*) shall if an adult or a child who does not attend school, work faithfully at suitable employment; (*h*) shall remain or reside within a specified place or locality; (*i*) shall pay a fine in one or several sums; (*j*) shall make restitution or reparation to the aggrieved parties for actual damages or losses caused by an offense upon such conditions as the court shall determine; and (*k*) shall make payment for the support of any lawful dependents as required by the court.

Any person on probation may at any time be required to appear before the court and in case of his failure to do so when properly notified by the probation officer, the court may issue a warrant for his arrest. In the case of a child on probation, if the court believes that the welfare of such child will thereby be promoted, the probation may be revoked at any time and the court may make such other disposition of the child as it might have made at the time the child was placed on probation. An adult on probation who violates any of the conditions thereof may be arrested upon a warrant issued by the court and the court may impose any penalties which it might have imposed at the time the defendant was placed on probation.

SEC. 13. *Duties and powers of probation officers.* It shall be the duty of a probation officer to make such investigations before, during or after the trial or hearing of any case coming before the court as the court shall direct and shall report thereon in writing. The probation officer shall take charge of any child before or after the trial or hearing when so directed by the court. The probation officer shall furnish to each person released on probation under his supervision a written statement of the conditions of probation and shall instruct the probationer and other persons responsible for the welfare of the probationer regarding same and shall enforce all the conditions of probation. Such officer shall keep informed concerning the conduct and condition of each person on probation under his supervision by visiting, requiring of reports and in other ways and shall report upon the progress of each case under his supervision at least monthly to the court. Such officer shall use all suitable methods not inconsistent with the conditions imposed by the court to aid and encourage persons on probation and to bring about improvements in their conduct and condition. Such officer shall keep detailed records of his work. He shall keep accurate and complete accounts of all moneys collected from persons under his supervision; he shall give receipts therefor and shall make at least monthly returns thereof; such officer shall make such report to the State Board of Charities and Public Welfare as it may from time to time require and shall perform such other duties as the court under whose direction such officer is serving shall direct.

Probationers may be required to appear before court.
Revocation of probation.

Adult probationer may be arrested.

Duties and powers of probation officers.

Statement of conditions.

Reports of supervision to court.

Detailed records.

Report to Board of Charities.

Probation officer given powers of peace officer.

Every probation officer shall have all the powers of a peace officer within the jurisdiction of the court which he serves. With the approval or under the direction of the judge of the court in which a probation officer is serving, such officer is authorized and empowered to act as probation officer over any person on probation transferred to his supervision from any other court and may act as parole officer over any person released from a correctional institution when requested to do so by the authorities thereof and when authorized so to act by the judge of the court in which such probation officer is serving.

Support of child committed to custody a charge on county.

SEC. 14. *Support of child committed to custodial agency.* Whenever any child is committed by the court to the custody of an institution, association, society or person other than its parent or guardian, compensation for the care of such child when approved by the order of the court, shall be a charge upon the county, but the court may at the issuance and service of an order to show cause on the parent or other person having the duty under the law to support such child adjudge that such parent or other person shall pay in such manner as the court may direct such sum as will cover in whole or in part the support of such child, and willful failure to pay such sum may be punished as a contempt of court.

Selection of custodial agency.

SEC. 15. *Selection of custodial agency.* In committing any child to any institution or other custodial agency other than one supported and controlled by the State or in placing the child under any guardianship other than that of its natural guardians, the court shall as far as practicable select as the custodial agency an institution, society or association governed by persons of like religious faith as the parents of such child or an individual holding the same religious belief.

Modification of judgment.

SEC. 16. *Modification of judgment: the return of child to parents.* Any order or judgment made by the court in the case of any child shall be subject to such modification from time to time as the court may consider to be for the welfare of such child, except that a child committed to an institution supported and controlled by the State may be released or discharged only by the governing board or officer of such institution.

Application of release of child made upon petition.

Any parent or guardian, or if there be no parent or guardian, the next friend of any child who has been or shall hereafter be committed by the court to the custody of an institution, other than an institution supported and controlled by the State, or to the custody of any association, society or person, may at any time file with the court a petition verified by affidavit setting forth under what conditions such child is living, and that application for the release of the child has been made to and denied by such institution, association, society or person, or that institution, association, society or person has failed to act upon such application within a reasonable time. A copy of such petition shall at once be served by the court upon such institution, association, society

Copy of petition to be served on custodial agency.

or person, whose duty it shall be to file a reply to the same within five days. If, upon examination of the petition and reply, the court is of the opinion that an investigation should be had, it may, upon due notice to all concerned, proceed to hear the facts and determine the question at issue, and may return such child to the custody of its parents or guardian or direct such institution, association, society or person to make such other arrangements for the child's care and welfare as the circumstances of the case may require.

Investigation.

Judgment.

Any child while under the jurisdiction of the court shall be subject to the visitation of the probation officer or other agent of the court authorized to visit such child.

Child subject to visitation.

SEC. 17. *Appointment of guardians.* Whenever in the course of a proceeding instituted under this act it shall appear to the court that the welfare of any child within the jurisdiction of the court will be promoted by the appointment of an individual as general guardian of its person, when such child is not committed to an institution or to an incorporated society or association, or by the appointment of an individual or corporation as general guardian of its property, the court shall have jurisdiction to make such appointment, either upon the application of the child or of some relative or friend, or upon the court's own motion, and in that event an order to show cause may be made by the court to be served upon the parent or parents of such child in such manner and for such time, prior to the hearing, as the court may deem reasonable. In any case arising under this act the court may determine as between parents or others whether the father or mother or what person shall have the custody and direction of said child, subject to the provisions of the preceding section.

Appointment of guardian.

SEC. 18. *Examination and treatment of children found to be mentally defective or in need of medical care.* The court, in its discretion, either before or after a hearing, may cause any child within its jurisdiction to be examined by one or more duly licensed physicians, who shall submit a written report thereon to the court. If it shall appear to the court that any child within the jurisdiction of the court is mentally defective he may cause the child to be examined by two licensed physicians, and on the written statement of the two examining physicians that it is their opinion that the child is mentally defective, feeble-minded, or epileptic, the court may commit such child to an institution authorized by law to receive and care for mentally defective, feeble-minded, or epileptic children, as the case may be. No child shall be committed to such institution unless the parent or parents or the guardian or custodian of such child, if such there be, are given an opportunity for a hearing.

Examination of mentally or physically defective children.

Hearing to be afforded.

Whenever a child within the jurisdiction of the court and under the provisions of this act appears to the court to be in need of medical or surgical care a suitable order may be made for the

Treatment of child charge on county.

Relatives or guardian may be required to share expense.

Neglect of child or encouragement of delinquency a misdemeanor.

Appeals from juvenile court.

Notice of appeal to be filed.

Compensation of judge of juvenile court.

Duty of public officers to assist in furthering objects of act.

treatment of such child in a hospital or otherwise, and the expense thereof, when approved by the court, shall be a charge upon the county or the appropriate subdivision thereof; but the court may adjudge that the person or persons having the duty under the law to support such child shall pay a part or all of the expenses of such treatment as provided in section fourteen of this act.

SEC. 19. *Offenses against children; responsibility of parents and other adults; penalty.* A parent, guardian or other person having the custody of a child who omits to exercise reasonable diligence in the care, protection or control of such child, causing it to be adjudged delinquent, neglected, or in need of the care, protection or discipline of the State as provided in this act, or who permits such child to associate with vicious, immoral or criminal persons, or to beg or solicit alms, or to be an habitual truant from school, or to enter any house of prostitution or assignation or any place where gambling is carried on or to enter any place which may be injurious to the morals, health, or general welfare of such child, and any such person or any other person who knowingly or willfully is responsible for, encourages, aids, causes or connives at or who knowingly or willfully does any act to produce, promote or contribute to the condition which caused such child to be adjudged delinquent, neglected, or in need of the care, protection or discipline of the State, shall be guilty of a misdemeanor.

SEC. 20. *Appeals.* An appeal may be taken from any judgment or order of the Juvenile Court to the Superior Court having jurisdiction in the county by the parent or, in case there is no parent, by the guardian, custodian or next friend of any child, or by any adult described in the two preceding sections of this act whose case has been heard by the Juvenile Court. Such appeal shall be taken in the manner provided for appeals to the Superior Court: *Provided*, that written notice of such appeal be filed with the Juvenile Court within five days after the issuance of the judgment or order of such court.

SEC. 21. *Compensation of judge.* The judge of the Juvenile Court shall be paid a reasonable compensation for his services, the amount to be determined by the county commissioners, and the amount thus determined by the county commissioners shall be charged against the public funds of the county. And such compensation shall be independent of any compensation which may come to him as clerk of the Superior Court.

SEC. 22. *Coöperation.* It is hereby made the duty of every State, county or municipal official or department to render such assistance and coöperation within his or its jurisdiction or power as shall further the objects of this act. All institutions or other agencies to which any person coming within the provisions of this act may be sent are hereby required to give such information concerning such child to the court or to any other officer appointed by it as said court or official may require for the purposes of this

act. The court is authorized to seek the coöperation of all societies, organizations or individuals to the end that the court may be assisted in every way in the discharge of its duties.

SEC. 23. *Rules.* The court shall have power to devise and publish rules to regulate the procedure in cases coming within the provisions of this act and for the conduct of all probation and other officers of the court in such cases. The court shall devise and cause to be printed for public use such forms for records and for various petitions, orders, processes, and other papers in the cases coming within this act as shall meet the requirements thereof, and all expenses incurred in complying with the provisions of this act shall be a public charge.

SEC. 24. Every city in North Carolina where the population was by the census of one thousand nine hundred and ten, ten thousand or more shall maintain a Juvenile Court, to which is hereby given the powers, duties and obligations of this act to be exercised within their territorial boundaries. Such city juvenile courts shall conduct their business in accordance with the procedure set forth in this act as applying to the county Juvenile Court. It is hereby made the duty of governing bodies of such cities to make provisions for such courts and bear the expense thereof, either by requiring the recorder to act as a juvenile judge or by the appointment of a separate judge. The governing bodies of such cities shall also appoint one or more assistant probation officers who shall serve within its jurisdiction under the general supervision of the chief probation officer of the county, which chief probation officer of the county is hereby made the chief probation officer of the city court herein provided for. The salary of the chief Juvenile Court judge shall be fixed and paid by the governing body of the city and such governing bodies are hereby given authority to expend such sums from the public funds of the city as may be required to carry this act into effect.

In case it may appear to the governing bodies of such cities herein described that it would be best to allow the county Juvenile Court to transact the business of the city, they may make such provisions and agreements with the county commissioners for the expense of the joint court as may be agreed upon, and in such event, such a city is hereby permitted to make such arrangement in lieu of establishing a city Juvenile Court. But in case the county commissioners will not agree to such arrangement, then the city must establish a Juvenile Court, as provided in this section.

Any town of five thousand population which is not a county seat, and in which there is a recorder's court, may, if deemed advisable and necessary by the governing body, provide for the conduct of a Juvenile Court within the territorial jurisdiction of such recorder's court: *Provided*, that the provisions and proce-

Court authorized to seek aid of organizations.

Rules of procedure devised and published by court.

Expense a public charge.

City juvenile courts.

Duty of governing bodies to provide and maintain such courts.

Probation officers.

Salary of judge.

County Court may transact business of city.

If county objects, city court must be established.

Courts in towns of 5,000.

ture of this chapter are fully followed as in case for towns of ten thousand inhabitants.

Laws in conflict repealed.

SEC. 25. *Repeal of inconsistent provisions.* Chapter two hundred and twenty-two of the Public Laws of one thousand nine hundred and fifteen and chapter four of the Revisal of one thousand nine hundred and five, as amended, and all other laws or parts of laws inconsistent with this act are hereby repealed.

SEC. 26. This act shall be in force and effect from and after its ratification.

Ratified this ---- day of March, A.D. 1919.

CHAPTER 98

AN ACT RELATIVE TO HOLDING THE SUPERIOR COURTS OF RICHMOND COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the terms of the Superior Court for Richmond County shall be begun and held as follows:

Time for holding courts.

The eighth Monday before the first Monday in March, one week; fifth Monday after the first Monday in March, one week; sixth Monday before the first Monday in September, one week; ninth Monday after the first Monday in September, one week; all for the trial of criminal cases:

Second Monday after the first Monday in March, one week; twelfth Monday after the first Monday in March, one week; fifteenth Monday after the first Monday in March, one week; seventh Monday before the first Monday in September, one week; first Monday in September, one week; third Monday after the first Monday in September, one week; thirteenth Monday after the first Monday in September, one week; all for the trial of civil cases.

Civil cases at criminal terms.

Each of the aforesaid terms designated for the trial of criminal cases shall also be the return term for civil processes and for the hearing of motions in civil actions; and civil cases requiring a jury, may by consent of the parties thereto be tried at such terms.

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

SEC. 3. That this act shall be in force from and after July first, one thousand nine hundred and nineteen.

Ratified this 3d day of March, A.D. 1919.

CHAPTER 99

AN ACT TO APPOINT JUSTICES OF THE PEACE FOR THE
SEVERAL COUNTIES OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That the following named persons be and they are hereby appointed justices of the peace for their respective counties and townships in North Carolina for a term of six years, except when a different length of time is named herein, said terms to begin the first day of April, one thousand nine hundred and nineteen, or when their present terms of office expire:

ALAMANCE COUNTY.

Alamance.

Haw River Township—J. H. Blackman, John W. Webster.
Pleasant Grove Township—C. R. McCauley.
Melville Township—John T. Shaw.
Thompson Township—Geo. T. Morrow.
Newlin Township—J. G. Clark, R. R. Richardson.
Albright Township—E. F. Holt.
Coble Township—J. H. Bailiff, Robert L. Shoffner, J. F. Home-wood.
Patterson Township—R. J. Thompson, W. H. Isley, C. L. Shaw.
Fauetts Township—J. H. Tapscott.
Burlington Township—W. W. Askew.
Morton Township—B. L. Simpson.

ALEXANDER COUNTY.

Alexander.

Ellendale Township—Alfred Hollar, Walter Oren, L. G. Echard (two years each).
Gwaltneys Township—C. L. Stephenson (four years), Baxter Hendren (two years).
Little River Township—J. C. Chapman (two years).
Sharps Township—P. F. Somers (six years), B. F. Patterson (two years).
Sugar Loaf Township—T. H. Crouch (two years).
Taylorville Township—Samuel Austin, J. M. Matheson (for two years each), W. F. Patterson (for two years).

ALLEGHANY COUNTY.

Alleghany.

Cherry Lane Township—A. J. Bryan, Coy McCann.
Whitehead Township—T. A. Edwards, Joseph Wagoner.
Glade Creek Township—J. W. Belvins.
Cranberry Township—C. L. Upchurch.

ANSON COUNTY.

Anson.

Lilesville Township—T. R. Liles.
Gulledge Township—J. P. Ratliff, J. T. Webb, B. C. Jones.

Lancsboro Township—C. S. Redfearn.

Wadcsboro Township—J. A. Little (two years).

Ashe.

ASHE COUNTY.

Piney Creek Township—C. C. Parsons, Harvey Ashley, Jonathan Perry.

North Fork Township—L. J. Sturgell, E. F. Lewis.

Obids Creek Township—N. C. Miller.

Peak Creek Township—Floy Miller, Matt Carson.

Jefferson Township—J. A. Richardson.

Chestnut Hill Township—Floyd Phipps.

Old Field Township—E. E. Trivett, J. M. Welborn.

Walnut Hill Township—Arthur Campbell.

Pine Swamp Township—Jeff Hartsee, R. E. Phillips.

Avery.

AVERY COUNTY.

Cranberry Township—J. M. Hodges, J. W. Holsclaw, L. E. Norman.

Linnville Township—John W. Coffey, John Hood.

Roaring Creek Township—Benjamin Pritchard.

Bladen.

BLADEN COUNTY.

Colly Township—D. A. Marshburn.

Brunswick.

BRUNSWICK COUNTY.

North West Township—S. J. Rowell.

Shalotte Township—Richard Sellers, Troy Hewett, Frank Pierce.

Buncombe.

BUNCOMBE COUNTY.

Asherville Township—J. J. Mackey, J. H. Crook, D. S. Roberts, R. W. Johnson, E. P. Atkinson, J. M. Brown, W. Haynes, J. D. Penland, Benlow Erwin.

Arery's Creek Township—George Wallace, T. R. Patterson.

Bluck Mountain Township—J. W. McWilliams, J. H. Hampton, R. L. Woodard, George Holman.

Fairview Township—P. O. Merrill, J. L. Lankford.

Flat Creek Township—L. W. Roberts, H. B. Williams.

French Broad Township—J. M. Woodson, Curtis Miles.

Ivy Township—Talmadge Maney, J. P. Edwards, M. H. Arrowood.

Licicester Township—A. W. Rymer, J. E. Martin, T. M. Rymer, Robert Brookshire, J. M. Carver.

Limestone Township—Grover Glenn, B. L. Shuford, M. L. Lance.

Reems Creek Township—Charles A. West, C. F. Williams, C. W. Brown.

Swannanoa Township—J. M. Patton.

Sandy Mush Township—J. Frank Wells.

Upper Hominy Township—Zeb Young.
Lower Hominy Township—W. E. Fletcher.

BURKE COUNTY.

Burke.

Lower Fork Township—N. L. Chapman (for two years).
Loclady Township—J. E. Coluter.

BERTIE COUNTY.

Bertie.

Windsor Township—S. W. Kenney, J. E. White, C. F. Lyon,
 P. W. Phelps, W. H. Sallenger.
Mitchell's Township—Gaither W. Mitchell.
Roxobel Township—C. L. L. Cobb.
Woodville Township—D. M. Casper.
Merry Hill Township—W. R. Smith.

CABARRUS COUNTY.

Cabarrus.

No. 1 Township—P. M. Linker (for two years).
No. 4 Township—J. A. Winecoff, John H. Welch (for two years).
No. 9 Township—D. M. Coley, J. L. D. Barringer (for four years)
No. 10 Township—W. G. Newell (for two years).

CALDWELL COUNTY.

Caldwell.

Loclady Township—W. E. Poovey (for six years).
North Catawba Township—D. N. W. Smith (for four years).
Little River Township—Felix Downs (for four years).

CAMDEN COUNTY.

Camden.

Shiloh Township—W. M. Forbes.
South Mills Township—John W. Jacobs.

CARTERET COUNTY.

Carteret.

Hunting Quarter Township—John R. Mason, Isaac Taylor,
 T. W. Nelson.
Morchud Township—J. B. Sawyer, James Daniels.

CASWELL COUNTY.

Caswell.

Anderson Township—L. B. Fitch, James Burton, W. Preston
 Walker.
Dan River Township—R. L. Mitchell, D. G. Watkins, Sr., W. A.
 Goodson, W. S. Hodges.
Hightower Township—W. L. Compton, W. A. Bolan, R. A.
 Hooper.
Leasburg Township—J. A. Stephens, W. N. Riggs.
Locust Hill Township—J. O. Gunn, W. H. Williamson, Edward
 Harrelson, J. W. Paschal.
Milton Township—Arch Thomas, J. B. Yarborough, F. R. Gor-
 don, W. T. Bryant.

Stony Creek Township—J. B. Turner, George P. McKinney, W. M. Leath, W. W. Miles, J. H. Saunders.

Pelham—R. W. Duncan, L. S. Carter, B. G. Hodges.

Yanceyville—W. F. Fitch, R. L. Watlington.

Chatham.

CHATHAM COUNTY.

Albright Township—S. P. Teague, W. J. Thompson.

Bear Creek Township—B. A. Phillips.

Centre Township—W. L. Johnson.

Oakland Township—L. D. Johnson.

Williams Township—L. J. Mills, C. C. Edwards.

Hadley Township—T. H. Perry, Zeb B. Dark, J. I. Lindley.

Cherokee.

CHEROKEE COUNTY.

Murphy Township—T. J. Thomason, N. B. Odell, J. H. Mintz, W. P. Brittian, A. B. Wells, George Hembree, George Hendricks, J. B. Martin, T. N. Bates.

Valleytown Township—B. B. Palmer, John Leach, Will Mathe-son, D. S. Russell.

Nolla Township—J. W. Kilpatrick, Ed. Barber, A. H. Davidson, Robert King, P. A. Mauney.

Hothouse Township—T. T. Johnson, Bowman Harris, John New-
man, I. M. Gaddis.

Shoal Creek Township—W. F. Hill, George Jones, Henson Tay-
lor, Napoleon Quinn.

Beaver Dam Township—G. J. Crow, J. U. Brown, Walter R.
Martin, E. W. Bates, U. S. Grant Phillips.

Chowan.

CHOWAN COUNTY.

No. 1 Township—M. B. Cappell, S. E. Morris, John McGuire.

Edenton Township—R. F. Tuttle, W. R. Boyce, E. I. Warren.

No. 2 Township—L. R. Bunch, Tom R. Hobbs.

No. 3 Township—W. C. Ward, E. C. Ward, E. N. Elliott, Elton
Forehead.

No. 4 Township—I. J. Moran, J. B. Webb, T. H. Shepard.

Cleveland.

CLEVELAND COUNTY.

No. 2 Township—J. M. Irvin.

No. 4 Township—O. G. Falls.

No. 8 Township—Zimri Kisler.

No. 9 Township—Walter Grigg, A. J. R. Hoyle, J. J. Blanton,
A. F. Williams.

No. 10 Township—W. M. Warlick, M. N. Gant, J. W. Alwran,
John A. Buff, William Johnson, L. Z. Huffman.

No. 11 Township—A. A. Warlick, H. T. Hoyle.

COLUMBUS COUNTY.

Columbus.

Weiche's Creek Township—T. G. Session.
Fair Bluff Township—J. N. Bullard, I. L. Green.
Bogue Township—S. J. Batten.
Lee's Township—B. A. Marlow.
Ransom Township—J. W. Dale.
Bolton Township—A. T. Clark.
Tatum Township—J. W. Griffin.
South Williams Township—E. W. Fonville.
Chadbourn Township—Ira Lennon.
Whiterville Township—E. A. Maulsby.

CRAVEN COUNTY.

Craven.

No. 1 Township—C. J. Heath, G. A. Whitford, H. H. Summerill, Henry Buck, G. C. Gaskins, I. J. Broaddus, J. W. Huff (for two years each).

No. 2 Township—Noah P. Fulcher, W. D. Ipock (for two years each).

No. 3 Township—Henry L. Sermons, R. W. Lamb, B. B. Wooten (for two years each).

No. 5 Township—I. N. Howard, W. C. Williams, Joshua Adams (for two years each).

No. 6 Township—E. S. Ballenger (for two years).

No. 7 Township—W. E. Moore, J. C. Thomas, Jr., J. D. Williams, H. C. Wood (for two years each).

No. 8 Township—John M. Hargett, J. J. Baxter, C. Lupton, J. E. Wilcox, Albert H. Bangert, L. S. Wood (for two years each).

No. 9 Township—J. E. Daugherty, A. E. Wadsworth, J. E. Wetherington, O. H. Perry (for two years each).

CUMBERLAND COUNTY.

Cumberland.

Carver's Creek Township—Benjamin Darden, W. E. Honeycutt, J. B. Wilkins.

Bearer Dam Township—J. W. Hall, J. D. Jessup.

Gray's Creek Township—James Pate, Marcus L. Marsh.

71st Township—N. S. McArthur, J. M. McPherson, S. J. Currie, M. Pearson.

Cross Creek Township—Cannon Brown.

Pearce's Mill Township—H. McR. Ray, J. A. McLean.

Rock Fish Township—Ed. McDonald, E. H. Woodall, C. M. Huggins, W. J. Phillips, W. D. Dean, Cliff Cauley.

Cedar Creek Township—A. V. Smith, J. W. McMillan, Robert Autry, G. H. Clark, M. Lee.

Flea Hill Township—Joseph E. Holmes, W. C. Lovick.

Black River Township—A. B. Yarborough, W. M. Pope.

Manchester Township—N. D. M. Clark, D. M. Farley.

Currituck.

CURRITUCK COUNTY.

Moyock Township—W. L. Wilson.*Crawford Township*—Thomas W. Baxter, Joseph L. DeCormis.*Poplar Branch Township*—Russell Griggs.

Dare.

DARE COUNTY.

Nag's Head Township—N. E. Gould, W. F. Baum.*East Lake*—C. C. Duvall, M. D. Twiford, Jr., J. H. Twiddy.

Davidson.

DAVIDSON COUNTY.

Healing Springs Township—David F. Floyd.*Midway Township*—C. H. B. Leonard, Geo. M. Murphy.*Thomasville Township*—W. A. Mendenhall, Roswell J. Stone.*Silver Hill Township*—Harvan Lomax.

Davie.

DAVIE COUNTY.

Callahan Township—James A. Glasscock, Glenn Koontz (for four years each), R. S. Anderson, W. F. H. Ketchie, J. S. Ratledge, A. J. Anderson.*Clarksville Township*—W. A. Roberts (for four years each), Morrison Howell, John Whitaker.*Farmington Township*—J. A. Sofley, C. L. Bowden, J. H. Foster, Daniel W. Smith.*Fullton Township*—J. M. Livengood, E. F. Eaton (for four years each), J. R. Foster, Frank M. Carter, H. W. Hoots, George Crotts.*Mocksville Township*—G. E. Horn (for four years), W. F. Martin.*Shady Grove Township*—A. V. Smith, A. C. Wood.

Duplin.

DUPLIN COUNTY.

Smiths Township—Lafayette Smith, Fred Smith.

Franklin.

FRANKLIN COUNTY.

Dunns' Township—W. H. Williams, B. F. Pierce, J. M. Stallings, C. E. Weathers.*Harris Township*—J. B. King, J. A. Underhill, M. L. Fowler, J. L. Byron.*Frauklinton Township*—J. E. Nicholson, C. C. Holmes, G. R. Moyer, S. C. Ford.*Gold Mine Township*—C. C. Murphy, Percy Gupton, A. S. J. Hamlet.*Haycsville Township*—R. G. Winn, H. L. Stokes, R. L. Stokes, A. A. Medlin.*Sandy Creek Township*—J. J. Cooper, E. N. Williams, W. H. Bledsoe, M. C. Gupton.

Cedar Rock Township—T. W. Stokes, E. D. Parrish, J. Pete Davis, Geo. S. Earp, R. A. Harris.

Cypress Creek Township—J. A. Boone, Alton Wilder, N. C. Moore.

Louisburg Township—J. L. Palmer, A. W. Alston, Geo. M. Manning, A. P. Strickland, W. E. Uzzell, T. W. Watson.

Youngsville Township—C. C. Winston, J. R. Tharrington, H. M. Green, J. R. Pearce, J. T. Wilson.

FORSYTH COUNTY.

Forsyth.

Abbotts Creek Township—John A. Holder.

Broad Bay Township—E. P. Heitman, W. R. Rominger, J. P. Charles.

Bethania Township—J. N. Anderson.

Clemmonsville Township—T. W. Griffith.

Middle Fork Township—R. D. Gourley.

Old Richmond Township—W. F. Sprinkles.

Old Town Township—J. Lewis Marshall.

Salem Chapel Township—A. L. Peril, Fletcher Moir, J. A. Marshall.

South Fork Township—Wm. A. Crouse.

Vienna Township—R. C. Conrad, J. S. Conrad, E. A. Conrad.

Winston-Salem Township—P. T. Lehman (for two years), J. C. Bessent.

GASTON COUNTY.

Gaston.

Cherryville Township—W. O. Harrelson, J. A. Kiser, J. Kiser, H. S. Sellers.

Dallas Township—G. V. Lohr, H. Aubrey Costner, A. P. H. Rhyne.

South Point Township—J. R. Henderson.

Crowders Mountain Township—C. C. Clark.

GATES COUNTY.

Gates.

Gatesville Township—Q. H. Trotman, O. C. Turner.

Hall Township—J. H. Lilley, C. E. Sawyer.

Reynoldson Township—E. S. A. Ellenor, John J. Gatling, E. L. Smith, John T. Eure.

Hasletts Township—J. W. Howell, Z. V. Cross.

Holly Grove Township—W. C. Vann, W. C. Beamon, L. A. Rountree.

Hunters Hill Township—R. W. Simpson, B. H. Ward, Llewellyn Spivey.

Mintonsville Township—T. J. Carter, W. R. Hofler.

GRANVILLE COUNTY.

Granville.

Fishing Creek Township—L. T. Buchanan, C. R. Gordon, J. T. Averette, A. J. Dickerson, J. T. Bobbitt.

Brassfield Township—E. J. Jenkins, G. L. Allen, Elwood P. Davis, M. W. Wheelless, Otis C. Jenkins, Samuel H. Mize.

Dutchville Township—M. L. Coley, E. B. Cozart, J. N. Tilley, R. G. Stem, John H. Perry, Henry G. Aiken.

Tally-Ho Township—W. S. Gooch, W. B. Horner, L. L. Crews, L. T. Williford.

Walnut Grove Township—E. D. Gooch, B. F. Hester, W. M. Thorpe, L. B. McFarland.

Oak Hill Township—J. S. Watkins, J. P. Stovall.

Sassafras Fork Township—D. A. Burwell, R. A. Norwood, T. A. Royster.

Salem Township—A. S. Green, E. A. Hunt, L. G. Breedlove.

Oxford Township—T. N. Burwell, C. H. Cheatham, R. B. Hines, J. L. Parham, W. A. Parham.

Greene.

GREENE COUNTY.

Ormonds Township—Willis Dixon.

Graham.

GRAHAM COUNTY.

Yellow Creek Township—Pose Gladen, Joel L. Green.

Guilford.

GUILFORD COUNTY.

High Point Township—A. M. Idol.

Morchead Township—E. F. Paschal (for four years).

Greene Township—W. A. Bowman, J. L. Holt.

Clay Township—A. M. Hemphill, G. A. Garrett, J. Frank Coble.

Summer Township—J. H. Johnson.

Bruce Township—J. B. Ogburn.

Gilmer Township—Joseph Ritter.

Haywood.

HAYWOOD COUNTY.

Waynesville Township—W. H. Leatherwood, R. Q. McCracken.

Hazlwood Township—J. P. Scates.

Clyde Township—W. G. Byers.

Canton Township—W. H. Willis.

Halifax.

HALIFAX COUNTY.

Brinkleyville Township—Dr. B. M. Nicholson.

Butterwood Township—N. G. Pitt.

Faucette Township—C. L. Kelly, J. H. Lewis, H. M. Sledge.

Enfield Township—George R. Bennett.

Harnett.

HARNETT COUNTY.

Anderson's Creek Township—J. S. Johnson.

Averasboro Township—E. Lee, H. C. McNeill.

Barbecue Township—J. H. Withers, John Darroch.

Black River Township—W. H. Gregory.

Buckhorn Township—W. A. Avent, L. S. Mann, H. R. Nooe.

Hector's Creek Township—W. L. Senter.

Grove Township—A. F. Grimes, J. A. Stewart.

Johnsonville Township—D. P. McDonald, C. C. Cameron.

Lillington Township—J. N. Fuquay, Steel Henderson.

Stewart's Creek Township—B. A. Dollar, W. T. Smith.

Upper Little River Township—J. B. F. Stewart.

HENDERSON COUNTY.

Henderson.

Hooper's Creek Township—Press Fletcher, E. E. Lance.

Crab Creek Township—G. N. Sentell.

Edneyville Township—G. B. Hill, Leander Laughter, Ernest Jackson, G. W. Ledbetter.

Clear Creek Township—L. P. Pittillo.

Mills River Township—Frank Cathey, John Whitaker, T. B. Allen, J. W. Morgan.

Green River Township—John T. Station.

Blue Ridge Township—Harley Justice, W. S. Young.

Hendersonville Township—F. A. Ewbank, C. P. Rogers, R. P. Freeze.

HYDE COUNTY.

Hyde.

Swan Quarter Township—S. J. Tunnell, T. A. Harris.

Currituck Township—Geo. Radcliff.

Hoke County.

Hoke.

Attendale Township—H. F. Currie, W. J. McLaughlin.

Antioch Township—P. M. N. Gibson, J. A. Hodgins.

Blue Springs Township—D. G. McMillan, Ryan McBryde.

McLaughlin Township—D. C. Gillis, D. G. Andrews.

Little River Township—J. Hector Smith, A. C. Smith.

Quachifle Township—W. N. Brown, Edgar Riley.

Raeford Township—D. S. Pool, J. A. Niven.

Stonewall Township—J. D. McGoogan, L. A. McInnis.

IREDELL COUNTY.

Iredell.

Chambersburg Township—R. L. Lowery.

Sharpesburg Township—Leander Millsaps.

JACKSON COUNTY.

Jackson.

Qualla Township—Ransom Hyatt.

Barkers Creek Township—J. R. Ensley.

Dillsboro Township—J. J. Mason, Will Sutton.

Sylva Township—Oscar Varner.

Scotts Creek Township—J. P. Calhoun, A. C. Bryson.

Webster Township—S. T. Bryson.

Green's Creek Township—Charlie Allison, Mick Green.

River Township—P. N. Price, J. E. Tritt, Ferry Middleton.

- Caney Fork Township*—G. T. Nicholson, J. C. Brown.
Canada Township—A. E. Galloway, Bryson Woods, L. A. Melton.
Cashiers Township—T. R. Zachary, O. E. Lombard.
Hamburg Township—D. P. Moss.
Mountain Township—Oscar Coggins, John Bumgerner, J. J. Moss, M. L. Coggins.

Johnston.

JOHNSTON COUNTY.

- Pine Level Township*—N. G. Wiggs.
Onca's Township—G. R. Whiteley, J. W. Godwin, S. B. Strickland.
Ingrams Township—A. D. Ford, W. M. Stanley.
Bentlah Township—A. G. Hooks, W. A. Barnes, N. R. Pike.
Pleasant Grove Township—D. A. Holland, Claude Stephenson.
Wilders Township—Bruce Barnes.
Cleveland Township—C. T. Young.
Micro Township—J. H. Broadwell.
Clayton Township—J. H. Johnson.

Jones.

JONES COUNTY.

- White Oak Township*—G. P. Rogers, Clarence Mattox.
Trenton Township—T. A. Windley, Wm. G. Powell, W. M. Whitaker.
Cypress Creek Township—B. L. Brock, W. E. Koonce.
Chinquapin Township—W. J. Hargett, E. M. Gilbert, J. B. Pollock.
Beaver Creek Township—H. L. Wooten, B. F. Pollock, E. R. Rouse.

Lee.

LEE COUNTY.

- West Sanford Township*—J. W. McIntosh, James H. Rose.
East Sanford Township—J. C. Gregson, J. K. Perry, S. M. Jones.
East Pocket Township—W. M. Lemon.
Cape Fear Township—A. N. Yarborough, Bernice Kelly.
Deep River Township—Gaston Johnson, D. A. Mann.

Lenoir.

LENOIR COUNTY.

- Sand Hill Township*—George B. Pate.

Lincoln.

LINCOLN COUNTY.

- Lincolnton Township*—L. A. Shrum, J. T. McLean, Jacob Ramsaur, J. A. Lore, R. B. Gates.
Howards Creek Township—W. O. Houser, J. F. Heafner, Guy Rinck.
North Brook Township—William A. Hull, Benjamin Saine, F. J. Leatheman.

Ironton Township—C. D. Shrum, C. W. Brown.

Catawba Springs Township—O. R. Edwards, Luther Lineberger, Oscar Long, W. H. Lowe.

MACON COUNTY.

Macon.

Franklin Township—Albert Hastings, George Carpenter, J. R. Morrison.

Highlands Township—Frank Potts, McKinley Webb.

Cartoogechaye Township—Dan Sweatman.

MADISON COUNTY.

Madison.

Little Pine Township—James Wilson, Wiley M. Roberts.

Number Eight Township—J. F. Askew, H. W. Henderson.

Number Twelve Township—Joseph Randall.

Number Seven Township—Joseph Payne, Sr.

MARTIN COUNTY.

Martin.

Cross Roads Township—Henry D. Peel, C. B. Riddick, William K. Roebuck.

Robersonville Township—J. Haywood Everett.

Hamilton Township—Joseph T. Waldo.

Griffins Township—N. T. Tice, J. L. Coltraine, Simon C. Griffin, William B. Harrington, William H. Daniel.

Poplar Point Township—M. P. Taylor, James Robert Everett, C. D. Duvall.

Goose Nest Township—J. W. Hines, J. A. Everett, J. C. Ross.

MECKLENBURG COUNTY.

Mecklenburg.

Charlotte Township—J. W. Cobb, D. P. Hutchinson, Thomas Griffith, S. S. Stokes, L. M. McAllister, A. B. Cook, C. H. Wolfe, J. Y. Orders, F. M. Hoover, J. P. McGee, O. F. Asbury, W. B. Caldwell, J. T. Wilkie, R. J. Sifford, Charles Gibson, R. N. Williams, J. V. Stone, L. A. Hall, J. W. McClung, J. E. Thomas, Charles Cathey, A. C. Fite, S. A. Mangum, H. D. Duckworth, O. P. Hutchinson, H. F. Severs, J. H. Van Ness, H. H. Boyd, J. H. Griffith, D. W. Howell, P. L. True, Alex Phifer.

Berryhill Township—A. H. Rhyne, S. S. Herron, C. P. Sadler, W. M. Long.

Steele Creek Township—S. L. Price, James Sledge, J. B. Watt, J. C. Stroud, C. P. Elliott.

Sharon Township—J. Walter Kirkpatrick, R. B. Hunter, J. C. Reid, S. W. Porter, W. H. Hunter, I. G. Wallace, W. R. Lee, W. F. Lee, W. F. McGinnis.

Providence Township—L. S. Knox, S. F. Grier.

Clear Creek Township—G. W. Davis, J. W. Wilson, D. C. Flow, S. A. Wallace.

Morning Star Township—J. E. Sustar, S. C. Newell, C. R. McLaughlin.

Huntersville Township—J. E. Shell, J. F. Ewart, T. F. Irwin.

Pineville Township—T. P. Morrow, M. A. Edwards.

Crab Orchard Township—M. C. Davis, J. A. Newell, W. S. Cochran, R. P. King, J. C. Alexander, C. L. Abernethy, D. C. Berryhill, J. M. Wallace, C. B. Dunn.

Lcmly Township—J. V. Knox, J. A. Gilbert, W. A. Cashion, John T. Bungarner, W. P. Archer, J. M. Potts, W. H. Walley.

Long Creek Township—E. L. Reams, W. F. Samples, H. W. Hunter, R. L. Simpson.

Paw Creek Township—R. F. Dunn, J. A. Hipp, W. M. Wingate, W. L. McCoy.

Mallard Creek Township—R. W. Alexander, John P. Hunter.

Duceese Township—Alex Little, S. T. Caldwell, A. E. Armour, M. E. Long, Chas. H. Hamilton, J. B. Reading, J. R. A. Washman.

Mitchell.

MITCHELL COUNTY.

Cane Creek Township—W. H. Biddix.

Big Rock Creek Township—David Blevins (for six years), Oscar Williams (for two years).

Bradshaw Township—S. C. Bradshaw (for six years), Merritt Hopson (for four years).

Fork Mountain Township—P. W. Slagle.

Red Hill Township—James Slagle.

Grassy Creek Township—W. B. Kester.

Snow Creek Township—M. V. Buchanan, W. A. Robinson.

Little Rock Creek Township—Grover Green.

Montgomery.

MONTGOMERY COUNTY.

Troy Township—J. R. Wallace, J. C. Beckwith, C. W. Bell, L. R. Lisk, H. H. Williams.

Pee Dee Township—J. I. Haithcock.

Mt. Gilcad Township—Louis Dorsett, C. L. Cox, John A. McAuley, O. C. Bruton, J. H. Cole, D. S. Hurley.

Checks Creek Township—G. R. Haywood, W. E. Ewing, D. A. Yarboro.

Rocky Springs Township—M. A. Bennett, J. E. Broadway, W. Clyde Capel.

Biscoc Township—Hiram Freeman, M. F. Von Cannon, V. W. Burkehead, J. A. Maness, J. C. Munn, T. A. Russell, J. A. Dunlap.

Little River Township—O. D. Bean, J. C. McIntosh, T. W. Maness, B. F. Reynolds.

Ophir Township—B. A. Davis, N. S. Hamilton, W. B. Hogan.

Ucharrie Township—W. H. Vickers, W. N. Mullinix, Francis Morris.

Eldorado Township—M. C. Brewer, G. O. Mullinix, J. F. Bruton, J. J. Russell.

MOORE COUNTY.

Moore.

McNeill's Township—H. E. Foss, J. N. Mills.*Sheffield Township*—W. H. Scott.*Deep River Township*—W. J. Waldsworth.*Bensalim Township*—C. F. Monroe.

NASH COUNTY.

Nash.

Jackson Township—G. W. Dickinson.

NEW HANOVER COUNTY.

New Hanover.

Harnett Township—George T. Shepard.

NORTHAMPTON COUNTY.

Northampton.

Jackson Township—Edwin Wright, J. H. Hogan.*Gaston Township*—R. S. Moody, B. J. Vincent.*Scaboard Township*—J. T. Long, C. P. Stephenson, J. H. Ramsey.*Occoncccchc Township*—D. T. Taylor, W. H. Joyner, W. L. Long.*Wiccacance Township*—Columbus Deloatch, J. A. Lanier, W. J. Blythe, B. C. Vick.*Roanoke Township*—C. S. Lassiter, W. G. Spivey, B. F. Tennille.*Rich Square Township*—J. P. Holoman, E. A. Huggines, R. C. Benthall.*Pleasant Hill Township*—W. L. Reid.*Kirby Township*—J. T. Nelson.

ONslow COUNTY.

Onslow.

Jacksonville Township—F. W. K. Kellum, H. C. Canaday, Vance Marshburn.*Richlands Township*—W. E. Cox, F. D. Shaw, S. B. Taylor, J. K. Batchlor.*Stump Sound Township*—I. T. Rawls, W. C. Allen, Edgar Hines.*White Oak Township*—A. A. Eubanks, J. E. Freeman, W. T. Bray.*Sucansboro Township*—B. J. Pollard, C. S. Pittman, R. E. Morton.

ORANGE COUNTY.

Orange.

Chapel Hill Township—J. D. Webb, D. C. Lloyd, Malcolm Blackwood, George A. Johnston.*Little Grove Township*—Joe W. Terry.*Cedar Grove Township*—Will Lee McDade, T. J. Oliver.*Eno Township*—L. Tilley, John McCauley.*Hillsboro Township*—S. E. Cole, O. B. Cates.*Checks Township*—John F. McAdams, J. Sam White.*Bingham Township*—H. M. McIver, R. L. Smith.

Pamlico.

PAMLICO COUNTY.

Number Two Township—J. T. Mills.*Number Three Township*—I. W. Miller, Z. Swindell.*Number Four Township*—J. L. Sadler.

Pasquotank.

PASQUOTANK COUNTY.

Elizabeth City Township—J. P. Thompson, W. L. Owens, A. S. Neal, N. A. Jones.*Nironton Township*—James Perry.

Pender.

PENDER COUNTY.

Grady Township—Jesse F. Lucas (for six years), E. A. Curl (for four years), N. R. Croom (for two years).*Upper Holly Township*—Gibson James, Lon C. Blake (for six years each), Geo. E. Sholar (for four years), W. R. Marshburn, N. H. Rowe (for two years each).*Columbia Township*—George F. De Vane (for four years), C. D. Murphy

Person.

PERSON COUNTY.

Alleenville Township—J. L. Gentry, T. B. Davis, S. T. Slaughter, W. T. Calton, C. T. Davis, Jordan T. Yarboro.*Bushy Fork Township*—C. A. Monk, W. C. Warren, E. H. Hester, R. R. Trim, G. C. Foushee.*Cunningham Township*—L. B. Scott, R. E. Pulliam, Otton Oakley, R. L. Paylor.*Flat River Township*—J. S. Noell, W. F. Timberlake, J. G. Chambers, Tom Lunsford, J. C. Cates, Tom Clayton.*Holloways Township*—T. H. Street, John H. Merritt, Albert Gillis, John Beaver, W. T. Whitt.*Olive Hill Township*—W. A. Winstead, T. C. Wagstaff, T. T. Hester, W. G. Rogers, John Foushee.*Mt. Tirzah Township*—L. J. Meadows, L. M. Clayton, D. M. Cash, J. A. Fogleman.*Roxboro Township*—J. W. Younger, C. D. Clayton, W. L. Newton, W. D. Yarboro.*Woodsdale Township*—Ed. Clayton, G. B. Williams, Leslie Hall, A. G. Mitchell, M. T. Carver.

Pitt.

PITT COUNTY.

Greenville Township—B. L. Corbett, Henry Sheppard.*Falkland Township*—W. H. Moore.*Chicod Township*—L. A. Stocks.*Swift Creek Township*—J. S. Pittman, P. S. Moore.

Polk.

POLK COUNTY.

Columbus Township—N. T. Mills, L. L. Tallent, James F. Ormand, Lewis Denton, Clayton Constant, H. P. Sharp, J. D. Wilson.

Green's Creek Township—W. M. Barnett.
Tryon Township—G. A. Gash.
Saluda Township—R. M. Hall.

RANDOLPH COUNTY.

Randolph.

Trinity Township—T. S. Bouldin, C. W. Wilson, W. N. Elder, N. C. English, J. P. Collett.

Back Creek Township—D. T. McCain, Ed. F. Walker.

Brower Township—C. M. Tysor, L. O. Sugg, R. A. Baldwin, W. M. Kiser, J. T. Macon.

Cedar Grove Township—C. T. Luck, W. S. Gatlin, E. Whatley.

Columbia Township—Preston Fox, T. P. Barker, E. A. Mc-Masters, R. W. York, G. P. Kivett, W. D. Frazier.

Concord Township—Frank Delk, S. M. Lewis, J. H. Kearns, Clarence Ridge, Tyson C. Russell, Robert Dorsett.

Franklinville Township—E. L. York, Joe T. Buie, O. F. Yow, Clyde R. Redding.

Grant Township—N. P. Cox, D. L. Smith, S. S. Cox.

Liberty Township—S. J. Buckner, W. C. Amick.

New Market Township—Earl White, J. M. Furr, J. A. Wall.

Pleasant Grove Township—Robert C. Dixon, H. C. Lambert, H. W. Brady.

Providence Township—I. D. Fields, W. J. Pugh, James E. Frazier, N. C. Allred, A. M. Macon, E. P. Trogdon.

Randleman Township—N. T. Gross, Eli F. Candle, L. R. Hughes, M. E. Brown, Nathan Sheffield, John G. Brown.

Level Cross Township—S. A. Frazier.

Union Township—S. A. Cox, N. C. Lucas, E. W. Calliecutt, James T. Strider, C. H. Lucas, Lee Parks.

Richlands Township—D. A. Cornelison, M. J. Presnell, A. C. Lowdermilk, E. W. Bean, A. L. Davis.

New Hope Township—James A. Hopkins, T. L. Sikes, I. M. Cranford, I. M. Lassiter, J. T. Thornburg.

Tabernacle Township—J. C. Hoover, L. E. Hoover, B. F. Morgan.

Coleridge Township—H. T. Bray, C. H. Caveness, T. A. Cox, A. K. Scotten, J. L. Wright.

Asheboro Township—W. D. Spoon.

RICHMOND COUNTY.

Richmond.

Beacren Dam Township—J. W. Butler.

ROCKINGHAM COUNTY.

Rockingham.

New Bethel Township—A. H. Garrett.

Leaksville Township—J. M. Price.

Madison Township—V. H. Idol, Green Daniels.

Huntersville Township—W. G. Lindsay.

Rowan.

ROWAN COUNTY.

- Franklin Township*—J. C. Miller, C. L. Kerr.
Cleaveland Township—D. S. Roseboro, S. K. Carson.
Mt. Ulla Township—P. E. Sherrill.
Atwell Township—J. L. Fleming.
Gold Hill Township—Joe B. McCombs, J. D. Shoe.
Providence Township—R. B. Peeler, Arthur M. Eller, Joseph Agner.
Steele Township—E. L. Baker.
Lock Township—R. L. Lingle, Luther C. Cauble, Luther M. Safrit.
Unity Township—J. C. Barber.
Salisbury Township—C. E. Fesperman, J. B. Manly, C. M. Brown.

Rutherford.

RUTHERFORD COUNTY.

- Duncan Creek Township*—J. P. D. Withrow (for four years).
Chimney Rock Township—J. E. Searcy.

Robeson.

ROBESON COUNTY.

- Saddle Tree Township*—E. B. Paul.

Scotland.

SCOTLAND COUNTY.

- Spring Hill Township*—C. W. Woolley.
Stewartsville Township—Archibald McLaughlin.

Surry.

SURRY COUNTY.

- Elkin Township*—J. Henry Tharpe, C. W. Young.
Bryan Township—J. R. Norman, Irvin O. Wallace, J. A. J. Royall.

Swain.

SWAIN COUNTY.

- Forney's Creek Township*—F. C. Fisher, Allen Welch, D. R. Davis, W. A. Curtis.
Charleston Township—W. M. Taylor, R. J. Parris.
Nantahala Township—J. T. Cunningham, W. H. Baker.

Transylvania.

TRANSYLVANIA COUNTY.

- Boyd Township*—A. E. England, T. R. Duncan, W. E. Byrd, L. F. Lyday.
Dunn's Rock Township—W. M. Maxwell, A. C. Landreth.
Eastatoe Township—E. M. Whitmire, B. A. Gillespie.
Gloucester Township—J. M. Galloway.
Hogback Township—T. C. McCall, T. B. Reid.
Little River Township—W. R. Kilpatrick.

TYRRELL COUNTY.

Tyrrell.

Scuppernong Township—W. W. Sawyer.*Columbia Township*—Dallas West.

VANCE COUNTY.

Vance.

Henderson Township—C. P. Lowery.*Sandy Creek Township*—W. L. Doke.

UNION COUNTY.

Union.

Sandy Ridge Township—G. T. Winchester, C. A. Deal, J. H. Winchester, G. W. Sutton, J. N. Price, H. L. Price.*New Salem Township*—John Brewer, G. W. Smith, M. T. Austin.*Monroe Township*—E. C. Laney, Sam A. Helms, I. H. Blair, G. F. Sutton, C. N. Simpson, P. H. Johnson.*Lance Creek Township*—E. E. Huggins, C. E. Rushing, N. S. Rogers, B. F. Parker.*Goose Creek Township*—W. C. Long, Zeb V. Long, J. C. Little, A. B. Austin.*Marshville Township*—T. C. Griffin, M. O. Bowman, Z. M. Little, H. M. Green, S. S. Marsh.*Buford Township*—T. P. Ross, W. P. Plyler, V. T. Cheers, Jerre C. Laney.*Jackson Township*—W. E. Stewart, J. B. Godfrey, W. M. Crow, S. J. Richardson, J. L. Walkup, J. E. McCain, R. B. Norwood.*Vance Township*—Hiram Orr, W. D. Hawfield, J. M. Harkey, J. E. Broom.

WAKE COUNTY.

Wake.

White Oak Township—D. W. Maynard, O. T. Luther.*Raleigh Township*—G. A. Separk, Millard Mial, C. B. Edwards, J. L. Emanuel, R. Duffer.*Cedar Creek Township*—E. L. Sorrell.*Swift Creek Township*—Thos. A. Stevens.

WARREN COUNTY.

Warren.

River Township—B. E. King, W. T. Carter, R. A. King, T. C. Alston, T. E. Pully, T. R. Walker, Sr.*Six Pound Township*—N. M. Thornton*Hawtree Township*—H. L. Coleman.*Smith Creek Township*—J. L. Mustian.*Nut Bush Township*—R. J. Bender, Nat L. Williams.*Shocco Township*—J. Wm. Limer.*Fishing Creek Township*—J. F. Hunter, B. C. Hamlet, M. T. Duke, E. H. Neal.*Fork Township*—Otis F. Clark.*Warrenton Township*—John W. Allen.

Washington.

WASHINGTON COUNTY.

Scuppernong Township—J. F. Snell, L. H. Lucas, H. C. Clifton.
Skimmersville Township—Milton Daveport.
Lees Mills Township—J. E. Singleton.

Watauga.

WATAUGA COUNTY.

Bald Mountain Township—G. H. McGlamery.
Blue Ridge Township—W. D. Cook (for two years) .
Boone Township—J. C. Ray (for two years).
Meat Camp Township—J. C. Miller (for two years), Wayne
 Miller.
Cove Creek Township—A. W. Smith.
Watauga Township—Z. V. Brown.

Wayne.

WAYNE COUNTY.

Pikeville Township—T. F. Hicks, Henry Edmundson.

Wilson.

WILSON COUNTY.

Wilson Township—R. W. McFarland.

Wilkes.

WILKES COUNTY.

Moravian Falls Township—C. H. Gilreath, D. J. Pardue.
Rock Creek Township—Rev. W. W. Myers, E. F. Brown.
Walnut Cove Township—Geo. E. Blevins, T. C. Myers.
Wilkesboro Township—Charles M. Tevepaugh, J. E. Winkler.

Yadkin.

YADKIN COUNTY.

Deep Creek Township—J. H. Reavis.
Buck Shoals Township—M. Jones Angell.

Yancey.

YANCEY COUNTY.

Burnsville Township—A. J. Bennett, Willard Ray, J. L. Wil-
 liams.
South Toe Township—J. L. Hall, Milton Weatherman, Arthur
 Patton.
Brush Creek Township—Cornelius Randolph, Harvey Bailey.
Egypt Township—C. R. Bradford, Paul Higgins.
Cane River Township—Francis McPeeters, W. J. King.
Price's Creek Township—J. M. Hutchins, W. A. McClellan,
 Roscoe Banks.

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

Ratified this 11th day of March, A.D. 1919.

CHAPTER 100

AN ACT TO PROVIDE FOR THE COMPULSORY ATTENDANCE UPON THE PUBLIC SCHOOLS OF CHILDREN BETWEEN CERTAIN AGES AND TO REGULATE AND RESTRICT THE EMPLOYMENT OF CHILDREN AND TO PROVIDE FOR THE ENFORCEMENT OF THE PROVISIONS OF THIS ACT AND OF CHAPTER 83, PUBLIC LAWS 1913, AND CHAPTER 857, PUBLIC LAWS OF 1909.

The General Assembly of North Carolina do enact:

SECTION 1. Every parent, guardian, or other person in the State of North Carolina having charge or control of a child between the ages of eight and fourteen years shall cause such child to attend school continuously for a period equal to the time which the public school in the district in which the child resides shall be in session. The principal, superintendent, or teacher who is in charge of such school shall have the right to excuse the child from temporary attendance on account of sickness or distance of residence from the school, or other unavoidable cause which does not constitute truancy as defined by the State Board of Education.

Parent or guardian required to keep child eight to fourteen in school.

SEC. 2. Any parent, guardian, or other person referred to in section one of this act, violating the provisions of the aforesaid section, shall be guilty of a misdemeanor, and upon conviction shall be liable to a fine of not less than five dollars (\$5) nor more than twenty-five dollars (\$25), and upon failure or refusal to pay such fine, the said parent, guardian, or other person shall be imprisoned not exceeding thirty days in the county jail.

Violation of foregoing provision a misdemeanor.

SEC. 2a. It shall be the duty of the State Board of Education to formulate such rules and regulations as may be necessary for the proper enforcement of the provisions of this act. Said board shall prescribe what shall constitute truancy, what causes may constitute legitimate excuses for temporary nonattendance due to physical or mental inability to attend, and under what circumstances teachers, principals, or superintendent may excuse pupils for nonattendance due to immediate demands of the farm or the home in certain seasons of the year in the several sections of the State. It shall be the duty of all school officials to carry out such instructions from the State Board of Education, and any school official failing to carry out such instructions shall be guilty of a misdemeanor: *Provided*, that section one of this act shall not be in force in any city or county that has a higher compulsory attendance law now in force than that provided herein; but in any such case it shall be the duty of the State Board of Education to investigate the same and decide that any such law now in force has a higher compulsory attendance feature than that provided by this act: *Provided*, that wherever any district is without adequate building or buildings for the proper enforce-

Penalty.

State Board of Education to formulate rules for enforcement of act.

Duty of school officials.

Proviso: section one not to affect cities requiring large attendance.

Proviso: adequate buildings.

ment of this act the county boards of education may be allowed not more than two years from July the first, one thousand nine hundred and nineteen, to make full and ample provisions in every district.

Investigation
of violations.

SEC. 3. The county superintendent of public welfare or chief school attendance officer or truant officer provided for by law shall investigate and prosecute all violations of the provisions of section one of this act.

Reports of
nonattendance.

SEC. 4. The State Superintendent of Public Instruction shall prepare such rules of procedure and furnish such blanks for teachers and other school officials as may be necessary for reporting each case of truancy or lack of attendance to the chief attendance officer referred to in section three hereof. Such rules shall provide, among other things, for a notification in writing to the person responsible for the nonattendance of any child, that the case is to be reported to the chief attendance officer of the county unless the law is immediately complied with. County boards of education and governing bodies of city schools shall have the right to appoint town or district attendance officers when deemed by them necessary, to assist in carrying out the provisions of sections one, two, three, and four of this act, and the rules and instructions which may be promulgated by the State Superintendent of Public Instruction. But in every case in which it becomes necessary to prosecute for nonattendance the case shall be referred to the chief attendance officer of the county for further action: *Provided*, that in towns or cities having special attendance officers paid out of town or city funds said officers shall have full authority to prosecute for violations of this act.

Notification.

Attendance
officers.

Prosecutions.

Proviso: cities
having special
officers.

No child under
fourteen to be
employed or
permitted to
work in mill,
store, shop,
theater or
factory.

SEC. 5. No child under the age of fourteen years shall be employed, or permitted to work, in or about or in connection with any mill, factory, cannery, workshop, manufacturing establishment, laundry, bakery, mercantile establishment, office, hotel, restaurant, barber shop, bootblack stand, public stable, garage, place of amusement, brick yard, lumber yard, or any messenger or delivery service, except in cases and under regulations prescribed by the commission hereinafter created: *Provided*, the employments in this section enumerated shall not be construed to include bona fide boys' and girls' canning clubs recognized by the Agricultural Department of this State; and such canning clubs are hereby expressly exempted from the provisions of this act.

Proviso: agricul-
tural clubs
exempted.

Act to be pub-
lished in every
county.

SEC. 5a. It shall be the duty of the county boards of education of each county in the State of North Carolina to cause this act to be published in full in some newspaper published in the county if there be one, and if there be none, then in circular form and distributed over the county at least four weeks prior to the opening of the schools after the first day of July, one thousand nine hundred and nineteen.

SEC. 6. No person under sixteen years of age shall be employed, or permitted to work, at night in any of the places or occupations referred to in section five of this act, between the hours of nine p.m. and six a.m., and no person under sixteen years of age shall be employed or permitted to work in or about or in connection with any quarry or mine.

No child under sixteen to work at night or in mine.

SEC. 7. That the State Superintendent of Public Instruction, the Secretary of the State Board of Health, and the Commissioner of Public Welfare of the State of North Carolina are hereby constituted the State Child Welfare Commission, and they shall serve without additional compensation. It shall be the duty of this commission to make and formulate such rules and regulations for enforcing and carrying out the provisions of this act, and of chapter eighty-three of the Public Laws of one thousand nine hundred and thirteen, and chapter eight hundred and fifty-seven of the Public Laws of one thousand nine hundred and nine, as in its judgment it shall deem necessary.

Child Welfare Commission constituted.

Duties.

SEC. 8. That for the purpose of securing the proper enforcement of the provisions of sections five, six, and seven of this act, and of chapter eighty-three of the Public Laws of one thousand nine hundred and thirteen, chapter eight hundred and fifty-seven of the Public Laws of one thousand nine hundred and nine, the said commission, or its duly authorized agents, shall have authority to enter and inspect, at any time, mines, quarries, mills, factories, canneries, workshops, manufacturing establishments, laundries, bakeries, mercantile establishments, offices, hotels, restaurants, barber shops, bootblack stands, public stables, garages, places of amusement, brick yards, lumber yards, and other places of employment; and it shall be unlawful for any person, firm, or corporation to refuse permission to enter, obstruct, or prevent any duly authorized agent of said commission in his effort to make the inspection herein provided for.

Commission or agents authorized to inspect places of business forbidden to employ children.

Obstruction of agent unlawful.

SEC. 9. The said commission shall have authority to appoint and employ such agents for the purpose of enforcing the provisions of sections five, six, seven, and eight of this act as may be found to be necessary, and they may use the county superintendent of public welfare or chief school attendance officer or truant officer of the several counties for the purpose of carrying out the provisions of sections five, six, seven, and eight of this act, and they may use the agents specially designated for carrying out the provisions of sections five, six, seven, and eight of this act, to aid in carrying out the provisions of sections one, two, and four of this act in regard to school attendance.

Commission authorized to employ inspectors.

Use of welfare or attendance officers.

SEC. 10. That if the employer of any person under sixteen years of age shall, at the time of such employment, in good faith, procure, rely upon, and keep on file a certificate issued in such form and under such conditions and by such persons as the said commission herein provided for shall prescribe, showing that the

Certificate issued in due form prima facie evidence of age of employee and good faith of employer.

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person is of legal age for such employment, such certificate shall be prima facie evidence of the age of the person and the good faith of the employer. No person shall knowingly make a false statement or present false evidence in or in relation to any such certificate or application therefor, or cause any false statement to be made which may result in the issuance of an improper certificate of employment.

Expenses of
commission paid
from State
treasury.

SEC. 11. The State Treasurer shall honor all warrants for necessary expenses incurred by said commission as aforesaid, for meeting the salaries and expenses of any agents employed by said commission in the enforcement of this act, and the necessary expenses incurred by said commission in carrying out the provisions of this act, out of funds not otherwise appropriated, such warrants to be drawn upon the State Auditor by the commission hereby created, or its duly authorized agent: *Provided*, that said expenses so incurred shall not exceed the sum of six thousand dollars per annum.

Proviso: limit.

Violation of
child labor laws
a misdemeanor.

SEC. 12. That any person, firm, or corporation violating any of the provisions of sections five, six, seven, eight, nine, and ten of this act, or of the provisions of chapter eighty-three of the Public Laws of one thousand nine hundred and thirteen, or of chapter eight hundred and fifty-seven of the Public Laws of one thousand nine hundred and nine, shall be guilty of a misdemeanor, and punished by fine or imprisonment, or both, within the discretion of the court.

SEC. 13. That all laws and parts of laws in conflict with this act are hereby repealed.

SEC. 14. That this act shall be in force from and after the first day of July, one thousand nine hundred and nineteen.

Ratified this 10th day of March, A.D. 1919.

CHAPTER 101

AN ACT TO MAKE AN ASSAULT WITH A DEADLY WEAPON WITH INTENT TO KILL A FELONY.

The General Assembly of North Carolina do enact:

Assault with
deadly weapon
with intent to
kill, a felony.

SECTION 1. That any person who assaults another with a deadly weapon with intent to kill, and inflicts serious injury not resulting in death, shall be guilty of a felony and shall be punished by imprisonment in the state prison or be worked on the county roads for a period not less than four months nor more than ten years.

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

Ratified this 3d day of March A.D., 1919.

CHAPTER 102

AN ACT TO PROVIDE A SIX MONTHS SCHOOL TERM IN EVERY PUBLIC SCHOOL DISTRICT OF THE STATE IN COMPLIANCE WITH SECTION 3, ARTICLE 9, OF THE CONSTITUTION OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. There shall be annually levied and collected a tax of thirty-two cents on every hundred dollars valuation of taxable property in the State for the maintenance of the public schools of the State, as provided in the Revenue Act, section three, and the funds derived therefrom shall be a separate fund in the hands of the State Treasurer to be known as The State Public School Fund, and said Treasurer shall, on the first day of December of each year, certify to the State Board of Education the amount of the said funds derived or to be derived from said tax for that school year.

Tax of 32 cents on property for maintenance of schools.

Fund collected to be State Public School Fund.

Treasurer to certify to Board of Education amount of funds.

SEC. 2. Out of said funds the State Board of Education shall apportion annually to each county of the State, on or before the first day of January of each and every year, a sum sufficient to pay one-half the annual salary of the county superintendent and three months salary of all teachers of all sorts employed in the public schools of the county, including the teachers of city, town, township, and all special chartered schools, and one-third the annual salary of all city superintendents: *Provided*, that no part of this fund shall be used to pay the salaries of teachers that receive appropriations from other State funds.

Fund apportioned to pay one-half superintendent's salary and three months salary of teachers.

Applies to all public schools. To pay one-third salary of city superintendents.

Proviso: fund not to be used in certain cases.

SEC. 3. The board of county commissioners of any county of any other governing body having authority, upon petition signed by a majority of the school committeemen of any local tax district and approved by the county board of education, or upon petition signed by a majority of the school committeemen of any specially chartered school district, shall reduce the special tax levy in said local tax district or specially chartered school district: *Provided*, said reduction shall not be greater than the increase in the tax rate in that particular district that will result because of the operation of this act. The county commissioners of any county, upon petition of a majority of the county board of education, shall reduce any special county school tax levy that has been voted on the county: *Provided*, such reduction shall not be greater than the increase that will result because of the operations of this act.

Commissioners may reduce local tax levy upon petition of committeemen.

Proviso: limit of reduction.

Reduction upon petition of board of education.

Proviso: reduction not to exceed increase.

SEC. 4. Upon requisition of the State Superintendent of Public Instruction the State Auditor shall issue his warrant upon the State Treasurer, payable to the treasurer of the county school fund, for the apportionment made under sections two and twelve of this act to each county. The State Treasurer is hereby directed

Auditor to issue warrant for apportionment on requisition of Superintendent Public Instruction.

Treasurer to pay warrant. Borrow money if necessary.

Proviso: after 1919-1920 county board to file certificate of assessment.

County board of education to submit budget to State Superintendent.

To make oath of adequate provision for six months term.

Counties required to levy tax before receiving benefit of act.

County board of education to submit budget to commissioners.

Budget to set forth needs, number and salary of teachers, etc.

State Superintendent to furnish blanks.

Budget to be sworn to.

Copy of budget to be filed.

Commissioners to levy special tax sufficient to supply deficiency for six months school.

Tax levied and collected as other taxes.

All school funds to be used for maintenance of school term of six months in each district.

and required to pay said warrant promptly upon presentation by the treasurer of the county school fund and, if necessary, to borrow in the name of the State the funds needed for such payments: *Provided*, that after the school year 1919-1920 the county board of education shall submit to the State Board of Education, together with the county budget, a certificate from the State Tax Commission to the effect that the property of said county has been assessed in accordance with the provisions of law.

SEC. 5. On or before the first Monday of November of each year the county board of education shall submit to the State Board of Education, on blanks furnished by the State Superintendent of Public Instruction, its county school budget for the ensuing year. The county board of education shall further make oath that adequate provision has been made as required under this act for a six months school term in every school district, including city or town public school, of said county, the rate of special county school tax levied therefor, and the aggregate fund derived or to be derived therefrom. No county shall receive any part of the funds appropriated by the State under this act until it shall have levied the special county school tax herein required of it for a six months school term in every school district.

SEC. 6. On or before the first Monday in May of each year the county board of education shall submit an itemized county school budget to the county commissioners, setting forth the amount of money needed to maintain the public schools of the county six months for the succeeding school year. Said budget shall also set forth the number of teachers (white and colored) employed in each district and the salary fixed for each teacher, and such other information as may be required by the State Superintendent of Public Instruction in the blanks to be furnished by him to each county board of education. Said budget shall be sworn to and subscribed by the chairman of the county board of education and the county superintendent of schools. A copy thereof shall also be filed in the office of the State Superintendent of Public Instruction. It shall then be the duty of the board of county commissioners, after deducting the amount to be received from the State Public School Fund, to levy annually a special tax on all property, real and personal, and on all taxable polls, subject to the constitutional limitation of the poll tax, in said county, sufficient to supply the deficiency shown by said budget to be needed for the support and maintenance of the public schools of said county for six months in each school district. The said tax shall be annually levied and collected at the same time and in the same manner as other county taxes are levied and collected, and the funds derived therefrom, together with other school funds in their hands, shall be apportioned and expended by the county board of education for maintaining one or more public schools in each school district for a term of six months in each year: *Provided*, that no county

shall be compelled to levy a special county tax of more than thirty-five cents on every one hundred dollars valuation of property, real and personal, and a corresponding tax on every taxable poll for said purpose, except as provided in section seven of this act; and after every county shall have levied and collected the special county tax to the limit stated above, if the funds derived therefrom may be insufficient therefor, said county shall receive from the State Public School Fund an apportionment sufficient to bring the school term in every school district to six months.

SEC. 7. All poll tax, fines, forfeitures, penalties, and all public school revenues, other than that derived from the State Public School Fund and the special county tax, shall be placed to the credit of the incidental expense fund and the building fund, as provided in the budget, and if this amount is insufficient for these funds, the county board of education may provide in the county school budget for an additional amount not to exceed twenty-five per cent of the teachers' salary fund, and the county tax may be increased sufficiently beyond the maximum levy of thirty-five cents to provide this amount if it shall appear necessary to the county board of education and the county commissioners.

SEC. 8. In the event of a disagreement between the county board of education and the board of county commissioners as to the amount to be provided by the county for the maintenance of a six months school term, and as to the rate of tax to be levied therefor, or in the event of the refusal of any board of county commissioners to levy said tax, the county board of education shall bring action in the nature of a mandamus against the board of county commissioners to compel the levying of such special tax in the manner and form as provided in sections eight hundred twenty-two and eight hundred twenty-four of the Revisal of one thousand nine hundred and five of North Carolina. And it shall be the duty of the judge hearing the same to find the facts as to the amount needed and the amount available from the sources herein specified, which findings shall be conclusive, and to give judgment requiring the county commissioners to levy the sum which he shall find necessary to maintain the schools for six months in every school district in said county. Any board of county commissioners failing to obey said order and to levy said tax shall be guilty of a misdemeanor and shall be prosecuted therefor in the Superior Court by the solicitor of that district.

SEC. 9. The apportionment of the State Public School Fund shall be administered so as to encourage consolidation of districts and the elimination of small schools or small districts, and the State Board of Education may refuse to apportion any part of said funds to any school or district having an average daily attendance of less than fifteen pupils or to any new school or district created since January first, one thousand nine hundred and nineteen, if the number of districts or the number of separate

Proviso; limit of county levy.

If funds not sufficient deficit to be met from State fund.

All collections, except State fund, to be credited to incidental expense fund.

If fund insufficient, board of education may provide for additional amount.

County tax may be increased beyond 35 cents, if necessary.

In event of disagreement between board of education and commissioners, board of education to bring action.

Duty of judge hearing action to find facts.

Judge's findings conclusive.

Commissioners to levy sum found necessary. Failure of commissioners to levy tax misdemeanor.

Consolidation of districts and elimination of small schools.

State Board may refuse to apportion funds to schools of less than 15 pupils, or new schools.

Proviso: no district to be abolished if geographical conditions prevent annexation.

Schools which may receive apportionment from State fund.

Schools of not less than 30 pupils apportioned for two teachers.

Schools of not less than 65 pupils, apportionment for three teachers.

Schools of not less than 95 pupils, apportionment for four teachers.

Schools of over 95 pupils, apportionment for one teacher for each additional 30 pupils.

Proviso: for encouragement of high schools, State Superintendent may permit salaries on smaller attendance.

Certain appropriations heretofore made from equalizing fund to be paid from public school fund.

\$50,000 for teacher training, improvement of teachers, and supervision.

Board of Examiners and Institute Conductors may substitute other training for county institutes.

Proviso: proportion of expense.

schools in a county has been increased thereby: *Provided*, that no district shall be abolished if the geographical conditions are such that the children of said district cannot be annexed to some adjoining district without seriously limiting the educational opportunities of the children of said district.

SEC. 10. No school shall be entitled to receive an apportionment from the State Public School Fund or from the county school fund of any county for more than one teacher, except as follows: In a school where, during the preceding school year, except in case of an epidemic, the average number of children attending such school daily was not less than thirty pupils, funds may be apportioned for paying the salaries of two teachers; and in a school where, during the preceding school year, the average number of children attending such school daily was not less than sixty-five pupils, funds may be apportioned for paying the salaries of three teachers; and in schools where, during the preceding school year, the average number of children attending daily was not less than ninety-five pupils, funds may be apportioned for paying the salaries of four teachers; and in a school where, during the preceding school year, the average number of children attending such school daily, exceeded ninety-five pupils, funds may be apportioned for one additional teacher for each thirty additional pupils in average daily attendance in said school: *Provided*, that for the encouragement of high school instruction the State Superintendent of Public Instruction may formulate rules and regulations that will permit the payment of salaries to high school teachers having a smaller attendance of pupils per teacher than that specified in this section.

SEC. 11. The salary and expenses of the Superintendent of the State Colored Normal School, one thousand five hundred dollars; the salaries and expenses of the State Board of Examiners and Institute Conductors, twenty-five thousand dollars; the biennial appropriation for the rural libraries, seven thousand five hundred dollars, that heretofore have been appropriated from the State Equalizing Fund, shall be appropriated from the State Public School Fund.

SEC. 12. There shall be set aside annually from the State Public School Fund a sum not exceeding fifty thousand dollars for promoting teacher training in the several counties, for the improvement of teachers now in service, and for the better supervision of rural schools. The State Board of Examiners and Institute Conductors is authorized to provide in lieu of the two weeks county institute, teacher-training courses in public high schools, county summer schools for teachers, or such other means for increasing the efficiency of the teachers in the schools of the State, and to make all needful rules and regulations governing the same: *Provided*, that not more than one-half of the cost of maintaining the same shall be paid out of the State Public School Fund.

SEC. 13. There shall be set aside from the State Public School Fund a sum not exceeding sixty-seven thousand four hundred fifty-two dollars and forty-nine cents for the fiscal year ending June thirtieth, one thousand nine hundred and twenty; and for the fiscal year ending June thirtieth, one thousand nine hundred and twenty-one, the sum of eighty-one thousand three hundred and six dollars and eighteen cents, to provide for the promotion of vocational education as specified in an act entitled "An act to provide . . . for the promotion of vocation education," etc., enacted by the General Assembly of one thousand nine hundred and nineteen.

Appropriations for vocational education.

SEC. 14. There shall be set aside annually from the State Public School Fund a sum not to exceed fifty thousand dollars for the physical examination of public school children as provided in the act entitled "An act to provide for the physical examination and treatment of the school children of the State," enacted by the General Assembly of one thousand nine hundred and nineteen.

Appropriation for expense of physical examination of school children.

SEC. 15. Chapter thirty-three of the Public Laws of one thousand nine hundred and thirteen, and amendments thereto by subsequent acts of the General Assembly, and all other laws and clauses of laws in conflict with this act are hereby repealed.

Chapter 33, Public Laws 1913, and other conflicting laws repealed.

SEC. 16. This act shall be in full force and effect from and after its ratification.

Ratified this 28th day of February, A.D. 1919.

CHAPTER 103

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF ANY COUNTY IN NORTH CAROLINA TO COOPERATE WITH THE PROPER AUTHORITIES OF ANY COUNTY IN AN ADJOINING STATE IN THE CONSTRUCTION OF A HIGHWAY OR PUBLIC ROAD BRIDGE ACROSS ANY STREAM CONSTITUTING THE STATE LINE BETWEEN NORTH CAROLINA AND AN ADJOINING STATE, AT THE JOINT EXPENSE OF THE TWO COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of any county in the State of North Carolina bordering on any county in the State of South Carolina, Virginia, or Tennessee, is hereby authorized and empowered to cooperate with the authorities of any adjoining county in either of the above mentioned states in the construction and maintenance of any public road or highway bridge over any stream which divides any county in North Carolina from any other county in any of the above mentioned states, the cost of the construction and maintenance of which public road or highway bridge shall be defrayed and borne by the two adjoining coun-

Counties on border may cooperate with counties in other states in road work.

Division of expense of construction.

ties in proportion to the number of inhabitants of each according to the last Federal census, unless otherwise agreed upon between the board of commissioners or other proper authorities of the respective counties which such bridge shall connect.

Construction and maintenance of bridges necessary where public road laid off.

SEC. 2. That the construction and maintenance of any bridge authorized by the preceding section shall be deemed necessary in all cases where public roads or highways shall have been regularly laid off, according to law, in each of said counties to be so connected by such bridge to the banks of any stream dividing one county from another, if there is no passable ford across said stream at said point. The total cost of any bridge constructed pursuant to the provisions of this act shall not exceed one-fourth of one per cent of the total assessed value of all taxable real and personal property in the two counties engaged in the construction of such bridge.

Limit of cost of bridge one-fourth of 1 per cent assessed valuation.

Counties may issue bonds.

SEC. 3. That for the purpose of raising the funds with which to defray its share of the cost of building or rebuilding any bridge authorized by this act, the board of commissioners of any county in this State in which such bridge is to be built shall have full power and authority, subject to the foregoing limitations, to issue bonds of said county to an amount not to exceed said county's share of the actual cost of said bridge. Said bonds to be in denominations of one thousand dollars, or less, with interest coupons attached payable semiannually at such time or times and place as may be directed by said board, and to be in such form and tenor and transferable in such way, and the principal thereof payable at such time or times, not exceeding twenty years from the date thereof, and at such place or places as such board may determine: *Provided*, that none of such bonds shall be disposed of either by sale, exchange, hypothecation, or otherwise, for a less price than their face value.

Denomination of bonds \$1,000 or less.

Commissioners may determine form of bonds, interest and time of payment.

Commissioners to levy tax to provide payment of bonds and interest.

SEC. 4. That the county commissioners or other county authorities who are legally authorized and empowered to levy taxes in said county or counties shall, in order to provide for payment of the bonds to be issued hereunder and the interest thereon, compute and levy each year at the time of levying other county taxes a sufficient tax upon all real and personal property in said county to pay the interest on said bonds, and shall also levy a sufficient tax to create a sinking fund to provide for the payment of said bonds at maturity. Such taxes shall be levied and collected annually under the same laws and regulations as shall be in force for the levying and collecting of other county taxes.

Commissioners to keep record of bonds.

SEC. 5. That the county commissioners of any county so issuing bonds shall provide a record which shall be kept by their clerk in which shall be entered the name of every purchaser of a bond, the number of the bond purchased, the date of issue, when due, rate of interest and the amount received for said bond. They shall also cause to be kept a record of all proceedings, as well as

To keep record of proceedings, bonds redeemed, etc.

a record of the bonds redeemed annually, and the bonds when redeemed and recorded shall be destroyed by fire in the presence of the board of commissioners, and that fact recorded.

Redeemed bonds to be burned.

SEC. 6. That the fund raised by taxation in excess of the amount required to pay interest, if any, on said bonds shall be safely invested by the board of commissioners of such county, and such board is authorized to purchase any of said bonds to an amount of such excess annually at not exceeding their par value and accrued interest.

Excess fund, if any, to be invested and used for purchase of bonds.

SEC. 7. That the power conferred and the duties imposed on the board of commissioners of any county in this State by this act shall be exercised and performed by the board of road commissioners, or highway commissioners, or other bridge governing boards, by whatever name known, in counties where the powers and duties of boards of county commissioners in respect to bridges have been transferred or given by law to such board of road commissioners, or highway commissioners, or other bridge governing boards.

Powers and duties to be exercised by any duly authenticated body.

SEC. 8. That all laws or clauses of laws, general or special, in conflict with this act are hereby repealed only to the extent of such conflict.

SEC. 9. That this act shall be in force from and after its ratification.

Ratified this 28th day of February, A.D. 1919.

CHAPTER 104

AN ACT TO FIX THE GUILT AND THE PUNISHMENT FOR PERSONS OBTAINING MONEY OR OTHER THINGS OF VALUE BY FALSE REPRESENTATIONS OF PHYSICAL DEFECTS.

The General Assembly of North Carolina do enact:

SECTION 1. It shall be unlawful for any person to falsely represent himself or herself in any manner whatsoever as blind, deaf, dumb, or crippled or otherwise physically defective for the purpose of obtaining money or other thing of value or of making sales of any character of personal property.

Unlawful to falsely represent one's self as physically defective to obtain money.

SEC. 2. Any person so falsely representing himself or herself as blind, deaf, dumb, crippled or otherwise physically defective and securing aid or assistance on account of such representation shall be deemed guilty of a misdemeanor.

Misdemeanor.

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

Ratified this 25th day of February, A. D. 1919.

CHAPTER 105

AN ACT TO CONFER CRIMINAL JURISDICTION ON THE
APRIL TERM OF THE SUPERIOR COURT OF ROBESON
COUNTY.

The General Assembly of North Carolina do enact:

March term of
court to have
criminal and
civil jurisdiction.

SECTION 1. That the regular term of the Superior Court of Robeson County, North Carolina, to be held in the courthouse in the town of Lumberton, Robeson County, to begin on the fourth Monday after the first Monday in March, one thousand nine hundred and nineteen, it being the thirty-first day of March, one thousand nine hundred and nineteen, it being a two weeks term of the Superior Court, shall have both criminal and civil jurisdiction.

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

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

Ratified this 3d day of March, A.D. 1919.

CHAPTER 106

AN ACT TO AMEND SECTION 4119, REVISAL OF 1905, RE-
LATING TO THE ELECTION OF COUNTY BOARDS OF
EDUCATION.

The General Assembly of North Carolina do enact:

No person
actually teach-
ing in public
schools eligible
for membership.

SECTION 1. That section four thousand one hundred and nineteen of the Revisal of one thousand nine hundred and five be and the same is amended by striking out the following words at the end thereof: "*Provided*, that no person while actually engaged in teaching in the public schools shall be eligible as a member of the county board of education," and inserting in lieu thereof the following: "*Provided*, no person while actually engaged in teaching in the public schools or engaged in teaching in or conducting a private school in connection with which private school there is in any manner conducted a public school, shall be eligible as a member of the county board of education." *Provided*, that this act shall not apply to the county superintendent of education.

Proviso: does
not apply to
county superin-
tendent.

SEC. 2. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

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

Ratified this 3d day of March, A.D. 1919.

CHAPTER 107

AN ACT TO AMEND CHAPTER 148, PUBLIC LAWS OF 1917,
REQUIRING DEEDS AND AGREEMENTS AND OTHER
EASEMENTS TO BE PLACED ON RECORD.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of chapter one hundred and forty-eight of the Public Laws of nineteen hundred and seventeen be and the same is amended as follows: After the word "agreements," in line twelve, insert the following:

"*Provided*, that if after ninety days from the beginning of the easement granted by said deeds and agreements the person, firm, or corporation holding such deeds or agreements shall not record the same in the office of the register of deeds of the county where the land affected is situated, then the grantor in the said deed or agreement may, after ten days notice in writing served and returned by the sheriff or other officer of the county upon the said person, firm, or corporation holding such lease or agreement, file a copy of the said lease or agreement for registration in the office of the register of deeds of the county where the original should have been recorded: *Provided further*, that the said copy of the lease or agreement shall have attached thereto the written notice above referred to, showing the service and return of the sheriff or other officer: *Provided further*, that the registration of the said copy of the said lease or agreement shall have the same force and effect as the original would have had if recorded: *Provided* said copy shall be duly probated before being registered."

Chapter 148,
Public Laws
1917, amended.

Deeds to be
recorded in 90
days after
easement begins.

Grantor to file
after ten days
notice.

Copy of lease to
show service of
notice.

Proviso: copy
of lease to have
same effect as
original.

SEC. 2. This act shall be in force from and after its ratification.
Ratified this 3d day of March, A.D. 1919.

CHAPTER 108

AN ACT TO ALLOW CERTAIN CORPORATIONS TO RETAIN
THE WORD "TRUST" IN THEIR NAMES.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be lawful for any corporation incorporated prior to the first day of January one thousand nine hundred and five to retain the word "trust" in the name of said corporation though it does not transact a banking business or such other business as requires its examination by the Corporation Commission.

Certain corpo-
rations per-
mitted to retain
the word "trust"
in name.

SEC. 2. This act shall be in force from and after its ratification.
Ratified this 3d day of March, A.D. 1919.

CHAPTER 109

AN ACT TO AMEND SECTION 5 OF CHAPTER 142, PUBLIC LAWS OF 1917, RELATING TO THE COMPENSATION OF DRAINAGE COMMISSIONERS.

The General Assembly of North Carolina do enact:

Compensation may be increased.

SECTION 1. That section five of chapter one hundred and fifty-two of the Public Laws of one thousand nine hundred and seventeen be and the same is hereby amended by striking out from line eighty-one the words "three dollars (\$3)." and inserting in lieu thereof the words "not exceeding five dollars (\$5)."

SEC. 2. This act shall be in force from and after its ratification. Ratified this 3d day of March, A.D. 1919.

CHAPTER 110

AN ACT TO PROHIBIT ANY PERSON FROM KNOWINGLY BUYING, SELLING, RECEIVING, DISPOSING OF OR CONCEALING ANY AUTOMOBILE, MOTOR CAR OR MOTOR VEHICLE FROM WHICH THE MANUFACTURER'S SERIAL NUMBER HAS BEEN REMOVED FOR THE PURPOSE OF CONCEALMENT SO AS TO PERPETRATE A FRAUD.

The General Assembly of North Carolina do enact:

Unlawful to possess motor vehicle without factory number.

SECTION 1. That every person within this State is hereby prohibited from knowingly buying, selling, receiving, disposing of or concealing any automobile, motor car, or motor vehicle from which the manufacturer's serial number or any other distinguishing number or identification mark has been removed, defaced, covered, altered, or destroyed, for the purpose of concealing or misrepresenting the identity of said automobile, motor car, or motor vehicle.

Violation of act misdemeanor.

SEC. 2. That any person violating the provisions of section one of this act, and any person who shall knowingly buy, sell, receive, dispose of, or conceal any automobile, motor car, or motor vehicle from which the manufacturer's serial number or any other distinguishing number or identification mark has been removed, defaced, covered, altered, or destroyed, for the purpose of concealment or misrepresenting the identity of said automobile, motor car, or motor vehicle, shall be guilty of a misdemeanor: *Provided*, this act shall not apply to automobiles in the possession of innocent purchasers who acquired title or possession prior to the ratification of this act.

Proviso: does not apply to previous innocent purchasers.

SEC. 3. That this act shall take effect from and after the date of its passage and approval.

Ratified this 4th day of March, A.D. 1919.

CHAPTER 111

AN ACT TO AMEND CHAPTER 15, PUBLIC LAWS OF 1913,
RELATIVE TO ASCERTAINING THE TITLE TO MONEY
PAID INTO OFFICE OF CLERK OF SUPERIOR COURT.

The General Assembly of North Carolina do enact:

SECTION 1. That section three of said act be amended by striking out the words "by or against any such clerk" in line two, between the words "instituted" and "to" of said section.

Chapter 15,
Public Laws
1913, amended.

SEC. 2. That actions to collect funds from the clerk of the Superior Court shall be by special proceedings before the clerk. That all persons claiming an interest in such funds shall be made parties, and if an answer is filed raising issues as to the ownership of said moneys, the case shall be transferred to the civil issue docket of the Superior Court for trial. Any party in interest may appeal to the judge of the Superior Court from any order made by the clerk: *Provided*, the clerk may require bond of parties when action is transferred to civil issue docket, as in other civil actions.

Persons claiming
interest made
parties.
If issue of own-
ership raised
case transferred
to superior
court.

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

Ratified this 3d day of March, A.D. 1919.

CHAPTER 112

AN ACT TO AMEND CHAPTER 123, PUBLIC LAWS 1911,
RELATIVE TO PUBLICATION OF RECEIPTS AND DIS-
BURSEMENTS OF PUBLIC MONEY.

The General Assembly of North Carolina do enact:

SECTION 1. That section two of chapter one hundred and twenty-three of Public Laws of one thousand nine hundred and eleven be amended by adding at the end thereof the following: "*Provided*, that in the event no such newspaper as provided in this section will publish the statements at the rate named in this section, the board of commissioners or other governing body shall in their discretion publish the statements by posting as notices at courthouse door in said county and two other public places in the said city, town, or district in which said moneys are collected and expended."

Statements may
be posted
in lieu of
publication in
newspaper.

SEC. 2. All laws and clauses of laws, in so far as they conflict with this act, are hereby repealed.

SEC. 3. This act shall be in force from and after its ratification.
Ratified this 3d day of March, A.D. 1919.

CHAPTER 113

AN ACT TO AMEND CHAPTER 116, PUBLIC LAWS OF 1917,
IN REGARD TO HOLDING THE SUPERIOR COURTS OF
WAKE COUNTY IN THE SEVENTH JUDICIAL DISTRICT.

The General Assembly of North Carolina do enact:

Chapter 116,
Public Laws
1917, amended.

SECTION 1. That chapter one hundred and sixteen of the Public Laws of one thousand nine hundred and seventeen, entitled "An act to fix and regulate the time for holding the several Superior Courts for the Seventh Judicial District" be amended by striking out of section one that part relating to Wake County, commencing with the word "Wake" in line four and down to and including the word "respectively" on page one hundred and sixty-two in line forty of said section one.

Time fixed for
holding courts
for criminal
cases.

SEC. 2. That the Superior Courts in the county of Wake shall be opened and held at the times hereinafter set forth, to wit:

Wake County—Criminal Courts: Eighth Monday before the first Monday in March. Fourth Monday before the first Monday in March. First Monday in March. Fifth Monday after first Monday in March. Ninth Monday after first Monday in March. Thirteenth Monday after first Monday in March. Eighth Monday before the first Monday in September. First Monday after first Monday in September. Fifth Monday after first Monday in September. Ninth Monday after first Monday in September. Fourteenth Monday after first Monday in September. Each to continue for one week for the trial of criminal cases exclusively.

Time fixed for
holding courts
for civil cases.

Civil Courts: Fifth Monday before the first Monday in March, to continue for one week. Third Monday before the first Monday in March, to continue for one week. First Monday after the first Monday in March, to continue for two weeks. Third Monday after the first Monday in March, to continue for two weeks. Sixth Monday after the first Monday in March, to continue for two weeks. Eighth Monday after the first Monday in March, to continue for one week. Eleventh Monday after the first Monday in March, to continue for two weeks. Fourteenth Monday after the first Monday in March, to continue for two weeks. Second Monday after the first Monday in September, to continue for two weeks. Fourth Monday after the first Monday in September, to continue for one week. Seventh Monday after the first Monday in September, to continue for two weeks. Twelfth Monday after the first Monday in September, to continue for two weeks. These twelve terms to be for the trial of civil cases exclusively.

Grand juries to
be drawn.

SEC. 3. At the first fall and spring terms of criminal court held each year grand juries shall be drawn, the presiding judge shall charge them as provided by law, and such grand juries shall serve during the remaining fall and spring terms respectively.

Term of service.

SEC. 4. That all parts of chapter one hundred and ninety-six, Public Laws of one thousand nine hundred and thirteen, and chapter one hundred and sixteen of the Public Laws of one thousand nine hundred and seventeen, fixing the time for holding in Wake County the terms of the Superior Court, be and the same are hereby repealed, and all processes, civil or criminal, original, mesne or final, returnable under the present laws to any Superior Court in Wake County after this act goes into effect shall be returnable to the first term of the Superior Court as established by this act, except that no criminal process shall be returnable to any term designated in this act for the trial of civil cases exclusively.

Previous laws fixing time for holding courts repealed.

All processes returnable to succeeding terms of court.

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

SEC. 6. That this act shall take effect and be in force from and after Saturday, March twenty-second, nineteen hundred and nineteen.

Ratified this 3d day of March, A.D. 1919.

CHAPTER 114

AN ACT TO PROVIDE A COUNTY SCHOOL BUDGET FOR EACH COUNTY IN THE STATE, FIXING A MINIMUM SALARY FOR TEACHERS AND A MAXIMUM EXPENSE FUND FOR INCIDENTALS AND BUILDINGS.

The General Assembly of North Carolina do enact:

SECTION 1. On or before the first Monday in May of each year the county board of education of each county shall prepare a school budget, which shall set forth the amount of money necessary to maintain the public schools of said county for six months in every school district for the succeeding school year. The county budget shall provide three separate school funds: (1) a teachers' salary fund; (2) an incidental expense fund; and (3) a building fund; and the budget for both the regular county schools and the specially chartered schools shall be made on blanks supplied by and in accordance with the directions of the State Superintendent of Public Instruction, and it shall be unlawful for any part of the teachers' salary fund to be used for any other purpose than that specified in said budget, after it has been approved by the State Board of Education.

County board of education to prepare budget.

Budget to cover salary, expense, and building funds.

To be made on blanks supplied by State Superintendent.

Unlawful to divert salary fund.

SEC. 2. In estimating the amount necessary for the teachers' salary fund, the county board shall take as a basis for one thousand nine hundred and nineteen-one thousand nine hundred and twenty the monthly salaries of the teachers of each and every school of said county for the year one thousand nine hundred and

Basis of estimate for teachers' salary fund.

Increases provided for.

Proviso: salary of second grade teacher not to exceed \$45.

Proviso: regulations for salaries of different classes of teachers.

Proviso: holder of one class of certificate teaching in another paid for class of work.

Proviso: no salary to be reduced.

County boards may fix salary schedule.

Salaries may be increased by special funds.

Basis of salaries where no school taught.

Incidental expense fund; what to cover.

Derivation of amount of fund.

eighteen-one thousand nine hundred and nineteen, and shall increase that amount for each school as follows, subject to such exceptions as may hereafter appear: (1) for teachers holding elementary certificates not less than twenty-five per cent increase; (2) primary and grammar certificates not less than fifteen per cent increase; (3) high school certificates ten per cent increase; (4) principals' certificates not less than ten per cent increase; (5) all superintendents of county and city schools, an increase of not less than ten per cent: *Provided*, that the salary of each teacher holding a second grade certificate shall not be greater than forty-five dollars per month: *Provided further*, that nothing in this section shall make it compulsory upon the county board of education to fix the monthly salaries of the teachers for any school larger than the following: (1) for inexperienced teachers, a salary not larger than the average salary of one thousand nine hundred and eighteen-one thousand nine hundred and nineteen of the teachers in the county holding the same grade certificates; (2) for teachers of successful experience of two or more years holding elementary certificates, sixty-five dollars per month; (3) special primary and grammar grade certificates, seventy dollars per month; (4) high school certificates, seventy-five dollars per month; principals of elementary schools of three teachers or more, one hundred dollars per month; principals of high schools, one hundred and twenty-five dollars per month, and the apportionment from the State public school fund shall be made upon this salary basis: *Provided*, that a teacher holding a certificate of one class and teaching in another class of work shall be paid according to the class of work done, and not according to the class of certificate held: *Provided further*, that in no case shall the salary of any teacher be reduced by the operations of this act. The county board of education may in its discretion fix a salary schedule, based upon successful teaching experience and professional study not inconsistent with this act; and nothing in this act shall operate against increasing the salary of teachers out of special tax funds. If any school closed in one thousand nine hundred and eighteen-one thousand nine hundred and nineteen on account of the influenza, or for other causes, the salary or salaries that would have been paid to the teachers of that school if it had been in session shall be the basis upon which to calculate the fund for that school, subject to such increase as provided for the teachers of that school.

SEC. 3. The incidental expense fund shall provide fuel, janitors, school supplies, insurance, rent, professional study, special supervision of all sorts, and all administration expenses other than the salary of the county superintendent. The amount of this fund shall be derived by ascertaining the incidental expenses of the specially chartered schools for two-thirds of the annual expenses of the year one thousand nine hundred and eighteen-one thousand

nine hundred and nineteen, and the amount for the regular county schools for twelve months for the year one thousand nine hundred and eighteen—one thousand nine hundred and nineteen, with an addition of ten per cent of these two amounts, which may be set aside as a special contingent fund for expenses not otherwise provided for. After deducting the contingent fund, the expense of the county superintendent, traveling expenses and per diem of the county board of education, and the fees or salary of the county treasurer from the total incidental expense fund, the per cent of the remainder that shall be apportioned to the special chartered school shall be the same as the per cent of the teachers' salary fund apportioned to said specially chartered school.

SEC. 4. A building fund not to exceed twenty-five per cent of the total teachers' salary fund for the entire county may be set aside each year to be used in erecting school buildings, additions to buildings, dormitories, teachers' residences, repayment of loans to the State loan fund, sinking fund, permanent improvements, and other necessary buildings, and the per cent of this fund that shall be apportioned to the specially chartered school shall be the same as the per cent of the teachers' salary fund apportioned to said specially chartered school.

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

Ratified this the 4th day of March, A.D. 1919.

Building fund not to exceed 25 per cent of teachers' salary fund.

CHAPTER 115

AN ACT TO AMEND AND REENACT CHAPTER 6, LAWS 1917, "TO ENCOURAGE ROAD BUILDING IN NORTH CAROLINA."

The General Assembly of North Carolina do enact:

SECTION 1. That section 20, chapter 6, Laws 1917, entitled "An act to encourage road building in North Carolina by State's aid," be amended by adding at the end of section 20 of said act the following: "Such bond or undertaking shall specify that it is given on behalf of such township or road district only. It shall not be a liability in any wise against the county; and the special taxes shall be levied and collected out of the township or road district named, and not out of the county."

Township bonds not liability against county.

SEC. 2. As thus amended chapter 6, Laws 1917, entitled "An act to encourage road building in North Carolina by State's aid," hereby reenacted and shall be in full force and effect from the ratification of this act.

Chapter 6, Laws 1917, reenacted.

Ratified this 10th day of March, A.D. 1919.

CHAPTER 116

AN ACT TO TAX DOGS IN NORTH CAROLINA AND TO
ENCOURAGE SHEEP HUSBANDRY.

The General Assembly of North Carolina do enact:

Tax on open female dogs, §2.

SECTION 1. That any person owning or keeping about him any open female dog of the age of six months or older shall pay annually a license or privilege tax of two dollars.

Male dogs or other female dogs, tax §1.

SEC. 2. That any person owning or keeping any male dog, or female dog other than the kind specified in section one of this act of the age of six months or older shall pay annually on each dog so owned or kept a license or privilege tax of one dollar.

Sheriff to issue issue license tag.

SEC. 2½. To every person paying the license or privilege tax prescribed in sections one and two of this act there shall be issued by the sheriff a metal tag bearing county name, a serial number, and expiration date, which shall be attached by owner to a collar to always be worn by any dog when not on premises of the owner or when engaged in hunting. The Commissioner of Agriculture shall at all times keep on hand a supply of tags to be furnished the sheriffs of the several counties: *Provided*, that the county commissioners of each county shall, by order duly made in regular session, make an order determining whether the collar and tag shall be applied to that county.

Commissioner of Agriculture to supply tags.

Proviso: county commissioners to decide if tag applies.

Owner to list dog with personal property.

SEC. 3 That it shall be the duty of every owner or keeper of a dog to list the same for taxes at the same time and place that other personal property is listed, and the various tax listers in the State shall have proper abstracts furnished them for listing dogs for taxation, and any person failing or refusing to list such dogs or dogs shall be guilty of a misdemeanor and upon conviction shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days: *Provided*, that the owner of the home or lessee of such owner, shall be responsible for listing of any dog belonging to any member of his family. The license or privilege tax herein imposed shall be due and payable on the first day of October of each and every year, and all persons after December first thereafter who own or keep a dog or dogs upon which the license or privilege tax is not paid, whether said dog or dogs have been listed or not, shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars or be imprisoned not more than thirty days. Upon the payment to the sheriff or tax collector of the license or privilege tax aforesaid, such sheriff or tax collector shall give the owner or keeper of such dog or dogs a receipt for the same, which shall constitute a license under the provisions of this act.

Failure to list dog a misdemeanor. Penalty.

Proviso: owner of home or lessee responsible for dogs of family.

License tax, when due.

Keeping unlicensed dog a misdemeanor.

Penalty.

Receipt for taxes.

Tax-listers to make inquiry as to dogs.

SEC. 4. The tax listers for each township, town, and city in this State shall annually, at the time of listing property as required by law, make diligent inquiry as to the number of dogs owned,

harbored, or kept by any person subject to taxation. The list-takers shall, on or before the first day of July in each year, make a complete report to the sheriff or tax collector on a blank form furnished them by the proper authority, setting forth the name of every owner of any dog or dogs, how many of each and the sex, owned or kept by such person. Any person coming in possession of any dog or dogs after listing time shall immediately ascertain whether such dog or dogs have been listed for taxes or not, and if not so listed, it is hereby made the duty of such owner or keeper of such dog or dogs to go to the sheriff or tax collector of his county and list such dog or dogs for taxes, and it is made the duty of the owner or keeper of such dog or dogs to pay the privilege or license tax as is herein provided for in other cases.

SEC. 5. No person shall allow his dog over six months old to run at large in the night time unaccompanied by the owner or by some member of the owner's family, or some other person by the owner's permission. Any person intentionally, knowingly, and willfully violating this section shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days, and shall also be liable in damages to any person injured or suffering loss to his property or chattels.

SEC. 6. It is hereby made the duty of each list taker in the State to see that all dogs are listed for taxation under the provisions of this act, and the county commissioners may pay him for his services such an amount as may be just. Such pay shall be out of the money arising under this act.

SEC. 7. That the money arising under the provisions of this act shall be applied to the school funds of the county in which said tax is collected: *Provided*, it shall be the duty of the county commissioners, upon complaint made to them of injury to person or injury to or destruction of property by any dog, upon satisfactory proof of such injury or destruction to appoint three freeholders to ascertain the amount of damages done, including necessary treatment, if any, and all reasonable expenses incurred, and upon the coming in of the report of such jury of the damage as aforesaid, the said county commissioners shall order the same paid out of any moneys arising from the tax on dogs as provided for in this act. And in cases where the owner of such dog or dogs is known or can be ascertained he shall reimburse the county to the amount paid out for such injury or destruction. To enforce collection of this amount the county commissioners are hereby authorized and empowered to sue for the same.

SEC. 8. Any person may kill any mad dog, and also any dog if he is killing sheep, cattle, hogs, goats, or poultry.

SEC. 9. That all dogs when listed for taxes become personal property and shall be governed by the laws governing other per-

Report to
sheriff.

Contents of
report.

Purchasers to
ascertain listing.

No dogs over six
months old to
run at large at
night..

Violation a
misdemeanor.

Penalty.

Liability for
damage done
by dog.

Compensation of
tax-listers.

Proceeds of tax
to go to
school fund.

Proviso: pay-
ment of
damages.

Reimbursement
by owner.

Commissioners
may sue.

Dogs that may
be killed.

Dogs personal
property.

Larceny a misdemeanor.

Failure by any person to discharge duty a misdemeanor. Penalty.

Repealing clause.

Proviso: county not prevented from increasing amount of tax.

sonal property: *Provided*, the larceny of any dog upon which aforesaid tax has been paid shall be a misdemeanor.

SEC. 10. Any person failing to discharge any duty imposed upon him by this act shall be guilty of a misdemeanor, and upon conviction shall pay a fine not exceeding fifty dollars or be imprisoned not more than thirty days.

SEC. 11. All laws and clauses of laws in conflict with this act are hereby repealed: *Provided*, this act shall not have the effect to prevent any county from increasing the amount of the license or privilege tax on dogs under the provisions of chapter two hundred and six, Public Laws of North Carolina, session one thousand nine hundred and seventeen, but shall be construed to repeal that part of same allowing counties to vote off said tax.

SEC. 12. This act shall be in force from and after its ratification. Ratified this 3d day of March, A.D. 1919.

CHAPTER 117

AN ACT TO REQUIRE ALL OFFICERS OF THE STATE OR ANY DEPARTMENT THEREOF AUTHORIZED TO COLLECT FEES FOR LICENSE TAXES, OR OTHER MONEYS, TO PAY MONTHLY THE AMOUNTS COLLECTED TO THE STATE.

The General Assembly of North Carolina do enact:

State officers collecting moneys to pay to State Treasurer.

Itemized statement required.

Copy of statement to Auditor.

All expenses to be paid by warrants of Auditor.

Heads of departments to file statements of expenses.

Auditor to draw warrants for payment.

SECTION 1. That each and every officer of the State or of any department thereof who is authorized by law to collect any fee, license tax, tag tax, or who collects money from any corporation or person, or partnership by authority of any statute of this State, shall pay the same to the State Treasurer on the tenth day of the calendar month next following, which payment shall be accompanied by an itemized statement showing from what sources and under what statutes such amounts have been collected, and a copy of said statement shall at the same time be filed in the office of the State Auditor.

SEC. 2. That all salaries, purchases of equipment and expenses authorized by law to be paid out of the various funds herebefore mentioned, shall hereafter be paid by warrants drawn by the State Auditor on the State Treasurer. The officer of State or the head of any department thereof shall file with the State Auditor an itemized statement of the salaries, bills for purchases of equipment and other expenses of his department, and the State Auditor shall draw warrants on the State Treasurer for the payment of all salaries, purchases of equipment, and expenses as authorized by law, to be paid by the said officer of State or head of any department thereof, as evidenced by statements so approved and filed. The State Treasurer is hereby authorized and directed to pay said warrants.

SEC. 3. That when, to efficiently and properly carry into effect and execute any of the duties imposed by his appointment or by the provision of any statute of this State and provide for the expenses thereof, it is required that any officer of the State or any employee of any department thereof shall travel from place to place, such traveling and other expenses as shall be required shall be approved by the said officer or head of the department whose employee incurs such expenses, and certified monthly to the State Auditor in itemized form, and the State Auditor is directed to draw his warrants upon the Treasurer for such amounts.

Necessary traveling expenses authorized.

SEC. 4. That for the purpose of providing an emergency or contingent fund to cover the traveling expenses or other authorized expenses of any officer of State or of any department of State falling within the provisions of section three of this act, the said officer or head of the department is permitted to retain in his hands, from the moneys, fees, or licenses so collected or received by him from the sources named in section one hereof or draw from the State Treasury an amount not to exceed at any one time the sum of two thousand dollars, and from this emergency or contingent fund the said officer or head of department is authorized to advance and pay the traveling expenses of himself or other employees, when the same shall be required, until vouchers covering said expense accounts can be issued by the Auditor and paid by the Treasurer monthly as in section three provided. At the expiration of his term of office the said officer of the State or head of department shall pay to the State Treasurer the money retained by him under this section.

Head of department may retain emergency fund.

May advance traveling expenses.

To pay any remaining funds to State Treasurer.

SEC. 5. That each and every official of the State, or of any department thereof, to whom is given by law any special contingent or other fund to be used in the work of the said official or department for contingent or other purposes, shall on or before the first day of November of each year file with each member of the Legislative Examining Committee and with the Budget Committee, a full and itemized statement in detail of all amounts received, with the source and date thereof, and amounts expended, to whom and for what purpose paid out, with a statement of any balance unexpended. It shall be the duty of any such official or head of department to give to the said Legislative Examining Committee or Budget Committee, any further information or details that they may desire.

Statement to legislative examining committee and budget committee.

SEC. 6. This act shall not be construed as requiring the payment to the State Treasurer of any money or funds collected for and directed to be paid to any party other than the State.

Act not to apply to funds directed to other parties.

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

SEC. 8. This act shall be in force from and after April first, one thousand nine hundred and nineteen.

Ratified this 4th day of March, A.D. 1919.

CHAPTER 118

AN ACT TO AMEND SECTION 2791, REVISAL OF 1905, RELATING TO ALLOWANCE TO JAILERS FOR FURNISHING PRISONERS WITH SUBSISTENCE.

The General Assembly of North Carolina do enact:

Section 2799 of the Revisal amended.

SECTION 1. That section two thousand seven hundred and ninety-nine of the Revisal of one thousand nine hundred and five be amended by striking out all of said section and substituting in lieu thereof the following:

Compensation of jailers.

"2799. *Jailers.* Jailers shall receive, for furnishing prisoners with 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 fifty cents per day: *Provided*, the board of commissioners of the county, if they shall deem it expedient, may increase the said allowance not exceeding fifty per centum thereof."

Proviso: commissioners may increase.

SEC. 2. That all laws and clauses of laws, whether local, public local, or general, are hereby expressly repealed, in so far as they conflict with the provisions of this act.

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

Ratified this 4th day of March, A.D. 1919.

CHAPTER 119

AN ACT TO PROVIDE FOR THE ACCEPTANCE OF THE BENEFITS OF AN ACT PASSED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED, TO PROVIDE FOR THE PROMOTION OF VOCATIONAL EDUCATION, TO PROVIDE FOR THE APPOINTMENT OF A STATE BOARD FOR VOCATIONAL EDUCATION, AND TO PROVIDE FOR THE DUTIES THEREOF; AND TO MAKE APPROPRIATIONS FOR VOCATIONAL EDUCATION.

The General Assembly of North Carolina do enact:

State to accept benefits of vocational educational act of United States.

SECTION 1. That the State of North Carolina hereby accepts all of the provisions and benefits of an act passed by the Senate and House of Representatives of the United States in Congress assembled, entitled "An act to provide for the promotion of vocational education, to provide for coöperation with the states in the promotion of such education in agriculture and the trades and industries; to provide for coöperation with the states in the preparation

of teachers of vocational subjects; and to appropriate money and regulate its expenditure," approved February twenty-third, nine-hundred and seventeen.

SEC. 2. That the State Treasurer is hereby designated and appointed custodian of all moneys received by the State from the appropriation made by said act of Congress, and he is authorized to receive and to provide for the proper custody of the same, and to make disbursement thereof in the manner provided in the said act and for the purpose therein specified. He shall also pay out moneys appropriated by the State of North Carolina for the purpose of carrying out the provisions of this act upon the order of the State Board for Vocational Education.

State Treasurer
custodian of
funds received.

To make dis-
bursements of
U. S. funds in
manner specified.
To disburse
State funds.

SEC. 3. That there is hereby created a State Board for Vocational Education, to consist of four members, as follows: the State Superintendent of Public Instruction and three other members, to be appointed by the Governor, one to represent agriculture, one to represent home economics, and one to represent trades and industries. The terms of office of these members shall be, for one member two years, for one member four years, and for one member six years, who shall serve till their successors are appointed; and thereafter each member shall be appointed for a term of four years.

State Board of
Vocational
Educational
created.

Term of office
of members.

SEC. 4. That the State Superintendent of Public Instruction shall serve as executive officer of the State Board for Vocational Education, and shall designate, by and with the advice and consent of the State Board for Vocational Education, such assistants as may be necessary to properly carry out the provisions of this act. The State Superintendent shall also carry into effect such rules and regulations as the State Board for Vocational Education may adopt, and shall prepare such reports concerning the condition of vocational education in the State as the State Board for Vocational Education may require.

State Superin-
tendent execu-
tive officer.

Assistants to be
designated.

State Superin-
tendent to put
rules into effect.

SEC. 5. That the State Board for Vocational Education shall have all necessary authority to cooperate with the Federal Board for Vocational Education in the administration of said act of Congress; to administer any legislation pursuant thereto enacted by the State of North Carolina, and to administer the funds provided by the Federal Government and the State of North Carolina under the provisions of this act, for the promotion of vocational education in agricultural subjects, trade and industrial subjects and home economics subjects. It shall have full authority to formulate plans for the promotion of vocational education in such subjects as an essential and integral part of the public school system of education in the State of North Carolina, and to provide for the preparation of teachers in such subjects. It shall have full authority to fix the compensation of such officials and assistants as may be necessary to administer the Federal act and this act for the State of North Carolina, and to pay such com-

State board to
coöperate
with Federal
board.

To administer
State legislation.
To administer
funds.

To formulate
plans for
vocational edu-
cation in
public schools.
To provide for
preparation of
teachers.

To fix compensa-
tion of officials
and assistants.

To make studies and investigations.
To issue publications.

To aid in establishing schools.

To cooperate with local authorities.

To prescribe qualification and certification of teachers.

To cooperate in preparation of teachers.

To determine general regulations for training of teachers.

County authorities may cooperate with State board.

May use money raised by taxation.

Proviso: act does not affect former appropriations.

State to appropriate amount equal to Federal appropriation.

Appropriation for year ending June 30, 1920.
Appropriation for year ending June 30, 1921.

Proviso: certain schools excepted.

Proviso: only necessary amount of appropriation to be used.

pensations and other necessary expenses of administration from funds appropriated under this act. It shall have authority to make studies and investigations relating to vocational education in such subjects; to publish the result of such investigations, and to issue other publications as seem necessary by the board; to promote and aid in the establishment by local communities of schools, departments, or classes giving instruction in such subjects; to cooperate with local communities in the maintenance of such schools, departments, or classes; to prescribe qualifications for the teachers, directors, and supervisors of such subjects, and to have full authority to provide for the certification of such teachers, directors, and supervisors; to cooperate in the maintenance of classes supported and controlled by the public for the preparation of teachers, directors and supervisors of such subjects, or to maintain such classes under its own direction and control; to establish and determine by general regulations the qualifications to be possessed by persons engaged in the training of vocational teachers.

SEC. 6. That the county board of education, board of county commissioners, or the board of trustees of any county or city system may cooperate with the State Board for Vocational Education in the establishment of vocational schools or classes giving instruction in agricultural subjects, or trade or industrial subjects, or in home economics subjects, and may use moneys raised by public taxation in the same manner as moneys are used for other public school purposes: *Provided*, that nothing in this act shall be construed to repeal any appropriations heretofore made by any of said boards for said purposes.

SEC. 7. That the State of North Carolina appropriates out of the State public school fund created by an act entitled "An act to provide six months school term in every public school district of the State in compliance with section three of article nine of the Constitution of North Carolina," enacted by the General Assembly of nineteen and nineteen, a sum of money for each fiscal year equal to the maximum sum which may be allotted to the State of North Carolina from the Federal Treasury, under the provisions of the Smith-Hughes Act, namely, for the fiscal year ending June thirtieth, nineteen hundred and twenty, sixty-seven thousand, four hundred and fifty-two dollars and forty-nine cents; for the fiscal year ending June thirtieth, nineteen hundred and twenty-one, eighty-one thousand, three hundred and six dollars and eighteen cents: *Provided*, that none of this State appropriation shall be used to match Federal funds in schools of less than college grade receiving other State funds for the promotion of the teaching of vocational subjects: *Provided further*, that only such portion of above State appropriation shall be used as may be absolutely necessary to carry on the work outlined in section five of this act and to meet the Federal requirements.

SEC. 8. That the State Board for Vocational Education shall make a report annually to the Governor, setting forth the conditions of vocational education in the State of North Carolina, a list of the schools to which Federal and State aid have been given, and a detailed statement of the expenditures of Federal funds and the State funds provided for in section seven of this act.

Annual report to Governor.

SEC. 9. That all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

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

Ratified this 4th day of March, A.D. 1919.

CHAPTER 120

AN ACT TO AMEND CHAPTER 143 OF THE PUBLIC LAWS OF 1917, RELATING TO THE SALE OF COMMERCIAL FERTILIZERS.

The General Assembly of North Carolina do enact:

SECTION 1. Beginning with the word "any," in section five, at the end of line five, page two hundred and sixty-six, strike out everything down to and including the word "ingredients," in line ten, and insert the following: "Any excess of any ingredient above the guarantee shall not be credited to the deficiency of any other ingredient if the deficiency is more than 15 per cent, that is, excess of phosphoric acid or ammonia, or potash cannot be credited to the deficiency in any other of these ingredients, and in assessing deficiencies arising in this connection the deficiency shall be assessed at four times the value of such deficiencies, such deficiencies to be assessed and paid as required in the preceding part of this section.

Fertilizer law, chapter 143, Public Laws 1917, amended.

Excess of one ingredient not to be credited to deficiency of another.

Assessment of deficiencies.

SEC. 2. In section seven strike out everything beginning with the word "when," at the end of line fifteen, down to and including the word "so," in line twenty-three, and insert in place thereof the following: "When any purchaser or consumer, or agent of either, desires to take a sample of any fertilizer or fertilizer material, he may take such sample according to the rules prescribed by the Department of Agriculture in the presence of a county or local representative designated by the manufacturer, and notice of which shall be given by the manufacturer on the bill of lading, or, in case there is no county or local representative, or he is unable to serve for any cause, in the presence of an agent, seller, or dealer of the manufacturer and two disinterested freeholders; or, in case the agent, or seller, or dealer, or local representative of the manufacturer refuses to witness the drawing of such sample, a sample

Rules for taking samples of fertilizers.

Instrument for drawing samples prescribed.

Samples to be divided.
One sample to department, one to manufacturer, for analysis.
Statement by person taking sample.

Department not to examine samples not taken as prescribed.

may be drawn in the presence of three disinterested freeholders: *Provided*, such sample or samples shall be drawn with the same kind of instrument used by the inspectors of the Department of Agriculture in taking samples, the sample to be thoroughly mixed as prescribed by the rules of the Department of Agriculture, divided into two parts, each part to be placed in a suitable vessel, securely sealed, properly labeled, and one part sent to the Department of Agriculture for analysis, and the other part to the manufacturer; and a suitable statement shall be signed by the parties taking, or witnessing the taking of the sample covering the matter; such statement or statements to be also sent to the Department of Agriculture and the manufacturer.

SEC. 3. In section seven, line three from the bottom of page two hundred and sixty-seven, strike out everything beginning with the word "the" down to the word "that," in line three, page two hundred and sixty-eight, and insert therefor the following: "The department shall refuse to analyze any sample of commercial fertilizer that is not drawn and forwarded to the department in accordance with the regulations which it may adopt for the carrying out of this act; *and provided*."

SEC. 3½. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 4. This act shall be in force from and after its ratification. Ratified this 4th day of March, A.D. 1919.

CHAPTER 121

AN ACT TO AMEND CHAPTER 156, PUBLIC LAWS OF 1913, RELATING TO THE REGULATION AND SUPERVISION OF BOND, INVESTMENT, AND OTHER COMPANIES.

The General Assembly of North Carolina do enact:

Chapter 156,
Public Laws
1913, amended.

Extended to apply to corporations, companies, copartnerships, or associations intending to sell stock.

SECTION 1. That section one (1) four thousand eight hundred and five-a of chapter one hundred and fifty-six, Public Laws of one thousand nine hundred and thirteen be and the same is hereby amended by adding at the end of said section the following: "*Provided*, that this act and its provisions shall apply also to every corporation, company, copartnership or association organized or to be organized in this State, where such company or organization by its organizers or promoters puts or proposes to put the stock of the company on the market in person or by agents."

SEC. 2. This act shall be in force from and after its ratification. Ratified this 3d day of March, A.D. 1919.

CHAPTER 122

AN ACT TO AMEND CHAPTER 255, PUBLIC LAWS OF 1917,
RELATING TO THE STATE HOME AND INDUSTRIAL
SCHOOL FOR GIRLS AND WOMEN.*The General Assembly of North Carolina do enact:*

SECTION 1. That section twelve, chapter two hundred and fifty-five, of the Public Laws of one thousand nine hundred and seventeen is hereby repealed and the following inserted in lieu thereof as section twelve:

Section 12,
chapter 255,
Public Laws
1917, repealed.

"That it shall be the duty of the county authorities of the county from which any girl or woman is sent to the Home, or the city authorities, if any girl or woman is ordered to be sent to the Home by any city court, to see that said girl or woman is safely and duly delivered to said Home, and to pay all the expenses incident to her conveyance and delivery to said Home."

Delivery and
expense of
delivery pro-
vided for.

Sec. 2. That all laws or clauses of laws in conflict herewith are hereby repealed.

Sec. 3. This act shall be in force from and after its ratification. Ratified this 4th day of March, A.D. 1919.

CHAPTER 123

AN ACT TO PROTECT THE INCHOATE RIGHT OF DOWER
AND TO PROHIBIT THE SALE OF THE HOME BY THE
HUSBAND WITHOUT THE WRITTEN CONSENT OF THE
WIFE.*The General Assembly of North Carolina do enact:*

SECTION 1. No deed or other conveyance, except to secure purchase money, made by the owner of a home site, which shall include the residence and other buildings together with the particular lot or tract of land upon which the residence is situate, whether actually occupied by said owner or not, shall be valid to pass possession or title during the lifetime of the wife without the voluntary signature and assent of his wife, signified on her private examination according to law: *Provided*, the wife does not commit adultery, or has not and does not abandon the husband and live separate and apart from him.

Conveyance
not valid with-
out voluntary
signature of
wife.

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

Proviso:
exception in
case of adultery
or abandonment.

Sec. 3. This act shall be in force from and after its ratification. Ratified this 4th day of March, A.D. 1919.

CHAPTER 124

AN ACT TO AMEND CHAPTER 146, PUBLIC LAWS OF 1915,
RELATING TO THE RESALE OF LAND.

The General Assembly of North Carolina do enact:

Chapter 146,
Public Laws
1915, amended.

Resales to be
continued as
often as bid is
raised.

SECTION 1. That chapter one hundred forty-six of Public Laws of one thousand nine hundred and fifteen, be and the same is hereby amended by striking out all of section four and inserting in lieu thereof the following:

"Sec. 4. That resales may be had as often as the bid may be raised in compliance with this chapter."

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

SEC. 3. This act shall be in force from and after its ratification. Ratified this 4th day of March, A.D. 1919.

CHAPTER 125

AN ACT TO REGULATE THE MANUFACTURE, SALE, AND
DISTRIBUTION OF ANTI-HOG CHOLERA SERUM AND
HOG CHOLERA VIRUS.

The General Assembly of North Carolina do enact:

Manufacture,
sale or use of
anti-cholera
serum
restricted.

SECTION 1. That it shall be unlawful for any person, firm, or corporation to distribute, sell, or use in the State of North Carolina anti-hog cholera serum unless said anti-hog cholera serum is produced at the serum plant of the State Department of Agriculture, or produced in a plant which is licensed by the United States Department of Agriculture, Bureau of Animal Industry, allowing said plant to do an interstate business.

Use of blood
from infected
hogs restricted

SEC. 2. That it shall be unlawful for any person, firm, or corporation to distribute, sell, or use in the State of North Carolina, virulent blood from hog-cholera-infected hogs, or virus, unless said virulent blood, or virus, is produced at the serum plant of the State department of Agriculture or produced in a plant which is licensed by the United States Department of Agriculture, Bureau of Animal Industry, allowing said plant to do an interstate business. And be it further provided, that no virulent blood from hog cholera infected hogs, or virus, shall be distributed, sold or used in the State of North Carolina unless and until permission has been given in writing by the State Veterinarian for such distribution, sale or use. Said permission to be canceled by the State Veterinarian when necessary.

Blood from
infected hogs to
be sold or used
only on permit
from State
veterinarian.

SEC. 3. Any person, firm, or corporation guilty of violating the provisions of this act or failing or refusing to comply with the requirements thereof shall be guilty of a misdemeanor.

Violation of act
misdemeanor.

SEC. 4. All laws or parts of laws in conflict with this act are hereby repealed.

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

Ratified this 4th day of March, A.D. 1919.

CHAPTER 126

AN ACT TO AMEND CHAPTER 136, PUBLIC LAWS OF 1917, ENTITLED "AN ACT TO PROVIDE FOR THE ORGANIZATION AND GOVERNMENT OF CITIES, TOWNS, AND INCORPORATED VILLAGES," TO MAKE THE SAME CONFORM TO THE MACHINERY ACT RELATING TO THE ASSESSMENT OF PROPERTY AND THE COLLECTION OF TAXES.

The General Assembly of North Carolina do enact:

SECTION 1. That section five of chapter six of chapter one hundred and thirty-six of the Public Laws of one thousand nine hundred and seventeen be amended by striking out the word "June" in the third line thereof and inserting in lieu thereof the word "May."

Assessment time
fixed as of May.

SEC. 2. This act shall be in force from and after its ratification.
Ratified this 4th day of March, A.D. 1919.

CHAPTER 127

AN ACT TO PROVIDE FOR THE PUBLISHING OF A DIRECTORY OF AUTOMOBILE REGISTRATIONS FOR THE BETTER ENFORCEMENT OF THE AUTOMOBILE LAW.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of better enforcing the automobile law the Secretary of State is hereby authorized and directed to have printed as soon as practicable after the beginning of each automobile registration year a list of the automobile registrations in this State, and supplementary lists from time to time thereafter, showing license number, name, and address of party to whom issued, and name of machine registered.

Secretary of
State to publish
automobile
registration.

Supplementary
lists.

Five hundred copies to be printed.

May print larger number if necessary.

Directory to be sold at price fixed by Secretary of State.

SEC. 2. That five hundred copies of said directory shall be printed, to be paid for from the revenue derived from the registration of automobiles, by warrant of the Auditor on the State Treasurer. Should the Secretary of State be of the opinion that a greater number should be printed he is authorized to direct the printing of such additional number as he may think proper.

SEC. 3. That copies of the directory herein provided for shall be sold at such price as may be fixed by the Secretary of State.

SEC. 4. This act shall be in force from and after its ratification. Ratified this 4th day of March, A.D. 1919.

CHAPTER 128

AN ACT TO PRESCRIBE THE TIME FOR HOLDING THE COURTS OF THE FIRST JUDICIAL DISTRICT.

The General Assembly of North Carolina do enact:

SECTION 1. That the courts of Tyrrell County shall be held as follows:

The seventh Monday after the first Monday in March, to continue two weeks, the second week for the trial of civil cases exclusively; the twelfth Monday after the first Monday in September; the fourth Monday before the first Monday in September, for the trial of civil cases only. The courts shall be open on Monday of each term as soon as the morning train arrives at Columbia.

SEC. 2. That chapter fifty-one, Public Laws, Extra Session one thousand nine hundred and thirteen, be amended by striking out section four thereof.

SEC. 3. That chapter one hundred and ninety-six, Public Laws of one thousand nine hundred and thirteen, be and the same is hereby amended by adding after the words "Beaufort County," in line three, page three hundred and nineteen, the words "seventh Monday before the first Monday in March for the trial of criminal causes exclusively," and add after the word "exclusively," in line fourteen, page three hundred and nineteen, the words, "sixth Monday before the first Monday in September, for the trial of criminal causes only."

SEC. 4. That the words "second week" in line seven on page three hundred and nineteen of said chapter be stricken out.

SEC. 5. That this act shall be in force from and after June thirtieth, one thousand nine hundred and nineteen.

Ratified this 4th day of March, A.D. 1919.

Time of holding civil terms in Tyrrell County.

Chapter 51, Public Laws, Extra Session 1913, amended.

Time of holding courts for criminal cases in Beaufort County.

CHAPTER 129

AN ACT TO AMEND THE CONSTITUTION OF THE STATE OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That the Constitution of the State of North Carolina be and the same is hereby amended in manner and form as follows:

I. Amend Article 5, Section 3, by repealing the proviso in said section "that no income shall be taxed when the property from which the income is derived is taxed," and substituting in lieu thereof the following: "*Provided*, the rate of tax on incomes shall in no case exceed six per cent, and there shall be allowed the following exemptions in the nature of a deduction from the amount of annual incomes, to wit: of a married man with a wife living with him, and of a widow or widower having minor child or children, not less than two thousand dollars, and of all other persons not less than one thousand dollars: *Provided further*, the General Assembly may tax, without exemption, the income or interest received or accrued from solvent credits, at a rate not exceeding twenty per cent, in lieu of all other taxes on such property."

To amend Article 5, section 3, relative to incomes.

Proviso: rate of tax limited.

Exemptions allowed.

Proviso: interest from solvent credits may be taxed 20 per cent.

II. By striking out section one of Article V and substituting therefor the following:

To amend Article 5, section 1.

"Section 1. The General assembly may levy a capitation tax on every male inhabitant of the State over twenty-one and under fifty years of age, which said tax shall not exceed two dollars, and cities and towns may levy a capitation tax which shall not exceed one dollar. No other capitation tax shall be levied. The commissioners of the several counties and of the cities and towns may exempt from the capitation tax any special cases on account of poverty or infirmity."

Capitation tax limited.

III. By adding to section 6 of Article V the following:

"The total of the State and county tax on property shall not exceed sixty-six and two-thirds cents on the one hundred dollars value of property except when the county property tax is levied for a special purpose and with the special approval of the General Assembly."

To amend Article 5, section 6.

State and county tax limited.

Exception: may be higher for special purpose.

IV. By striking out the first sentence of section 2 of Article VI, and substituting therefor the following:

To amend Article 6, section 2.

"He shall reside in the State of North Carolina for one year and in the precinct, ward or other election district in which he offers to vote four months next preceding the election."

Time of residence required.

V. By striking out of section 4 of Article VI the following:

"And before he shall be entitled to vote he shall have paid, on or before the first day of May of the year in which he proposes to vote, his poll tax for the previous year as prescribed by Article V, section 1, of the Constitution."

To amend Article 6, section 4.

Requirement of payment of poll tax before voting removed.

Amendments in two groups.

To be submitted to voters.

Form of ballot for amendments 1, 2 and 3 provided.

Form of ballot for amendments 4 and 5 provided.

General election laws to govern manner of submission.

SEC. 2. That Amendments I, II, and III to the Constitution shall be considered as one amendment, and Amendments IV and V be considered as one amendment, and shall be submitted to the qualified voters of the whole State at the next general election.

SEC. 3. That the electors favoring the adoption of Amendments I, II, and III shall vote ballots on which shall be written or printed "For Income and Poll Tax Amendment," and those opposed, ballots on which shall be written or printed "Against Income and Poll Tax Amendment."

SEC. 4. That the electors favoring the adoption of Amendments IV and V shall vote ballots on which shall be written or printed "For Suffrage Amendment," and those opposed, ballots on which shall be written or printed "Against Suffrage Amendment."

SEC. 5. That the election upon the amendments shall be conducted in the same manner and under the same rules and regulations as provided by the laws governing general elections; and if the majority of the votes cast be in favor of the amendments, or either of them, it shall be the duty of the Governor of the State to certify the amendment or amendments receiving a majority of votes cast under the seal of the State to the Secretary of State, who shall enroll the said amendment or amendments so certified among the permanent records of his office, and the same shall be in force, and every part thereof, from and after the date of such certification.

SEC. 6. This act shall be in force from and after its ratification. Ratified this 5th day of March, A.D. 1919.

CHAPTER 130

AN ACT TO AMEND CHAPTER 64 OF THE PUBLIC LAWS OF 1917, AUTHORIZING THE ISSUANCE OF TOWNSHIP BONDS.

The General Assembly of North Carolina do enact:

Commissioners may purchase the stock of railroads sold under execution.

SECTION 1. That section one of the public laws of nineteen hundred and seventeen be amended by adding thereto as follows: "or to purchase or aid in the purchase thereof when any such railroad corporation shall be dissolved, or its property and franchise is proposed to be sold privately or under execution, judicial decree, deed in trust, mortgage, or other conveyance."

Petition for election provided for.

SEC. 2. That section two of said act be amended by inserting "or purchase" after the word "benefit," in line two; and after the word "commissioners," in line fourteen, "and shall upon the petition of one-fourth of the qualified voters of any such township order such election and submit the question of such subscription according to the terms of the petition. At such election five per-

sons shall be chosen as proxies to represent such stock, if the vote shall be in favor of the subscription, in all respects as fully as if private promoters, corporators, or holders of such stock. They shall be eligible to the position of director or other office in the corporation. They shall hold office until the first Monday in December following the next general election and until their successors chosen at such general election shall qualify. Such proxies shall be chosen at the general election every two years as other township officers. They shall have authority, alone, if sole purchasers, and with the proxies from other townships and others participating in the purchase, if not acting alone, to purchase such railroad property and franchise, and shall constitute a new corporation upon compliance with law as in other cases of a dissolution and sale of railroad property and franchise.

Proxies to represent stock.

Term of office.

Proxies to be chosen at general election.

Powers of proxies.

SEC. 3. This act shall be in force from and after its ratification. Ratified this 4th day of March, A.D. 1919.

CHAPTER 131

AN ACT TO PROVIDE FOR THE ACCEPTANCE OF THE BENEFITS OF AN ACT PASSED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED TO PROVIDE FOR THE PROMOTION OF VOCATIONAL EDUCATION, TO PROVIDE FOR THE APPOINTMENT OF A STATE BOARD FOR VOCATIONAL EDUCATION AND TO PROVIDE FOR THE DUTIES THEREOF; AND TO MAKE APPROPRIATIONS FOR VOCATIONAL EDUCATION.

The General Assembly of North Carolina do enact:

SECTION 1. That the State of North Carolina hereby accepts all of the provisions and benefits of an act passed by the Senate and House of Representatives of the United States in Congress assembled entitled "An act to provide for the promotion of vocational education, to provide for coöperation with the states in the promotion of such education in agriculture and the trades and industries; to provide for coöperation with the states in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure," approved February twenty-third, nineteen hundred and seventeen.

State to accept benefits of Vocational Education Act of United States.

SEC. 2. That the State Treasurer is hereby designated and appointed custodian of all moneys received by the State from the appropriation made by said act of Congress, and he is authorized to receive and to provide for the proper custody of the same and to make disbursement thereof in the manner provided in the said act and for the purpose therein specified. He shall also pay out

State Treasurer custodian of funds received.

Disbursements of U. S. funds.

State funds.	moneys appropriated by the State of North Carolina for the purpose of carrying out the provisions of this act upon the order of the State Board for Vocational Education.
State Board of Vocational Education created.	SEC. 3. That there is hereby created a State Board for Vocational Education, to consist of four members as follows: the State Superintendent of Public Instruction and three other members to be appointed by the Governor, one to represent agriculture, one to represent home economics, and one to represent trades and industries. The terms of office of these members shall be, for one member, two years; for one member, four years; and for one member, six years, who shall serve till their successors are appointed, and thereafter each member shall be appointed for a term of four years.
Term of office.	
State superintendent executive officer. Assistants to be designated.	SEC. 4. That the State Superintendent of Public Instruction shall serve as executive officer of the State Board for Vocational Education, and shall designate, by and with the advice and consent of the State Board for Vocational Education, such assistants as may be necessary to properly carry out the provisions of this act. The State Superintendent shall also carry into effect such rules and regulations as the State Board for Vocational Education may adopt, and shall prepare such reports concerning the condition of vocational education in the State as the State Board for Vocational Education may require.
State superintendent to put rules into effect.	
State board to cooperate with Federal.	SEC. 5. That the State Board for Vocational Education shall have all necessary authority to cooperate with the Federal Board for Vocational Education in the administration of said act of Congress; to administer any legislation pursuant thereto enacted by the State of North Carolina; and to administer the funds provided by the Federal government and the State of North Carolina under the provisions of this act for the promotion of vocational education in agricultural subjects, trade and industrial subjects, and home economics subjects. It shall have full authority to formulate plans for the promotion of vocational education in such subjects as an essential and integral part of the public school system of education in the State of North Carolina, and to provide for the preparation of teachers in such subjects. It shall have full authority to fix the compensation of such officials and assistants as may be necessary to administer the Federal act and this act for the State of North Carolina, and to pay such compensations and other necessary expenses of administration from funds appropriated under this act. It shall have authority to make studies and investigations relating to vocational education in such subjects; to publish the result of such investigations, and to issue other publications as seem necessary by the board; to promote and aid in the establishment by local communities of schools, departments, or classes giving instruction in such subjects; to cooperate with local communities in the maintenance of such schools, departments, or classes; to prescribe qualifications
To administer legislation and funds.	
Vocational education in schools.	
Preparation of teachers.	
To fix compensation of officials and assistants.	
To make studies, investigations, issue publications, aid in establishing schools and prescribe qualifications of teachers.	

for the teachers, directors, and supervisors of such subjects, and to have full authority to provide for the certification of such teachers, directors, and supervisors; to cooperate in the maintenance of classes supported and controlled by the public for the preparation of teachers, directors, and supervisors of such subjects, or to maintain such classes under its own direction and control; to establish and determine by general regulations, the qualifications to be possessed by persons engaged in the training of vocational teachers.

To cooperate in preparation of teachers.

To determine general regulations for training of teachers.

SEC. 6. That the county board of education or the board of trustees of any county or city system may cooperate with the State Board for Vocational Education in the establishment of vocational schools or classes giving instruction in agricultural subjects, or trade or industrial subjects, or in home economics subjects, and may use moneys raised by public taxation in the same manner as moneys are used for other public school purposes.

County authorities may cooperate with State board.

May use moneys raised by public taxation.

SEC. 7. That the State of North Carolina appropriates out of the State Public School Fund created by an act entitled "An act to provide a six months school term in every public school district of the State in compliance with section three of article nine of the Constitution of North Carolina," enacted by the General Assembly of nineteen and nineteen, a sum of money for each fiscal year equal to the maximum sum which may be allotted to the State of North Carolina from the Federal Treasury, under the provisions of the Smith-Hughes act, namely, for the fiscal year ending June thirtieth, nineteen hundred and twenty, sixty-seven thousand four hundred and fifty-two dollars and forty-nine cents; for the fiscal year ending June thirtieth, nineteen hundred and twenty-one, eighty-one thousand three hundred and six dollars and eighteen cents: *Provided*, that none of this State appropriation shall be used to match Federal funds in schools of less than college grade receiving other State funds for the promotion of the teaching of vocational subjects: *Provided further*, that only such a portion of above State appropriations shall be used as may be absolutely necessary to carry on the work outlined in section five of this act and to meet the Federal requirements.

State to appropriate amount equal to Federal appropriation.

Appropriation for year ending June 30, 1920.

Appropriation year ending June 30, 1921.

Proviso: certain schools excepted.

Proviso: only necessary amount of appropriation to be used.

SEC. 8. That the State Board for Vocational Education shall make a report annually to the Governor, setting forth the conditions of vocational education in the State of North Carolina, a list of the schools to which Federal and State aid has been given, and a detailed statement of the expenditures of Federal funds and the State funds provided for in section seven of this act.

Annual report to Governor.

SEC. 9. That all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

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

Ratified this 5th day of March, A.D. 1919.

CHAPTER 132

AN ACT CONCERNING THE PARTIAL PAYMENT FOR ANTI-HOG CHOLERA SERUM AND VIRUS USED IN THE RESPECTIVE COUNTIES.

The General Assembly of North Carolina do enact:

Counties authorized to purchase serum.

SECTION 1. If the county commissioners of any county in the State deem it necessary to use anti-hog cholera serum to control or eradicate the disease known as hog-cholera of swine, they are authorized within their discretion to purchase from the State Department of Agriculture sufficient anti-hog cholera serum and virus for use in their county and supply same free of cost to the residents of the county, or pay for any portion of the cost of said serum, the remaining portion to be paid by the owners of the hogs.

To supply free of cost or any portion of cost.

Use of serum and quarantine under supervision State veterinarian.

SEC. 2. The use of anti-hog cholera serum and virus and the quarantine of diseased animals shall remain under the supervision of the State Veterinarian.

Act does not affect existing statutes.

SEC. 3. Nothing in this act shall in any way interfere with existing laws and regulations covering the use of anti-hog cholera serum and virus and the quarantine and control of contagious diseases, or any laws or regulations that may become necessary in the future.

SEC. 4. This act shall be in force from and after its ratification. Ratified this 5th day of March, A.D. 1919.

CHAPTER 133

AN ACT TO TRANSFER WASHINGTON COUNTY FROM THE FIRST JUDICIAL DISTRICT AND PUT IT IN THE SECOND JUDICIAL DISTRICT, AND TO PROVIDE FOR THE HOLDING OF THE COURTS OF THE SECOND JUDICIAL DISTRICT.

The General Assembly of North Carolina do enact:

Composition of Second Judicial District.

SECTION 1. The Second Judicial District shall be composed of the following counties, and the Superior Courts thereof shall be held at the following times, to wit:

Courts in Washington County.

Washington County. Eighth Monday before the first Monday in March, continuing for two weeks. Sixth Monday after the first Monday in March, to continue for one week, for the trial of civil cases exclusively. Eighth Monday before the first Monday in September. Sixth Monday after the first Monday in September.

Courts in Martin County.

Martin County. Second Monday after the first Monday in March, to continue for two weeks. Fifteenth Monday after the

first Monday in March, to continue for one week. Second Monday after the first Monday in September, to continue for two weeks. Fourteenth Monday after the first Monday in September, to continue for one week.

Edgecombe County. First Monday in March, to continue for one week. Fourth Monday after the first Monday in March, to continue for two weeks, for the trial of civil actions exclusively. Thirteenth Monday after the first Monday in March, to continue for two weeks. First Monday after the first Monday in September, to continue for one week. Tenth Monday after the first Monday in September, to continue for two weeks, for the trial of civil cases exclusively.

Courts in
Edgecombe
County.

Nash County. Sixth Monday before the first Monday in March, to continue for one week. First Monday after the first Monday in March, to continue for one week, for the trial of civil cases exclusively. First Monday after the first Monday in March, to continue for one week. Eighth Monday after the first Monday in March, to continue for two weeks; the first week for the trial of criminal cases exclusively, and the second week for the trial of civil cases exclusively. Twelfth Monday after the first Monday in March, to continue for one week, for the trial of civil actions exclusively. First Monday before the first Monday in September, to continue for one week. Fifth Monday after the first Monday in September, to continue for one week. Twelfth Monday after the first Monday in September, to continue for two weeks.

Courts in
Nash County.

Wilson County. Fourth Monday before the first Monday in March, to continue for two weeks; the first week for the trial of criminal actions exclusively, and the second week for the trial of civil actions exclusively. Tenth Monday after the first Monday in March, to continue for two weeks; the first week for the trial of criminal actions exclusively, and the second week for the trial of civil actions exclusively. Sixteenth Monday after the first Monday in March, to continue for one week, for the trial of civil actions exclusively. First Monday in September, to continue for one week. Fourth Monday after the first Monday in September, to continue for one week, for the trial of civil actions exclusively. Eighth Monday after the first Monday in September, to continue for two weeks, for the trial of civil actions exclusively. Fifteenth Monday after the first Monday in September, to continue for one week.

Courts in
Wilson County.

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

SEC. 3. This act shall be in force from and after the first day of July, one thousand nine hundred and nineteen.

Ratified this 5th day of March, A.D. 1919.

CHAPTER 134

AN ACT TO PERMIT PUBLIC SCHOOL COMMITTEES AND
BOARDS TO FURNISH TEXT-BOOKS TO PATRONS OF THE
SCHOOLS.

The General Assembly of North Carolina do enact:

Boards of education or trustees may rent school books.

SECTION 1. The county board of education or the board of trustees of any local tax district or special chartered district is hereby authorized to provide depositories for public school text-books and to rent such books to the children of any school district at a rental price not to exceed fifty per cent of the publisher's contract price with the State; and wherever books are rented that have not been contracted for by the State, the rental price shall not exceed fifty per cent of the publisher's list prices.

Rental price limited.

SEC. 2. The county board of education or the board of trustees of any local tax district or special chartered district is hereby authorized to make all needful rules and regulations governing the rental of public school text-books and to apply any funds of the Incidental Expense Fund remaining to the credit of the county or the special chartered district to the purpose of this act: *Provided*, that before any amount is appropriated from this fund for these purposes provision shall be made for all needful expenses of said schools.

May make rules and regulations.

Application of funds received.

Proviso: not operative till needful expenses provided for.

SEC. 3. County boards of education or the board of trustees of any local tax district may set aside an amount not to exceed \$100 from the Incidental Expense Fund to be used in purchasing public school text-books, to be used in the manner designated, namely, that when it shall appear that the education of any child is limited because of the inability of said child to purchase necessary text-books or to pay the rental price, said board or boards may loan free of cost all necessary books to any such child during the term of the school, subject to rules and regulations by the county board of education or the board of trustees of any local tax district or special chartered school, and approved by the State Superintendent of Public Instruction.

Provision for books for indigent pupils.

SEC. 4. No contract made for books or for service in executing the provisions of this act shall make any part of the State Public School Fund liable save that specified in sections two and three; nor shall any section of this act be construed so as to abridge in any way the text-book system now operated by any school committee or local board.

Only funds specified are liable for contracts.

Act not to affect systems now operative.

SEC. 5. The State Superintendent of Public Instruction is hereby requested to inform superintendents of county and all local tax schools of the provisions of this act.

State superintendent to inform local authorities.

SEC. 6. This act shall be in force from and after its ratification. Ratified this 5th day of March, A.D. 1919.

CHAPTER 135

AN ACT TO AUTHORIZE CITIES, TOWNS, AND COUNTIES
TO AID AGRICULTURAL, ANIMAL, AND POULTRY EX-
HIBITS.*The General Assembly of North Carolina do enact:*

SECTION 1. Any city, town, or county may appropriate not to exceed one hundred dollars to aid any agricultural, animal, or poultry exhibition held within the said city, town, or county.

City, town or county may appropriate money to exhibition.

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

Ratified this 5th day of March, A.D. 1919.

CHAPTER 136

AN ACT TO AMEND SECTION 1 OF CHAPTER 5 OF PART
ONE OF CHAPTER 136, PUBLIC LAWS OF 1917, RELATING
TO CITIES AND TOWNS.*The General Assembly of North Carolina do enact:*

SECTION 1. That section one, chapter five of chapter one hundred and thirty-six of the Public Laws of one thousand nine hundred and seventeen be, and the same is hereby amended by adding at the end thereof the following:

"(kk) To acquire property in fee simple by purchase, gift, devise, bequest, appropriation, or otherwise, and utilize lands presently owned in fee simple or otherwise, for the purpose of establishing, operating, and maintaining a new cemetery or cemeteries, and to pass such rules and regulations as may be deemed expedient for the proper care and protection thereof.

Cities and towns may acquire and operate new cemeteries.

"(ll) To abandon any cemetery or cemeteries that have not been used for interment purposes within ten years, and to remove or consolidate such cemetery or cemeteries so abandoned and the monuments, tomb-stones, fences, walls and inclosures and the contents of any graves therein, or any part of either, at its own expense, to or with any established cemetery or cemeteries maintained for interment purposes.

To abandon cemeteries not used for ten years. May remove monuments, fences, etc.

"(mm) To take possession of, convey or utilize the lands in any such abandoned cemetery or cemeteries, or any part thereof, as may best subserve the interests of any such city or town.

To utilize lands of abandoned cemeteries.

"(nn) That this act shall be in force from and after its ratification.

"(oo) That all laws and clauses of laws in conflict herewith are hereby repealed."

Ratified this 5th day of March, A.D. 1919.

CHAPTER 137

AN ACT TO RATIFY AND VALIDATE ACTS OF RELIGIOUS,
EDUCATIONAL AND CHARITABLE CORPORATIONS.

The General Assembly of North Carolina do enact:

Incorporation of certain religious, educational or charitable associations validated.

SECTION 1. In all cases where a religious, educational or charitable association has been formed prior to January first, one thousand eight hundred and ninety-four, and has since said date been acting as a corporation, exercising the powers and performing the duties of religious, educational or charitable corporations as prescribed by the laws of this State, then such association shall be conclusively presumed to have been duly and regularly organized and existing as a corporation under the laws of this State on January first, one thousand eight hundred and ninety-four, and all of its acts as a corporation from and after said date, if otherwise valid, are hereby declared to be valid corporate acts: *Provided*, this act shall not apply to any pending litigation.

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

Ratified this 5th day of March, A.D. 1919.

CHAPTER 138

AN ACT RELATING TO THE ESTABLISHMENT OF ROADS,
BRIDGES, AND FERRIES.

The General Assembly of North Carolina do enact:

Counties may purchase ferries on county-line streams.

SECTION 1. That wherever in the State of North Carolina there are now operated a ferry or ferries with causeways, roads, and bridges leading to the same, which lie partly within one county and partly within another county, the boards of commissioners of the respective counties be and they are hereby authorized and empowered to purchase all real and personal property, rights, and franchises incident and necessary to the said ferry or ferries, including any causeway, road, and bridge leading to the said ferry or ferries. The proportion of the purchase price to be paid by the said counties shall be determined and agreed upon at a joint meeting of the board of commissioners of said counties, and the amount of said purchase price so agreed upon and determined shall be paid by the respective counties to the owner or owners of the same by proper warrant of the respective counties.

Division of cost between counties.

SEC. 2. In the event the said counties and the owner or owners cannot agree upon the purchase price of said ferry or ferries, causeway, road, and bridges and the property, rights, and fran-

Right of eminent domain conferred.

chises used in connection therewith and incident thereto, then the boards of commissioners of said counties are hereby authorized and empowered, should they deem it necessary and for the best interests of the counties, to condemn the same, and are hereby vested with the right of eminent domain for that purpose. Should the said commissioners deem it wise and necessary for the best interests of the said counties to resort to condemnation proceedings to acquire said property, rights, and privileges, they are hereby empowered to institute said proceedings in either county in which said property, ferry, causeway, road, or bridges, or any part of the same lie, and conduct the same in accordance with and in the same manner set forth in chapter sixty-one of the Revisal of one thousand nine hundred and five, entitled "Railroads."

Empowered to condemn property and acquire rights and privileges.

SEC. 3. After the purchase or condemnation aforesaid, the said ferry, causeway, road, and bridges leading to the same shall be and become a part of the public highway and roads of the said counties, and it shall be the duty of the said commissioners to operate and maintain the same jointly as a part of the public highways and roads of the said counties, and the expense of maintenance, improvement, and operation of the said property jointly acquired shall be borne by the said counties upon such terms and in such proportions as shall be agreed upon by the board of commissioners of the same in joint meeting. The said boards of commissioners may vest the control and management of the said ferry and road, causeway and bridges, and equipment used in connection therewith in a committee or committees from said boards, to be selected and determined by said boards in meeting assembled, and said commissioners be and they are hereby invested with full power and authority to employ agents and servants, provide for the operation and to prescribe reasonable rules and regulations in reference to use and operation of said ferry, roads, causeways, bridges, and the property and equipment used in connection therewith.

Commissioners of counties jointly to operate and maintain ferry.

Expense of maintenance, improvement and operation to be agreed on.

May vest control in committee.

May employ agents and prescribe regulations.

SEC. 4. It shall be the duty of the said boards of commissioners, after the purchase or condemnation of the ferry and roads, causeways, and bridges as aforesaid, to provide all necessary equipment for the ferry and to improve and repair the causeway, road, and bridges leading to the same, and after said purchase, repair and improvement to keep the same in good condition to the end that the best possible service may be rendered to the public; and in order to raise funds with which to purchase or condemn said ferry or ferries, road, causeway, bridges, rights, and property, and to improve and repair the causeway, road, and bridges, and to purchase the necessary equipment for said ferry or ferries, the said boards of commissioners of the respective counties are hereby authorized and empowered to have prepared and issued at such time or times and in such amounts as they deem best,

To provide necessary equipment and keep in good condition.

May issue bonds for necessary funds.

Rate of interest to be determined. Payable semi-annually.

Bonds not to be disposed of for less than par.

To levy tax for interest and sinking fund.

Taxes to be levied and collected annually.

To prescribe toll rates to cover cost of operation, etc.

Toll rates not to be based on cost expended in first instance.

Proviso: rates to be uniform.

If tolls insufficient, tax may be levied.

bonds of said respective counties to an amount not exceeding the cost of said ferry or ferries, road, causeway, and bridges and the repair and improvement of same and the purchase of said necessary equipment, said bonds to draw interest at such rate as may be determined by said respective counties, to be evidenced by coupons attached, payable semiannually, and to be in such form and tenor and transferable in such way, and the principal thereof payable at such time or times, not exceeding forty years from the date thereof, and at such places as such respective boards may determine: *Provided*, that none of such bonds shall be disposed of either by sale, exchange, hypothecation, or otherwise for a less price than their face value.

SEC. 5. That the commissioners of the respective counties, in order to provide for the payment of the bonds to be issued hereunder and interest thereon, shall compute and levy each year at the time of levying other county taxes a sufficient tax upon all real and personal property in their respective counties to pay the interest on the said bonds, and shall also levy a sufficient tax to create a sinking fund to provide for the payment of said bonds at maturity. Such taxes shall be levied and collected annually and under the same laws and regulations as shall be in force for levying and collecting other county taxes.

SEC. 6. That in order to defray the expense of operating, improving and maintaining said ferry or ferries, causeway, road, and bridges and all property used in connection therewith, the boards of commissioners of the said respective counties be and they are hereby authorized and empowered to prescribe passage rates from time to time and to charge such tolls for the use of said ferry or ferries, road, causeway, and bridges, and other equipment used in connection therewith, in their discretion, as may be reasonable, just, and proper to provide the operating expenses and reasonable upkeep of the said property, but said boards shall not consider the cost of the same or the amount expended in the first instance in improving, repairing and purchasing the necessary equipment as aforesaid in fixing the amount of toll to be charged and paid by the public for the use thereof: *Provided*, such rates, charges, or tolls shall be uniform on all citizens alike.

SEC. 7. In the event that the tolls collected for the use of said ferry or ferries, causeway, bridges, and equipment used in connection with said ferry or ferries, shall not be sufficient to pay the expenses of operating, repairing and maintaining said ferry and equipment and property used in connection therewith, and the said road, causeway, and bridges, the said boards of commissioners of such respective counties be and they are hereby authorized and empowered to levy a tax upon the real and personal property of their respective counties as will be sufficient to defray and pay the proportionate loss occasioned by the operation as aforesaid.

Said tax shall be levied at the same time as other taxes are levied and shall be collected at the same time and in the same manner as other county taxes; and if it shall become necessary to pay said loss for any one year or part thereof from the general fund of the counties, or in the event it becomes necessary to borrow money to provide for said loss, the said boards of commissioners may, from taxes so collected in any succeeding year, reimburse the general fund of their counties to the extent of the amount so advanced or the amount so borrowed to provide for said deficit; and may provide a contingent fund to meet such event.

Tax levied and collected as other taxes. If necessary, may pay expenses from general fund.

General fund to be reimbursed from taxes. May provide contingent fund.

SEC. 8. That in the event the said boards of commissioners should elect to place the control, operation, and management of said ferry or ferries and property used in connection therewith, and the road, causeway, and bridges in a committee or committees to be selected by them from the joint bodies as is provided in section three of this act, said committee or committees shall receive the same pay and mileage for holding meetings in connection with all necessary business of said operation and management as is allowed by law to the members of the boards of commissioners of said respective counties for attending meetings of the board in said respective counties.

If committee for ferry control established, to receive per diem and mileage.

SEC. 9. In the event the operation and management of the ferry and the roads, causeways, and bridges connected therewith as provided in this act, shall prove too costly to said counties or shall fail to give adequate and satisfactory service to the general public, or if the public interests would be better subserved, the boards of commissioners of the said respective counties be and they are hereby authorized to sell said ferry and all property used in connection therewith and the roads, causeways, and bridges connected with the same, upon such terms as they see fit, or the said boards of commissioners may rent and lease the same to such person, firm, or corporation as they may see fit or proper, and subject to such rules and regulations as they might prescribe: *Provided, however,* that in the event of a sale or lease as aforesaid, the purchase price or lease price, as the case may be, shall be divided between the respective counties according to and in proportion to the price paid in the first instance by the said respective counties for the said ferry and property used in connection therewith, and the roads, causeways, and bridges connected with the same.

If operation unprofitable or unsatisfactory, ferry may be sold or leased.

Purchase or lease price to be divided between counties.

SEC. 10. That all laws and clauses of laws in conflict with the provisions of this act be and the same are hereby in all respects repealed.

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

Ratified this 5th day of March, A.D. 1919.

CHAPTER 139

AN ACT TO AMEND THE PRIMARY ELECTION LAW.

The General Assembly of North Carolina do enact:

State Board of
Elections to
appoint precinct
election
officials.

SECTION 1. That section four of chapter one hundred and one of the Public Laws of one thousand nine hundred and fifteen be, and the same is hereby, amended by striking out all the words beginning with the word "on" in line nine, and ending with the word "elections" in line ten.

SEC. 2. This act shall be in force from and after its ratification.
Ratified this 5th day of March, A.D. 1919.

CHAPTER 140

AN ACT AUTHORIZING CLERKS OF SUPERIOR COURTS TO ENTER JUDGMENTS IN CERTAIN CASES.

The General Assembly of North Carolina do enact:

Clerk of court
to enter judg-
ment in speci-
fied cases.

SECTION 1. That the clerk of the Superior Court of any county of the State of North Carolina is authorized and empowered to enter judgment in any suit pending in his court in the following instances:

Voluntary
nonsuit.

1. Judgment of voluntary nonsuit in any case where such judgment is permitted by law.

Judgment
by consent.

2. Judgment in any suit by consent of parties.

SEC. 2. This act shall be in force from and after its ratification, and shall apply to all pending suits.

Ratified this 5th day of March, A.D. 1919.

CHAPTER 141

AN ACT TO REPEAL SECTION 1395, REVISAL OF 1905, OF NORTH CAROLINA, SO AS TO PREVENT THE JUSTICES OF THE PEACE FROM ABOLISHING THE OFFICE OF COUNTY TREASURER.

The General Assembly of North Carolina do enact:

Justices of
peace may not
abolish office of
county
treasurer.

SECTION 1. That section one thousand three hundred and ninety-five of the Revisal of one thousand nine hundred and five of North Carolina be and the same is hereby repealed.

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

Ratified this 5th day of March, A.D. 1919.

CHAPTER 142

AN ACT TO AMEND CHAPTER 282, PUBLIC LAWS OF 1915,
RELATING TO THE TERMS OF HOLDING THE SUPERIOR
COURTS IN HERTFORD COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of chapter two hundred and eighty-two, Public Laws of one thousand nine hundred and fifteen, be and the same is hereby amended by striking out the word "fifth" in line seven of said section, and inserting in lieu thereof the word "fourth," and by striking out all of lines nine and ten of said section, down to the semicolon before the word "sixth."

Chapter 282,
Public Laws
1915, relating
to terms of
Hertford Court
amended.

SEC. 2. That sections two and three of chapter two hundred and eighty-two be stricken out.

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

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

Ratified this 5th day of March, A.D. 1919.

CHAPTER 143

AN ACT RELATING TO THE INCORPORATION AND BOUND-
ARIES OF GRADED SCHOOL DISTRICTS.

The General Assembly of North Carolina do enact:

SECTION 1. Every graded school district in this State which is situated entirely within the corporate limits of an incorporated city or town containing no other graded school district in whole or in part, and which, by reason of changes made in the corporate limits of such city or town after the establishment of such graded school district, is not coterminous with such city or town, is hereby made coterminous with such city or town.

Graded school
districts made
coterminous
with municip-
ality.

SEC. 2. Every graded school district in this State is hereby incorporated and authorized to adopt a corporate seal. The name of such corporation shall be the name by which such school district is known.

Every graded
school district
incorporated.

SEC. 3. All laws and clauses of laws inconsistent with this act are hereby repealed.

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

Ratified this 5th day of March, A.D. 1919.

CHAPTER 144

AN ACT TO AMEND CHAPTER 261, PUBLIC LAWS OF 1917,
RELATING TO APPROPRIATIONS FOR THE NORTH CAROLINA
HISTORICAL COMMISSION AND THE NORTH CAROLINA
LEGISLATIVE REFERENCE LIBRARY.

The General Assembly of North Carolina do enact:

Appropriation
for Historical
Commission
increased.

SECTION 1. That for the purpose of providing funds for the maintenance of the work of the North Carolina Historical Commission chapter two hundred and sixty-one of the Public Laws of one thousand nine hundred and seventeen be amended by striking out in section one, line five thereof, the words "seven thousand," and inserting in lieu thereof the words "ten thousand dollars."

Sections 3 and 4,
chapter 261,
Public Laws
1917, repealed.

SEC. 2. That chapter two hundred and sixty-one of the Public Laws of one thousand nine hundred and seventeen be amended by striking out sections three and four thereof.

Commission
authorized to
employ historian
to collect data
and publish a
"History of
North Carolina
in World War."

SEC. 3. That for the purpose of putting in permanent and accessible form the history of the contribution of North Carolina and of her soldiers, sailors, airmen, and civilians to the Great World War while the records of those contributions are available, the North Carolina Historical Commission is hereby authorized and directed to employ a person trained in the study of history and in modern historical methods of investigation and writing, whose duty it shall be, under the direction of said Historical Commission, to collect as fully as possible data bearing upon the activities of North Carolina and her people in the said Great World War, and from these data to prepare and publish as speedily as possible an accurate and trustworthy illustrated History of North Carolina in the Great World War.

Things which
history must
contain.

SEC. 4. The said history shall give a reliable account of the (a) operations of the United States Government in North Carolina during the war; (b) operations of the North Carolina State government in war times; (c) operations of county and local governments in war times; (d) war work of volunteer organizations; (e) military, naval, and air service of North Carolina units and of individual North Carolina soldiers, sailors, and airmen; (f) organization and services of the Home Defense; (g) a roster of North Carolina soldiers, sailors, and airmen in the war; (h) services of North Carolinians in national affairs during the war; (i) effects of the war on agriculture, manufacturing, transportation, finance, trade, and commerce in North Carolina; (j) social and welfare work among the soldiers and their dependents; (k) contributions of schools and churches to the war and the effects of war on education and religion; (l) such other phases of the war as may be necessary to set forth the contributions of the State and her people to this momentous event in the world's history.

SEC. 5. That after the preparation of such history the said Historical Commission shall have the same published and paid for as other State printing, and said Historical Commission shall offer such history for sale at as near the cost of publication as possible: *Provided*, that one copy of such history shall be furnished free to each public school library in North Carolina which shall apply for the same: *Provided also*, that said Historical Commission may exchange copies of said history for copies of other similar histories of the war: and *Provided further*, that all receipts from the sale of said history shall be covered into the State Treasury.

Publication of history and sale.

Proviso: free copies for school libraries.

Proviso: exchange for similar works.

Proviso: receipts covered into treasury.

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

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

Ratified this 10th day of March, A.D. 1919.

CHAPTER 145

AN ACT TO MAKE APPROPRIATIONS FOR STATE INSTITUTIONS.

The General Assembly of North Carolina do enact:

SECTION 1. That the sum of sixty-eight thousand, nine hundred and forty-eight dollars (\$68,948) is hereby annually appropriated for Agricultural Extension Work for the year one thousand nine hundred and nineteen, and the further sum of eighty-eight thousand one hundred and sixty-five dollars (\$88,165) for the year one thousand nine hundred and twenty in order to get the State's share of the funds provided by the Smith-Lever Congressional Act.

Appropriations for Agricultural Extension Work for 1919 and 1920.

SEC. 2. That the sum of two hundred and sixty-five thousand dollars (\$265,000) is hereby annually appropriated for the years one thousand nine hundred and nineteen and one thousand nine hundred and twenty for the support and maintenance of the State Hospital at Raleigh, including the epileptic department, and the further sum of twenty-seven thousand, eight hundred dollars (\$27,800) is hereby appropriated to pay the indebtedness of said institution.

For maintenance State Hospital at Raleigh.

To pay off debt.

SEC. 3. That the sum of three hundred and twenty-five thousand dollars (\$325,000) is hereby annually appropriated for the years one thousand nine hundred and nineteen and one thousand nine hundred and twenty for the support and maintenance of the State Hospital located at Morganton, and the further sum of seventy-five thousand dollars (\$75,000) is hereby appropriated to pay the indebtedness of said institution.

For maintenance of hospital at Morganton.

For debt.

For maintenance
of hospital at
Goldsboro.

SEC. 4. That the sum of one hundred and fifty thousand dollars (\$150,000) is hereby annually appropriated for the years one thousand nine hundred and nineteen and one thousand nine hundred and twenty for the support and maintenance of the State Hospital located at Goldsboro, and the further sum of twenty-three thousand, five hundred dollars (\$23,500) is hereby appropriated to pay the indebtedness of said institution.

For debt.

For maintenance
of School for
Deaf.

SEC. 5. That the sum of eighty thousand dollars (\$80,000) is hereby annually appropriated for the years one thousand nine hundred and nineteen and one thousand nine hundred and twenty for the support and maintenance of the School for the Deaf at Morganton.

For maintenance
of Caswell
Training School.

SEC. 6. That the sum of fifty thousand dollars (\$50,000) is hereby appropriated for the support and maintenance of the Caswell Training School for the year one thousand nine hundred and nineteen, and the further sum of seventy-five thousand dollars (\$75,000) is hereby appropriated for the support and maintenance of said school for the year one thousand nine hundred and twenty.

For maintenance
of Stonewall
Jackson Train-
ing School.

SEC. 7. That the sum of twenty-five thousand dollars (\$25,000) is hereby annually appropriated for the years one thousand nine hundred and nineteen and one thousand nine hundred and twenty for the support and maintenance of the Stonewall Jackson Manual Training and Industrial School; and the further sum of one hundred and seventy-five dollars (\$175) per capita is hereby annually appropriated for the support and maintenance of all boys maintained at said institution in excess of one hundred; and the further sum of two thousand eight hundred and ninety dollars (\$2,890) is hereby appropriated to pay the indebtedness of said institution.

For debt.

For maintenance
of State
Sanatorium.

SEC. 8. That the sum of fifty thousand dollars (\$50,000) is hereby annually appropriated for the years one thousand nine hundred and nineteen and one thousand nine hundred and twenty for the support and maintenance of the North Carolina State Sanatorium for the Treatment of Tuberculosis; and the further sum of fourteen thousand dollars (\$14,000) for the year one thousand nine hundred and nineteen, and fifteen thousand dollars (\$15,000) for the year one thousand nine hundred and twenty is hereby appropriated for the extension work of said institution. This appropriation is made in lieu of the appropriation of ten thousand dollars (\$10,000) provided for in chapter ninety-eight, Public Laws of one thousand nine hundred and fifteen, and said appropriation is hereby repealed; and the further sum of ten thousand dollars (\$10,000) is hereby appropriated to pay the indebtedness of said institution.

For extension
work.

For debt.

For maintenance
of University.

SEC. 9. That the sum of two hundred and fifteen thousand dollars (\$215,000) is hereby annually appropriated for the years one thousand nine hundred and nineteen and one thousand nine hundred and twenty for the support and maintenance of the Uni-

versity of North Carolina, and the further sum of twenty thousand dollars (\$20,000) is hereby appropriated to pay the indebtedness of said institution.

SEC. 10. That the sum of sixty-five thousand dollars (\$65,000) is hereby appropriated for the years one thousand nine hundred and nineteen and one thousand nine hundred and twenty for the support and maintenance of the East Carolina Teachers Training School.

SEC. 11. That the sum of twenty thousand dollars (\$20,000) is hereby annually appropriated for the years one thousand nine hundred and nineteen and one thousand nine hundred and twenty for the support, maintenance and upkeep of the Appalachian Training School, and the further sum of six thousand dollars (\$6,000) is hereby appropriated to pay the indebtedness of said institution.

SEC. 12. That the sum of sixteen thousand dollars (\$16,000) is hereby annually appropriated for the years one thousand nine hundred and nineteen and one thousand nine hundred and twenty for the support and maintenance of the Cullowhee Normal and Industrial School.

SEC. 13. That the sum of eighty-five thousand dollars (\$85,000) is hereby annually appropriated for the years one thousand nine hundred and nineteen and one thousand nine hundred and twenty for the support and maintenance of the State School for the Blind and Deaf at Raleigh; and the further sum of twenty-one thousand eight hundred and seventy-five dollars (\$21,875) is hereby appropriated to pay the indebtedness of said institution.

SEC. 14. That the sum of one hundred and fifty thousand dollars (\$150,000) is hereby annually appropriated for the years one thousand nine hundred and nineteen and one thousand nine hundred and twenty for the support and maintenance of the North Carolina State College of Agriculture and Engineering.

SEC. 15. That the sum of one hundred and fifty thousand dollars (\$150,000) is hereby appropriated for the year one thousand nine hundred and nineteen, and the sum of one hundred and sixty-five thousand dollars (\$165,000) for the year one thousand nine hundred and twenty for the support and maintenance of the North Carolina College for Women at Greensboro.

SEC. 16. That the sum of twenty thousand dollars (\$20,000) is hereby annually appropriated for the years one thousand nine hundred and nineteen and one thousand nine hundred and twenty for the support and maintenance of the Oxford Asylum.

SEC. 17. That the sum of ten thousand dollars (\$10,000) is hereby annually appropriated for the years one thousand nine hundred and nineteen and one thousand nine hundred and twenty for the support and maintenance of the Colored Oxford Orphan Asylum, and the further sum of one thousand dollars (\$1,000) is hereby annually appropriated for the years one thousand nine

For debt.

For maintenance
of East Carolina
Training School.For maintenance
of Appalachian
Training School.

For debt.

For maintenance
of Cullowhee
Normal.For maintenance
School for
Blind.

For debt.

For maintenance
State A. & E.
College.For maintenance
of North Carolina
College
for Women.For maintenance
of Oxford
Asylum.For maintenance
Colored
Orphanage.

To help pay debt.

hundred and nineteen and one thousand nine hundred and twenty to help pay the indebtedness of said institution.

For maintenance
Soldiers' Home.

SEC. 18. That the sum of forty-five thousand dollars (\$45,000) is hereby annually appropriated for the years one thousand nine hundred and nineteen and one thousand nine hundred and twenty for the support and maintenance of the Soldiers' Home.

For maintenance
Confederate
Museum.

SEC. 19. That the sum of two hundred dollars (\$200) is hereby annually appropriated for the years one thousand nine hundred and nineteen and one thousand nine hundred and twenty for the support and maintenance of the Confederate Museum at Richmond.

For maintenance
Confederate
Cemetery.

SEC. 20. That the sum of two hundred and fifty dollars (\$250) is hereby annually appropriated for the years one thousand nine hundred and nineteen and one thousand nine hundred and twenty for the support and maintenance of the Confederate Cemetery at Raleigh.

For maintenance
Cherokee
Normal.

SEC. 21. That the sum of three thousand six hundred dollars (\$3,600) is hereby annually appropriated for the years one thousand nine hundred and nineteen and one thousand nine hundred and twenty for the support and maintenance of the Cherokee Indian Normal School, and the further sum of one thousand two hundred and fifty dollars (\$1,250) is hereby appropriated for the repair of the buildings of said institution.

For repairs to
buildings.

For maintenance
Negro A. & T.
College.

SEC. 22. That the sum of sixteen thousand dollars (\$16,000) is hereby annually appropriated for the years one thousand nine hundred and nineteen and one thousand nine hundred and twenty for the support and maintenance of the Negro Agricultural and Mechanical College at Greensboro; and the further sum of four thousand dollars (\$4,000) is hereby annually appropriated for the years one thousand nine hundred and nineteen and one thousand nine hundred and twenty to meet a like amount appropriated from the Federal Government for the promotion of agriculture and technical training.

To meet
Federal aid.

For maintenance
Negro Normal
Schools.

SEC. 23. That the sum of thirty-five thousand dollars (\$35,000) is hereby annually appropriated for the years one thousand nine hundred and nineteen and one thousand nine hundred and twenty for the support and maintenance of the State Normal Schools for Negroes, said annual appropriations to be distributed as follows:

Slater Normal and Industrial School, Winston-Salem-----	\$15,000
State Normal School, Elizabeth City -----	11,000
State Normal School, Fayetteville -----	9,000

For maintenance
Laboratory of
Hygiene.

SEC. 24. That the sum of twenty-five thousand dollars (\$25,000) is hereby annually appropriated for the years one thousand nine hundred and nineteen and one thousand nine hundred and twenty for the support and maintenance of the State Laboratory of Hygiene, and the further sum of three thousand five hundred and fifty dollars (\$3,550) is hereby appropriated to pay the indebtedness of said department.

SEC. 25. That the sum of fifty-seven thousand two hundred and twenty-five (\$57,225) is hereby annually appropriated for the years one thousand nine hundred and nineteen and one thousand nine hundred and twenty for the support and maintenance of the State Board of Health, including printing, and all laws and clauses of laws making appropriations to the State Board of Health for printing are hereby repealed; the further sum of twenty-seven thousand five hundred dollars (\$27,500) is hereby annually appropriated to be expended by the State Board of Health for the development and maintenance of rural health work: *Provided, however*, that this fund or any part thereof shall not be used except to supplement the funds for rural health work from other sources, which shall amount to at least three dollars (\$3) or more for every dollar of this fund that is expended, and, *Provided further*, that chapter two hundred and seventy-six, Public Laws of one thousand nine hundred and seventeen, is hereby repealed; and the further sum of ten thousand dollars (\$10,000) is hereby appropriated for the fiscal year of one thousand nine hundred and nineteen, and the sum of twenty-three thousand nine hundred and eighty-eight dollars and sixty-one cents (\$23,988.61) is hereby appropriated for the year one thousand nine hundred and twenty and thereafter annually, to be expended under the direction of the State Board of Health for the prevention of venereal diseases: *Provided, however*, that this fund or any part thereof shall not be used for the purposes for which it is appropriated, except to supplement the funds appropriated by the Federal Government in the proportion of dollar for dollar; and *Provided further*, that chapter fifteen, Public Laws, Extra Session one thousand nine hundred and thirteen, section two, be and is hereby amended by striking out the word "one" in line seven and inserting in lieu thereof the word "two."

SEC. 26. That the sum of five thousand dollars (\$5,000) is hereby annually appropriated for the years one thousand nine hundred and nineteen and one thousand nine hundred and twenty for the support and maintenance of the Confederate Woman's Home.

SEC. 27. That the sum of seven thousand five hundred dollars (\$7,500) is hereby annually appropriated for the years one thousand nine hundred and nineteen and one thousand nine hundred and twenty for the support and maintenance of the North Carolina Orthopedic Hospital.

SEC. 28. That the sum of fifteen thousand dollars (\$15,000) is hereby annually appropriated for the years one thousand nine hundred and nineteen and one thousand nine hundred and twenty for the support and maintenance of the State Board of Charities and Public Welfare.

SEC. 29. That the sum of twenty thousand dollars (\$20,000) is hereby annually appropriated for the years one thousand nine hundred and nineteen and one thousand nine hundred and twenty for

For maintenance
State Board of
Health.

For rural
health work.

Proviso: not
to be used
except to supple-
ment funds
from other
sources.

Proviso: chapter
226, Public
Laws 1917,
repealed.

For prevention
of venereal
diseases.

Proviso: not to
be used except
to supplement
Federal funds.

Chapter 15,
Public Laws,
Extra Session,
1913, amended.

For maintenance
Confederate
Woman's
Home.

For maintenance
Orthopedic
Hospital.

For maintenance
Board of
Charities

For maintenance
Home for Girls
and Women.

the support and maintenance of the State Home and Industrial School for Girls and Women.

For maintenance
Geological and
Economic
Survey.

SEC. 30. That the sum of twenty thousand dollars (\$20,000) is hereby annually appropriated for the years one thousand nine hundred and nineteen and one thousand nine hundred and twenty for the support and maintenance of the North Carolina Geological and Economic Survey. This appropriation is made in lieu of all appropriations heretofore received by the North Carolina Geological and Economic Survey, and all laws and clauses of laws making appropriations to said department are hereby repealed.

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

Ratified this 10th day of March, A.D. 1919.

CHAPTER 146

AN ACT TO AMEND AND CONTINUE CHAPTER 277, PUBLIC LAWS OF 1917, BEING "AN ACT WHEREBY THE HISTORICAL PLACES OF INTEREST IN THE STATE OF NORTH CAROLINA MAY BE COMMEMORATED BY APPROPRIATE MARKERS."

The General Assembly of North Carolina do enact:

Appropriation
of \$2,500 a year.

SECTION 1. That chapter two hundred and seventy-seven of the Public Laws of nineteen hundred and seventeen be amended by striking out all of section one and substituting in lieu thereof the following: "That for the purpose of enabling the North Carolina Historical Commission to aid in commemorating historic sites and incidents and distinguished services of individuals in the history of North Carolina, and otherwise carrying on its work, the sum of two thousand five hundred dollars a year is hereby appropriated out of the funds in the hands of the State Treasurer not otherwise appropriated.

Erection of
markers pro-
vided for.

SEC. 2. That section two of chapter two hundred and seventy-seven, Public Laws of nineteen hundred and seventeen, be amended by inserting after the word "appropriated" and before the word "shall" in line six thereof, the words "and used for the erection of such markers"; that said section two be further amended by striking out the words "for the purpose of carrying out this act" in lines eight and nine thereof, and inserting in lieu thereof the words "for the purpose of erecting such markers"; and that the said section two be further amended by striking out all after the word "Provided" in line twelve thereof.

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

Ratified this 10th day of March, A.D. 1919.

CHAPTER 147

AN ACT TO AMEND CHAPTER 145, PUBLIC LAWS OF 1917.
PROVIDING FOR THE PUBLICATION OF A ROSTER OR
BLUE BOOK.*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter one hundred and forty-five of the Public Laws of one thousand nine hundred and seventeen be amended by striking out the last sentence of section three thereof and substituting in lieu thereof the following: "That other copies of said roster or blue book shall be distributed free by the said Legislative Reference Librarian in such manner as in his judgment may be best."

Chapter 145,
Public Laws of
1917, amended.Blue Book may
be distributed
free.

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

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

Ratified this 5th day of March, A.D. 1919.

CHAPTER 148

AN ACT TO AMEND CHAPTER 73, PUBLIC LAWS OF NORTH
CAROLINA, 1917, RELATING TO THE PRACTICE OF
CHIROPRACTIC.*The General Assembly of North Carolina do enact:*

SECTION 1. That section five of the Public Laws of North Carolina, of the session of one thousand nine hundred and seventeen, be amended by striking out of said section the following words: "and he shall also furnish sufficient and satisfactory evidence that his diploma from a chiropractic college was granted on personal attendance and completion of a course of study of not less than thirty-six (36) months each," and by inserting in lieu thereof the following words: "and he shall also exhibit to said Board of Chiropractic Examiners, or satisfy them, that he holds a diploma from a reputable chiropractic college, and not a correspondence school, and that said diploma was granted to him on a personal attendance and completion of a regular three years course in such a chiropractic college."

Chapter 73,
Public Laws
1917, amended.Requirement
relative to
diploma changed.

SEC. 2. That there shall be added to said section five of said chapter seventy-three of the Public Laws of one thousand nine hundred and seventeen the following: "Provided, that any person who had been practicing chiropractic in this State prior to the first day of January, one thousand nine hundred and eighteen, may apply for and receive license to practice chiropractic in this

Proviso: excep-
tion in case
of practitioner
since January
1, 1918.

Proviso: reciprocal license.

State upon proof of good character and proper proficiency upon examination: *Provided further*, that any chiropractor holding a license issued to him in another state by a regular board of chiropractic examiners may apply for and receive a license to practice chiropractic in this State upon proof of good moral character and that he has been practicing chiropractic under such license for one year."

May practice in hospitals aided by public.

SEC. 3. That a licensed chiropractor in this State may have access to and practice chiropractic in any hospital or sanitarium in this State that receives aid or support from the public.

Rules and regulations.

SEC. 4. That the State Board of Chiropractic Examiners may adopt suitable rules and regulations for the performance of their duties.

Proviso: practitioners since January 1, 1917, licensed without examination.

SEC. 5. That this act shall be in force and effect from and after its ratification: *Provided further*, that all those practicing chiropractic prior to the first day of January, one thousand nine hundred and seventeen, shall be granted license without an examination.

Ratified this 5th day of March, A.D. 1919.

CHAPTER 149

AN ACT TO PROVIDE AN ADDITIONAL CLERK FOR THE OFFICE OF STATE AUDITOR.

The General Assembly of North Carolina do enact:

State Auditor allowed extra clerk.
Salary.

SECTION 1. The State Auditor is hereby allowed one clerk in addition to those already allowed by law, whose salary shall be eighteen hundred dollars per annum, to be paid in monthly installments as other salaries are paid.

SEC. 2. This act shall take effect from and after its ratification.
Ratified this 7th day of March, A.D. 1919.

CHAPTER 150

AN ACT TO SECURE THE ATTENDANCE OF INDIGENT CHILDREN AT SCHOOL.

The General Assembly of North Carolina do enact:

Affidavit as to indigency of child.

SECTION 1. That if affidavit shall be made by the parent of a child or by any other person that any child between the ages of eight and fourteen years is not able to attend school by reason of necessity to work or labor for the support of itself or the support of the family, then the attendance officer shall diligently inquire

into the matter and bring it to the attention of some court allowed by law to act as a juvenile court, and said court shall proceed to find whether as a matter of fact such parent or parents, or persons standing *in locus parentis* are unable to send said child or children to school for the term of a compulsory attendance for the reasons given. If the court shall find, after careful investigation, that the parent or parents have made or are making a bona fide effort to comply with the compulsory attendance act, and by reason of illness, lack of earning capacity, or any other cause which the court may deem valid and sufficient, are unable to send said child or children to school as above mentioned, then the court shall find and state what help is needed for the family to enable the attendance law to be complied with. The court shall transmit its finding to the county board of education of the county or, in cities, to city school board in which the case may arise, and said county board of education shall in its discretion order aid to be given the family from the Incidental Expense Fund of the county school budget to an extent not to exceed ten dollars per month for such child during the continuance of the compulsory term: and shall at the same time require said officer to see that the money is used for the purpose for which it is appropriated and to report from time to time whether it shall be continued or withdrawn. And the county board of education is hereby authorized in making out the county budget to provide a sum to meet the provisions of this act.

Attendance officer to investigate. Court to find facts.

If affidavit verified, court to order allowance.

Finding transmitted to board of education. Aid from Incidental Expense Fund.

Limit of allowance.

County board authorized to provide fund.

SEC. 2. That all laws and clauses of laws inconsistent herewith are hereby repealed.

SEC. 3. This act shall be in force on and after its ratification. Ratified this 6th day of March, A.D. 1919.

CHAPTER 151

AN ACT TO AMEND SECTION 1573, REVISAL OF 1905, RELATING TO THE EXERCISE OF THE RIGHT OF EMINENT DOMAIN.

The General Assembly of North Carolina do enact:

SECTION 1. That after the word "poles" in line four of section one thousand five hundred and seventy-three of the Revisal of one thousand nine hundred and five, the following be inserted, "and towers": *Provided*, that this act shall not apply to any suit now pending in any of the courts within this State.

Right of eminent domain extended to include the placing of towers by electric companies.

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

Ratified this 5th day of March, A.D. 1919.

CHAPTER 152

AN ACT TO AMEND SECTION 915, REVISAL OF 1905, SO AS TO PROTECT PURCHASERS OF LAND.

Preamble.

Whereas, every person purchasing land is obliged, for his own safety, to ascertain as to the pendency of any litigation affecting the same, and it is almost impossible for this to be done without the enactment and enforcement of the following provisions; now, therefore,

The General Assembly of North Carolina do enact:

Section 915 of Revisal amended.

SECTION 1. That section nine hundred and fifteen of the Revisal of one thousand nine hundred and five of North Carolina be amended by adding at the end of subsection four thereof the following:

Clerk to keep cross-index of all parties to actions.

"The clerk shall keep an alphabetical index and cross-index of all parties to all actions and special proceedings. Upon the issuance of summons or commencement of an *ex parte* proceeding he shall forthwith index and cross-index the names of all parties to such action or proceeding. When an order is made that any new or additional party be brought into an action or proceeding his name shall forthwith be indexed and cross-indexed by the clerk. The index shall be so arranged that beside each name shall appear a reference to the book and page whereon the action or proceeding will be found upon the Summons Docket, Civil Issue Docket, Special Proceeding Docket, and Judgment Docket, or such of said dockets as carry reference to said action or proceeding; and immediately upon said action or proceeding being entered upon any of said dockets the clerk shall cause said index to carry reference thereto upon the index and cross-index as to every party."

Index to contain page and docket reference.

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

Ratified this 6th day of March, A.D. 1919.

CHAPTER 153

AN ACT TO AUTHORIZE AND DIRECT THE STATE AUDITOR TO CAUSE TO BE EXAMINED THE ACCOUNTS OF COUNTY OFFICERS OF WASHINGTON COUNTY.

The General Assembly of North Carolina do enact:

State Auditor to examine accounts of officers.

SECTION 1. That it shall be the duty of the State Auditor to cause to be examined at least once each year, and oftener if in the judgment of the State Auditor conditions require, all county officers of Washington County receiving or disbursing public

funds, and that such State Auditor be and is hereby given full power to examine all accounts and all official affairs of every county office and officer receiving or disbursing public funds.

SEC. 2. That the State Auditor shall appoint some competent person or agency and cause said person or agency to conduct the examination authorized in this act. The said State Auditor shall determine the cost of making such examinations and shall certify the same to the county commissioners of Washington County, whereupon it shall be the duty of the said board of county commissioners to cause to be paid to the State Auditor out of the public funds of Washington County the amount so certified.

Auditor to designate examiners.

Cost of examination paid by county.

SEC. 3. That on examination by the county examiner or the assistant county examiner, inquiry shall be made as to the financial condition and resources of Washington County; whether the laws of the State and the requirements of the statutes governing the financial affairs of the county, and the requirements of the various state officers and departments acting under the authority of law have been complied with; and also into the methods and accuracy of the accounts and reports of the officers so examined. That in addition to the foregoing subjects of inquiry the State Auditor shall have the power and authority from time to time to establish such rules and regulations as he may deem proper and necessary to carry out the purposes of this act; and it shall be the duty of the county examiner to inquire whether such rules and regulations have been duly observed.

Inquiry as to condition and resources.

Methods and accuracy of accounts.

Auditor to establish rules and regulations.

SEC. 4. That such examination shall be made without notice; and the examiner, when engaged in making any examination provided for in this act, or when engaged in any official duty devolving upon him as such, shall have, for purposes of making an examination or inventory, right to enter into any county office and examine any books or documents contained therein or belonging thereto, and shall have access, in the presence of the custodian thereof or his deputy, to the cash drawers and cash in the custody of such officer; and shall also have the right, during business hours, to examine the public accounts of the county office under examination or any county officer the examination of whose office is contemplated by this statute, in any depository which has such to be found in its custody, pursuant to the laws of this State.

Examination to be made without notice.

Right of entry and examination.

SEC. 5. That the examiner, when engaged in making any examination of any county officer or county office as authorized by this act, be and he is hereby empowered to issue subpoenas for witnesses to appear before him in person, or to produce books and papers before him for inspection and examination. Such subpoenas shall be served by any person authorized to serve civil process from any court in this State. In case any witness duly subpoenaed refuses to attend, or refuses to produce documents, books, or papers as required in subpoena, or shall attend and refuse to make oath or affirmation, or, being sworn and affirmed,

Examiner may issue subpoenas.

Service of subpoenas.

Procedure when witness refuses to testify.

refuses to testify when called upon so to do, then such examiner shall report the same forthwith to the State Auditor, who, if he deems it proper to do so, may apply to the resident judge or the judge holding the Superior Courts for that judicial district for the enforcement of attendance and answers to questions, or for the production of books and papers, before such judge in term or at chambers, and when so obtained and produced, such testimony or exhibits from books and papers shall be made and become a part of the record of examination of the particular office or offices then the subject of the examination by the examiner.

Examiner may administer oaths.

SEC. 6. That such examiner shall also have the authority to administer oaths and to examine all witnesses under oath, orally or by interrogatories propounded, touching the matters under investigation and examination. Willful false swearing in such examination shall make such party guilty of a misdemeanor, and fined not exceeding one thousand dollars and imprisoned in the county jail or State's prison not less than four months nor more than ten years.

Willful false swearing misdemeanor.
Penalty.

Report of examination made in triplicate.

SEC. 7. That a report of such examination shall be made in triplicate, signed by the officer making the examination, one copy to be filed with the State Auditor, and one copy with the office under investigation, and one copy with the clerk of the board of county commissioners.

Fourth copy to be made in case of irregularity.

SEC. 8. That in the event such examination discloses any condition which tends to show that any officer is subject to indictment or removal from office under the existing law, a fourth copy shall be provided and filed by the State Auditor in the office of the Attorney-General, who shall thereupon take such action as in his judgment the facts and circumstances warrant.

Action of Attorney General.

SEC. 9. This act shall be in force from and after its ratification. Ratified this 6th day of March, A.D. 1919.

CHAPTER 154

AN ACT TO AMEND CHAPTER 264 PUBLIC LAWS OF 1915, AUTHORIZING UNION COUNTY TO REGULATE THE USE OF VEHICLES, MOTOR TRUCKS, ETC., ON THE PUBLIC ROADS, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

Act extended to apply to Union, Nash and Gaston counties.

SECTION 1. That chapter two hundred and sixty-four, Public Laws of nineteen hundred and fifteen, be and the same is hereby amended by adding the words "Union, Nash, and Gaston," after the last word, "Camden," in section four.

SEC. 2. This act shall be in force from and after its ratification. Ratified this 6th day of March, A.D. 1919.

CHAPTER 155

AN ACT TO AMEND SECTION 4827, REVISAL OF 1905 OF NORTH CAROLINA, AND PROTECT THE STATE PROPERTY.

The General Assembly of North Carolina do enact:

SECTION 1. Amend section four thousand eight hundred and twenty-seven of the Revisal of one thousand nine hundred and five by striking out the word "ten" after the words "not exceeding" and before the word "thousand," and insert therein the word "twenty."

Limit of premiums on insurance of State property increased.

SEC. 2. This act shall be in force from and after its ratification. Ratified this 6th day of March, A.D. 1919.

CHAPTER 156

AN ACT TO PROVIDE FOR A MORE SPEEDY DETERMINATION OF UNCONTESTED RIGHTS AND ACTIONS UPON BILLS, NOTES, BONDS AND OTHER FORMS OF INDEBTEDNESS.

The General Assembly of North Carolina do enact:

SECTION 1. That in all civil actions upon notes, bills, bonds, stated accounts, balances struck, and other evidences of indebtedness within the jurisdiction of the Superior Court, the summons may be returnable before the clerk of the Superior Court issuing the same on the first Monday of the month next succeeding the issue of the summons, if issued more than ten days prior thereto, and, if not, then on the first Monday of the next succeeding month; and if a verified complaint is filed at the time the summons is issued and a copy served on the defendant at the time of the service of the summons, and the defendant shall fail or neglect to file a verified answer raising issues of fact upon the matters and things alleged in the complaint on or before the second Monday of the month in which said summons is made returnable, then it shall be the duty of the said clerk of the Superior Court, on the second Monday of the month in which said summons is made returnable, upon satisfactory proof of said cause of action, to enter judgment in favor of the plaintiff and against the defendant upon the demand set out in the complaint, which judgment said clerk shall docket in the same manner as is now provided by law for docketing judgments taken at term, and such judgments so taken and docketed shall be and become judgments of the Superior Court in the same manner and to the same extent and be of same force and effect as now given to judgments of the Superior

In actions for indebtedness, summons returnable before clerk.

When clerk may enter judgment.

Clerk's judgments given effect of Superior Court judgment.

If question of fact develops, cause to be transferred to docket.

Proviso: right of appeal allowed.

Act applies to actions now existing.

Court taken in term before the judge. If before the expiration of the time given herein for filing the answer, the defendant shall file a duly verified answer joining issue of fact upon the matters and things alleged in the complaint, the said clerk of the Superior Court shall transfer the cause to the Civil Issue Docket for trial at term time: *Provided*, either party may at any time within ten days after the rendition of judgment by the clerk, appeal from such judgment to the Superior Court, to be heard at term.

SEC. 2. This act shall apply to all causes of action now existing; and all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 3. This act shall be in force from and after its ratification. Ratified this 7th day of March, A.D. 1919.

CHAPTER 157

AN ACT RELATING TO ISSUANCE OF PROCESS FROM RECORDERS' COURTS.

The General Assembly of North Carolina do enact:

SECTION 1. That the summons, warrant of arrest, and every other writ, process, or precept issuing from any recorder's court or other court inferior to the Superior Court, except the courts of justices of the peace, may be signed either by the recorder, vice recorder, or presiding justice of said court, or the clerk of said court wherever the act creating the said court makes provision for a clerk of the court or deputy clerk.

SEC. 2. That all laws or clauses of laws in conflict herewith are hereby repealed.

SEC. 3. This act shall be in force from and after its ratification. Ratified this 7th day of March, A.D. 1919.

CHAPTER 158

AN ACT TO AMEND CHAPTER 150, PUBLIC LAWS OF 1909, RELATIVE TO COMPENSATION FOR TESTING METERS.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and fifty of the Public Laws of one thousand nine hundred and nine be, and the same is hereby amended:

1. By striking out therefrom section three of said chapter and inserting in lieu of said section three the following:

Chapter 150,
Public Laws
1909, amended.

"Sec. 3. Every city or town having appointed an inspector of meters as aforesaid, shall provide and keep suitable and proper apparatus for testing and proving the accuracy of meters, by which apparatus all meters shall be tested at their rated capacity."

Municipality to provide apparatus for testing meters.

2. By adding in section four of the said chapter one hundred and fifty of the Public Laws of one thousand nine hundred and nine, and after the words "upon the written request of such proposed furnisher," the words "and upon the depositing by the said furnisher with the city clerk the sum of twenty-five cents for each meter to be inspected."

Fee for inspection.

3. And by striking out the word "furnisher" in line six of section five, and inserting in lieu thereof the words "city or town"; and by adding at the end of said section five the following: "*Provided*, that whenever the actual work of taking out and replacing a meter is done by the furnisher he shall receive fifty per centum of the amount deposited by the consumer with the city, which amount shall be paid by the city upon the written order of the inspector."

Proviso: fee for taking out and replacing meter.

4. And by striking out the last four lines of section six, beginning at the words "and if upon such tests said meter shall not register," etc., down to the end of the said section.

SEC. 2. This act shall apply only to Durham County, and shall be in force from and after its ratification.

Ratified this 7th day of March, A.D. 1919.

CHAPTER 159

AN ACT TO AMEND CHAPTER 99, PUBLIC LAWS OF 1917, RELATING TO THE ERECTION AND MAINTENANCE OF COUNTY TUBERCULOSIS HOSPITALS.

The General Assembly of North Carolina do enact:

SECTION 1. That section two, chapter ninety-nine of the Public Laws of nineteen hundred seventeen be amended by adding at the end thereof the following words: "*Provided*, that the question of levying said special tax shall be submitted to the qualified voters of said county at an election to be held as hereinbefore provided."

Question of tax to be submitted to voters.

SEC. 2. That section three of said chapter be amended by adding at the end thereof the following: "and the said county commissioners shall, if they propose to levy the tax for a maintenance fund as hereinbefore provided, also cause to be placed at each voting precinct in the county a ballot box marked 'Maintenance of County Tuberculosis Hospital' and cause to be printed and distributed official ballots labeled 'For Maintenance of County Tuberculosis Hospital'."

Provision for box for votes on tax question.

Official ballots.

culosis Hospital' and official ballots labeled 'Against Maintenance of County Tuberculosis Hospital,' said election to be held as hereinbefore provided."

Proviso: building may be maintained at State Sanatorium

Commissioners to use discretion as to location of hospital.

Before erection of building at Montrose contract must be made.

State Sanatorium authorized to contract with county.

In lieu of special tax general fund may be used.

SEC. 3. That section six of said chapter be amended by adding at the end thereof the following: "*Provided*, that the county commissioners of any county may, instead of erecting the said institution in the county where the said vote is taken, use a part or all of said funds in erecting and maintaining a building or buildings at the State Sanatorium at Montrose, or the said county commissioners may in their discretion erect and maintain a tuberculosis hospital in the county where the bonds are issued, and may also use part of the funds to erect and maintain a building or buildings at Montrose as they may deem best: *Provided, however*, that before erecting any building or buildings at Montrose the said county commissioners shall make due arrangements and enter into the necessary contract or contracts with the board having charge of the State Sanatorium at Montrose. And the said board having in charge the State Sanatorium at Montrose is hereby authorized and empowered to make contracts with any county in the State, specifying the terms upon which said building or buildings may be erected and making such arrangements as it may deem wise for the maintenance of such buildings and the care and support of such county patients: *Provided further*, that in case the county commissioners of any county or the people of any county do not decide to issue bonds for the erection of such hospital, but do decide to levy the special tax hereinbefore provided for, or the county commissioners of any county wish to use the necessary funds from the general fund of the county, they may in either case make arrangements with the board having in charge the State Sanatorium at Montrose for the maintenance and care of tuberculosis patients of such county."

SEC. 4. This act shall be in force from and after its ratification. Ratified this 7th day of March, A.D. 1919.

CHAPTER 160

AN ACT FOR THE RELIEF OF THE INSURANCE COMMISSIONER AND CERTAIN EMPLOYEES OF THE INSURANCE DEPARTMENT.

Preamble.

Whereas, the persons named in this act have been compelled to pay out of their private funds the premium on bonds they have been required to give as public officials; and

Preamble.

Whereas, it is the policy of the State of North Carolina to pay the premiums on bonds required of its officials and employees; now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That, in order to refund the amounts paid as premiums on bonds required in the discharge of their duties as public officials and employees of the State of North Carolina in the Department of Insurance, the following amounts be and they are hereby refunded to the parties named, to wit: James R. Young, Insurance Commissioner, premium on bond for two years, one hundred and twenty-five dollars (\$125); S. W. Wade, Chief Deputy and Securities Clerk, premium on bond for one year, twenty-five dollars (\$25); Miss Ida Montgomery, Cashier, premium on bond for one year, five dollars (\$5); J. J. Bernard, Chief Clerk, premium on bond for one year, two dollars and fifty cents (\$2.50); W. E. Burr, Actuary, premium on bond for one year, two dollars and fifty cents (\$2.50).

Amounts paid
for bonds
refunded.

SEC. 2. The Auditor of the State is authorized and directed to issue a warrant upon the State Treasurer for the said amounts, and the State Treasurer is authorized and directed to pay the same out of any money in the treasury not otherwise specifically appropriated.

Auditor to
issue warrant
for amounts
refunded.

SEC. 3. That the State Treasurer is authorized and directed to pay upon warrant of the State Auditor the premiums on the bonds as heretofore named in this act, as they may become due each year.

State to pay
premiums on
future bonds.

SEC. 4. This act shall be in force from and after its ratification. Ratified this 7th day of March, A.D. 1919.

CHAPTER 161

AN ACT TO MAKE ALL SCHOOLS ORGANIZED TO TEACH ADULT ILLITERATES A PART OF THE STATE PUBLIC SCHOOL SYSTEM.

The General Assembly of North Carolina do enact:

SECTION 1. The State Board of Education is authorized to provide rules and regulations for conducting schools to teach adult illiterates, and said schools when provided for shall become a part of the public school system of the State and shall be supported as other schools of the State are supported as provided in "An act to provide a six months school term in every public school district of the State in compliance with section three of article nine of the Constitution of North Carolina."

State board of
education to fix
rules for schools
for illiterates.

Support
provided for.

SEC. 2. The county board of education shall, upon direction from the State Superintendent of Public Instruction, provide annually in the county school budget, unless otherwise provided, a sum necessary to teach the adult illiterates in accordance with

County boards
to provide
necessary sum.

Equal appropriation from State fund.
State board authorized to use \$5,000 for organization and direction.

said rules and regulations, and a like sum shall be appropriated from the State Public School Fund.

SEC. 3. That the State Board of Education is authorized to use annually a sum not to exceed five thousand dollars of the State Public School Fund for the organization and direction of said work of teaching illiterates under the direction of the State Superintendent of Public Instruction.

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

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

Ratified this 7th day of March, A.D. 1919.

CHAPTER 162

AN ACT TO REGULATE THE TIME OF HOLDING THE COURTS IN HENDERSON COUNTY, IN THE EIGHTEENTH JUDICIAL DISTRICT.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and fifteen of the Public Laws of the General Assembly of North Carolina, session nineteen hundred and seventeen, be and the same is hereby repealed and the following substituted in lieu thereof, viz:

"That chapter one hundred and ninety-six, Public Laws of one thousand nine hundred and thirteen, entitled 'An act to provide for the division of the State into judicial districts and for holding the courts therein,' section one, on page three hundred and thirty-one and three hundred and thirty-two of the Public Laws as published, regulating the terms of the Superior Court and practice therein for Henderson County, in the Eighteenth Judicial District of the State as therein arranged, be amended so as to read as follows:

"*Henderson County.* That there shall be held in Henderson County the following terms of Superior Court: First Monday in March and the fourth Monday after the first Monday in September, the former to continue for three weeks and the latter to continue for two weeks, for the trial of criminal and civil cases; and twelfth Monday after the first Monday in March and the tenth Monday after the first Monday in September, each to continue for two weeks for the trial of civil cases exclusively."

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

SEC. 3. That this act shall be in force from and after July first, nineteen hundred and nineteen.

Ratified this 7th day of March, A.D. 1919.

Chapter 196
Public Laws
1913, amended.

Time of holding
Henderson
courts
specified.

CHAPTER 163

AN ACT ALLOWING ATLANTIC TOWNSHIP, CURRITUCK COUNTY, TO BECOME PART OF DARE COUNTY BY ACT OF THE VOTERS OF SAID TOWNSHIP.

The General Assembly of North Carolina do enact:

SECTION 1. That, upon the written petition submitted to the board of county commissioners of Currituck County by one-third of the qualified voters of Atlantic Township, Currituck County, requesting an election to determine whether or not said Atlantic Township shall be added to Dare County, it shall be the duty of the said board of county commissioners to call an election to be held in said Atlantic Township at some time not less than thirty days from the date of said order, and to advertise said election in some newspaper having circulation in said township and in at least three public places.

Election to be held on petition.

Question of transfer from Currituck to Dare.

SEC. 2. The qualified voters at the said election shall be those qualified to vote at the preceding regular November election and those who may become of age and qualified since the preceding regular November election. The board of county commissioners of Currituck County shall determine the qualifications of those entitled to vote in a special election held under this act, and any decision of the county commissioners on this subject shall be final and conclusive. The election held under the provisions of this act shall be conducted in the same manner as is now or may hereafter be prescribed by law for holding elections for members of the General Assembly, except as herein provided: *Provided*, that the said board of county commissioners shall appoint registrars of election, judges, or inspectors, and any other election officers, and that registration and challenge of voters shall be conducted in the same manner as is now or may hereafter be provided for the election of members of the General Assembly.

Definition of qualified voters.

County commissioners to determine qualification.

Decision of commissioners final.

Manner and form of election.

SEC. 3. That at the said election held under the provisions of this act the ballots tendered and cast by the voters shall have written or printed upon them "For Annexation to Dare County," or "Against annexation to Dare County"; and all electors who favor such annexation shall vote a ballot having written or printed thereon "For Annexation to Dare County," and those opposed to annexation shall vote a ballot having written or printed thereon "Against Annexation to Dare County." The votes shall be counted at the close of the polls and returned to the board of county commissioners or clerk of the board of county commissioners within three days after the election, and said board shall tabulate and declare the result of the election not later than the next regular meeting of the said board following the return of the vote of the said election; all of which shall be recorded in the minutes of the said board of county commissioners, and no other recording of

Form of ballots.

Count and return of votes.

Result to be reported to commissioners of Dare County.

the same shall be necessary. The result of the vote shall be counted, declared, and reported to the board of county commissioners as prescribed by law for the election of the members of the General Assembly. Immediately upon the declaration of the result of the election the said board of county commissioners of Currituck County shall notify the board of county commissioners of Dare County of the same.

If election carries, result effective first Monday succeeding.

SEC. 4. That if a majority of the votes cast in the said election shall be "For Annexation to Dare County," then the said Atlantic Township shall, upon the first Monday succeeding the declaration by the board of county commissioners of Currituck County of the result of the election, become and be a part of Dare County and shall be subject to all laws relating to such county. The said township shall be known as Atlantic Township, Dare County. The board of commissioners of the said counties of Currituck and Dare shall cause a line between Atlantic Township and Currituck County to be distinctly and definitely located, surveyed and marked according to the rules for settling county lines prescribed by the general laws of the State, within six months from the date of the transfer of the said territory.

Name of township. Commissioners to cause line to be drawn.

Township annexed not to be taxed for bonded indebtedness.

SEC. 5. That the property lying within the said Atlantic Township annexed as provided in this act shall not be taxed to meet any part of such bonded indebtedness as may be upon the county of Dare at the time of annexation, and said Atlantic Township shall be in no way liable for said bonded indebtedness.

All taxes levied to remain property of Currituck County.

Collection authorized.

SEC. 6. That all taxes that have been levied by the county of Currituck for property in Atlantic Township and that may be due at the time of transfer shall remain and be the property of Currituck County and shall be collectible by said county, and the officers of said county of Currituck shall have full and ample authority and power to enter upon said territory for the purpose of collecting or enforcing the payment of such taxes, and to that end shall remain clothed with all the power heretofore vested in them by law.

Justices of peace to continue to hold office.

SEC. 7. That all justices of the peace residing in the said Atlantic Township at the time of the said transfer to Dare County shall continue to hold their offices and shall be to all intents and purposes justices of the peace of Atlantic Township, Dare County, until the expiration of their terms of office.

Jurisdiction of causes not affected.

SEC. 8. That the jurisdiction of all causes, either civil or criminal, commenced or pending in the Superior Court of Currituck County prior to the transfer of territory provided for in this act shall be unaffected by said transfer.

SEC. 9. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 10. This act shall be in force from and after its ratification. Ratified this 7th day of March, A.D. 1919.

CHAPTER 164

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF ANY COUNTY TO REFUSE PERMISSION TO CARNIVALS AND OTHER SHOWS TO EXHIBIT IN SUCH COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. The board of commissioners of any county in North Carolina are hereby authorized and empowered to direct the sheriff of such county to refuse to issue any license to any carnival company and shows of like character, moving picture and vaudeville shows, museums and menageries, merry-go-rounds and ferris-wheels, and other like amusement enterprises conducted for profit under the same management and filling week-end stand engagements or in giving week-end stand exhibitions, whether under canvas or not, and being the amusement enterprises described in subsection four of section twenty-nine of the Revenue Act, whenever in the opinion of the said board the public welfare will be endangered by the licensing of such companies.

License to certain shows may be refused.

SEC. 2. That this act shall apply only to the counties of Forsyth, Pasquotank, Wilson, Cabarrus, Yadkin, Haywood, Iredell, Scotland, Anson, Greene, Polk, Madison, Mitchell, Pamlico, Randolph, Orange, Bladen, Burke, Nash, Carteret, Duplin, Robeson, Tyrrell, Lee, Washington, and Catawba.

Act limited to counties named.

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

Ratified this 7th day of March, A.D. 1919.

CHAPTER 165

AN ACT TO AMEND CHAPTER 196, PUBLIC LAWS OF 1913, RELATING TO COURTS IN WILKES COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and ninety-six, section one, subsection "Wilkes County," page three hundred and thirty-one, be amended by striking out all after the word "Wilkes" in line three and before the word "and" in line four the words "sixth Monday before the first Monday in March," and inserting in lieu thereof the words "first Monday after the fourth Monday in May."

Change of time of holding court.

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

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

Ratified this 7th day of March, A.D. 1919.

CHAPTER 166

AN ACT TO AMEND CHAPTER 188, PUBLIC LAWS OF 1915,
RELATIVE TO REMARKING A PART OF THE STATE LINE
IN BRUNSWICK AND COLUMBUS COUNTIES.

The General Assembly of North Carolina do enact:

Line changed
from Waccamaw
to Lumber
River.

SECTION 1. That section one of chapter one hundred and eighty-eight, Public Laws of 1915, be amended by striking out at the end of said section the words, "Waccamaw River, a distance of about eight miles," and inserting in lieu thereof the words "Lumber River to a point on the State line, a corner of the dividing line between Columbus and Robeson counties."

Original report
and
tracing to be
filed with
Secretary of
State.

SEC. 2. That section six of said chapter be stricken out and the following inserted in lieu thereof:

"Sec. 6. That the original report and tracing shall be filed in the office of the Secerary of State, and certified copies of the said tracing shall be certified to the registers of deeds for record in Brunswick and Columbus counties."

SEC. 3. This act shall be in force from and after its ratification.
Ratified this 7th day of March, A.D. 1919.

CHAPTER 167

AN ACT TO FIX THE TIMES FOR HOLDING THE SUPERIOR
COURTS OF NEW HANOVER COUNTY.

The General Assembly of North Carolina do enact:

Time for
holding courts
specified.

SECTION 1. There shall be held in the county of New Hanover terms of the Superior Court as follows:

Beginning on the third Monday before the first Monday in September, one week for criminal cases only. Beginning on the first Monday after the first Monday in September and lasting two weeks, for civil cases only. Beginning on the sixth Monday after the first Monday of September and lasting three weeks, for the trial of civil cases only. Beginning on the tenth Monday after the first Monday in September and lasting one week, for the trial of civil and criminal cases. Beginning on the thirteenth Monday after the first Monday in September and lasting two weeks, for the trial of civil cases only. Beginning on the seventh Monday before the first Monday in March and lasting one week, for criminal cases only. Beginning on the fourth Monday before the first Monday in September and lasting two weeks, for the trial of civil cases only. Beginning on the third Monday after the first Monday in March and lasting one week, for the trial of criminal cases only. Beginning on the fourth Monday after the first Monday in March and

lasting three weeks, for the trial of civil cases only. Beginning on the ninth Monday after the first Monday in March and lasting one week, for the trial of criminal cases only. Beginning on the eleventh Monday after the first Monday in March and lasting two weeks, for the trial of civil cases only. Beginning on the fourteenth Monday after the first Monday in March and lasting one week, for the trial of criminal cases only.

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

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

Ratified this 7th day of March, A.D. 1919.

CHAPTER 168

AN ACT TO PROVIDE IMPROVED MARKETING FACILITIES FOR COTTON.

The General Assembly of North Carolina do enact:

SECTION 1. That in order to protect the financial interests of North Carolina by stimulating the development of an adequate warehouse system for our great staple crop, cotton, in order to enable growers of cotton more successfully to withstand and remedy periods of depressed prices, in order to provide a modern system whereby cotton may be more profitably and more scientifically marketed, and in order to give this important crop the standing to which it is justly entitled as collateral in the commercial world, a cotton warehouse system for the State of North Carolina is hereby established as hereinafter provided.

Cotton warehouse system provided. ✓

SEC. 2. The provisions of this act shall be administered by the State Board of Agriculture, through a suitable person to be selected by said board and known as the State Warehouse Superintendent. In administering the provisions of this act the Board of Agriculture is empowered to make and enforce such rules and regulations as may be necessary to make effective the purposes and provisions of this act and to fix and prescribe reasonable charges for storing cotton in the local warehouses and publish the same from time to time, as they may deem necessary.

Act to be enforced by Board of Agriculture. State warehouse superintendent. ✓
To make and enforce rules and regulations.

SEC. 3. The Board of Agriculture shall have authority to employ a warehouse superintendent and necessary assistants, local managers, inspectors, expert cotton classers, and such other employees as may be necessary in carrying out the provisions of this act, and fix and regulate their salaries and duties.

To employ necessary officers and assistants.

SEC. 4. The person named as State Warehouse Superintendent shall give bond to the State of North Carolina in the sum of one hundred thousand dollars (\$100,000) to guarantee the faithful

Superintendent to give bond. ✓

Superintendent to require bonds from other employees.

Fund for support of system levied.

Ginner to collect 25 cents on each bale.

Tax Commission to provide machinery for collection.

Investment of fund collected.

Qualifications of warehouse manager.

Negotiable receipt for cotton stored.

Proviso: no manager may issue receipt to himself.

performance of his duties and to safeguard the system against loss through him, the expense of said bond to be paid by the State, to be approved as other bonds for State officers. The superintendent shall, to safeguard the interests of the State, require bonds from other employees authorized in section three of this act in amounts at least as large as he may find that ordinary business experience in such matters would suggest as ample.

SEC. 5. That in order to provide a sufficient indemnifying or guarantee fund to cover any loss not covered by the bonds hereinbefore mentioned, in order to provide the financial backing which is essential in order to make the warehouse receipts universally acceptable as collateral, and in order to provide that a State warehouse system intended to benefit all cotton growers in North Carolina shall be supported by the class it is designed to benefit, it is hereby declared: That on each bale of cotton ginned in North Carolina in the two years ending June thirtieth, one thousand nine hundred and twenty-one, twenty-five cents shall be collected, through the ginner of the bale and paid into the State Treasury, to be held there as a special guarantee or indemnifying fund to safeguard the State warehouse system against any losses not otherwise covered. The State Tax Commission shall provide and enforce the machinery for the collection of this tax, which shall be held in the State Treasury to the credit of the State warehouse system. At least one-half of this amount shall be invested in United States Government, or Farm Loan bonds, or North Carolina bonds, and the remainder may be invested in amply secured first mortgages to aid and encourage the establishment of warehouses operating under this system, such investments to be made by the Board of Agriculture with the approval of the Governor and Attorney-General: *Provided*, such first mortgages shall be for not more than one-half the actual value of the warehouse property covered by such mortgages, and run for not more than ten years.

SEC. 6. No man shall be employed as manager of a warehouse unless the members of the board of county commissioners and the president of some bank in the county in which the warehouse is operated shall certify to the State Warehouse Superintendent that the person desiring to be warehouse manager is in their opinion a man of good character, competent, and of good reputation, deserving the confidence of the people.

SEC. 7. For all cotton stored the warehouse manager shall fill in a negotiable official receipt, which shall be signed in pen and ink by him and countersigned by the cotton weigher of the market town or by some other person approved by the county commissioners as being competent and of good character. Such receipt shall also be signed by the State Warehouse Superintendent or his duly authorized agent: *Provided further*, no warehouse receipt issued

by a local manager to himself shall be valid: *Provided further*, the State Warehouse Superintendent shall in each case name the person authorized to countersign receipts for any warehouse.

Proviso: State Superintendent to name person to countersign receipts. State Superintendent to issue coupons.

SEC. 8. There shall be issued to each warehouse manager by the State Superintendent of Warehouses a sufficient number of engraved coupons, each representing one bale of cotton stored in the warehouse operated under this act; but coupons furnished at any one time shall not exceed ten per cent of the storage capacity of such warehouse as expressed in bales. Such coupons shall state on their face that they are worthless of themselves; but to each warehouse receipt one such coupon shall be attached for each bale of cotton covered by the receipt, the receipt itself stating that it is not good for a greater number of bales than there are coupons attached; and such coupons must be returned to the warehouse, along with the receipt.

Limit of coupons issued.

Form and use coupons.

SEC. 9. That the warehouse superintendent shall accept as authoritative the standards and classifications of cotton established by the Federal Government.

Standards and classifications.

SEC. 10. The State Warehouse Superintendent shall have the power to lease for stated terms property for the warehousing of cotton; *Provided*, no rent shall be paid until the operating expenses of such warehouses so leased shall have been paid from the income of the warehouse so leased, and in no case shall the State be responsible for any rent except for the income of such warehouses so leased in excess of operating expenses; and said superintendent shall fix the terms upon which private or corporate warehouses may obtain the benefit of State supervision and operation. And it shall be his especial duty to foster and encourage the erection of warehouses in the various cotton-growing counties of the State for operation under the terms of this act, and to provide an adequate system of inspection and of rules, forms, and reports to insure the security of the system; such matters to be approved by the State Board of Agriculture. The violation of such rules by any officer of the system shall be a misdemeanor. Cotton may be stored in such warehouses by any person owning cotton and receive all the benefits accruing from such State management; and the persons herein permitted to store cotton in said warehouses shall pay to the manager of the warehouse such sum or sums for rent or storage as may be agreed upon by the owner and such person desiring to store cotton therein.

Property for warehousing may be leased.

Proviso: no rent paid except from income.

State not responsible for rent except where operating expenses exceed income.

Duty of superintendent to encourage erection of warehouses.

To provide system of inspection, rules, forms and reports.

Violation of rules misdemeanor.

Cotton may be stored by owner.

Storage charges to be agreed upon.

SEC. 11. The superintendent shall also have the power to sue or to be sued in the courts of this State in his official capacity, but not as an individual, except in case of tort or neglect of duty, when the action shall be upon his bond. Suits may be brought in the county of Wake or in the county in which the cause of action arose.

Powers of Superintendent.

Liable for tort or neglect of duty.

SEC. 12. The superintendent, when fully satisfied as to the title to the same, shall receive for storage lint cotton properly baled

Requirements to be met before cotton received for storage.

- and having an inspection tag attached showing that it has been legally weighed and that a Federal or State inspector has graded and stapled said cotton. Receipts of the form and design approved by the Board of Agriculture shall be issued for such cotton under the seal and in the name of the State of North Carolina, stating location of the warehouse, name of manager, the mark on said bale, weight, grade and length of staple, so as to be able to deliver on surrender of receipt the identical cotton for which it was given. The receipt for the cotton so stored is to be transferable by written assignment and actual delivery, and the cotton which it represents to be deliverable only upon a physical presentation of the receipt, which is to be marked "Canceled" when the cotton is taken from the warehouse. The said receipt carries absolute title of the cotton, it being the duty of the manager accepting same for storage, by inspection of the register of deeds' office, to ascertain whether there are on file crop mortgages or liens for rent or laborer's liens covering said cotton before he accepts same and issues a receipt. It shall be the duty of the register of deeds of the respective counties to furnish without charge from his records a certificate as to any liens and mortgages, upon the request of the warehouse superintendent or manager under him charged with the responsibility under this act. The official warehouse receipts shall contain a statement to be signed by the holder as a part of his endorsement to the effect that there is no lien or mortgage outstanding against such cotton, and any person falsely signing such a statement shall be punished by imprisonment for not more than one year or by fine not exceeding ten times the market value of the cotton covered by said false statement.
- SEC. 13.** The manager of any warehouse, or any agent, employee or servant, who issues or aids in issuing a receipt for cotton without knowing that such cotton has actually been placed in the warehouse under the control of the manager thereof shall be guilty of a felony, and upon conviction be punished for each offense by imprisonment in the State Penitentiary for a period of not less than one nor more than five years, or by a fine not exceeding ten times the market value of cotton thus represented as having been stored.
- SEC. 14.** Any manager, employee, agent or servant, who shall deliver cotton from a warehouse under this act without the production of the receipt therefor, or who fails to mark such receipt "Canceled" on the delivery of the cotton, shall, upon conviction, be punished by a fine of not more than ten thousand dollars (\$10,000) or imprisonment for not more than five years, or by both fine and imprisonment, in the discretion of the court.
- SEC. 15.** The State Warehouse Superintendent, or his duly authorized agent, and the manager of the local warehouse is authorized to issue a duplicate receipt for a lost or destroyed receipt only upon affidavit of the owner of the original that the
- Receipts.
- Receipt transferable.
- Receipt to carry title.
- Register of deeds to furnish certificates.
- Receipt to contain certification of no lien.
- Penalty for false statement.
- Issue of false receipt felony.
- Punishment.
- Unlawful to deliver cotton without canceling receipt.
- Punishment for violation.
- Rules for issuance of duplicate receipt.

original receipt has been lost or destroyed and by giving the State Warehouse Superintendent bond with approved security in an amount equal to the double value of the cotton represented by the original receipt, said value to be estimated at the highest market price of middling cotton during the preceding two years, to indemnify the State Warehouse Superintendent from loss or damage and any cost of litigation.

SEC. 16. It is hereby declared that no debt or other liability shall be created against the State by reason of the lease or operation of the warehouse system created by this act, or the storage of cotton therein, it being the purpose of this act to establish a self-sustaining system to operate as nearly as practicable at cost, without profit or loss to the State, except that expenses of supervision may be paid by the Board of Agriculture. While it is believed that the provisions and safeguards mentioned in this act, including the bonds required of all officers and the supplemental indemnifying or guarantee fund mentioned in section five will insure the security of the system beyond any reasonable possibility of loss, nevertheless, in order to establish the principle that this system should be supported by those for whose especial financial benefit it is established, it is hereby provided that in the eventuality that the system should suffer at any time any loss not fully covered by the aforementioned bonds and indemnifying fund, such loss shall be made good by having the State Tax Commission repeat for another twelve months selected by it the special levy on ginned cotton, as prescribed in section five, and for the two years ending June thirtieth of the year one thousand nine hundred and twenty-one.

No debt or liability to be created against State.

Losses to be paid by repetition of tax on ginned cotton.

SEC. 17. The superintendent shall insure, and shall keep insured for its full value, upon the best terms obtainable, by individual or blanket policy, all cotton on storage. In case of loss he shall collect the insurance due and pay the same, ratably, to those lawfully entitled to it; insurance policies to be in the name of the State and the premium collected from the owners of the cotton, the State to have a lien on the cotton for insurance and storage charges as in the case of other public warehouses in the State.

Superintendent to keep cotton insured.

Insurance to be paid ratably to owners of burned cotton.

SEC. 18. That the State Warehouse Superintendent, in addition to the duties hereinbefore vested in him, is also permitted and empowered, upon the request of the owner or owners of the warehouse receipts and cotton stored in such warehouses, to aid, assist, and coöperate, or as the duly authorized agent of such owner or owners (which authorization shall be in writing), to secure and negotiate loans upon the warehouse receipts. And upon like written request of said owner or owners, and his or their duly authorized agent, he may sell and dispose of such warehoused cotton for such owner or owners, either in the home or foreign markets, as may be agreed upon between such owner or owners and the said superintendent in writing. And for said loan or sales

Superintendent to aid in negotiation of loans on receipts.

May sell cotton for owners.

To charge commissions without discrimination.

Proviso: State incurs no liability.

Proviso: bond of superintendent liable for neglect or breach of faith.

Unconstitutionality of part of act not to affect remainder.

said superintendent shall charge reasonable and just commissions, without discrimination, all of which shall be accounted for and held as part of the fund for the maintenance of the State warehouse system: *Provided, however,* that the State incurs no liability whatever for any act or representation of the superintendent in exercising any of the permissions or powers vested in him in this section: *Provided further,* that the bond of the superintendent will be liable for any unfaithful or negligent act of his by reason of which the owner or owners of such warehoused cotton suffers damage or loss.

SEC. 19. If any particular section or part of any section of this act shall be held to be unconstitutional, such holding shall not invalidate any other portion thereof.

SEC. 20. All laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 21. This act shall be in force and effect from and after its ratification.

Ratified this 7th day of March, A.D. 1919.

CHAPTER 169

AN ACT TO PERMIT A BANK TO SEND FOR COLLECTION A CHECK TO THE BANK UPON WHICH THE CHECK IS DRAWN.

The General Assembly of North Carolina do enact:

SECTION 1. Any banking corporation or banking and trust company, doing a fiduciary business, hereinafter called the bank, doing business in this State, receiving for collection or deposit any check, note, or other negotiable instrument drawn upon or payable at any other bank, located in another city or town whether within or without this State, may forward such instrument for collection directly to the bank on which it is drawn or at which it is made payable, and such method of forwarding direct to the payer, shall be deemed due diligence; and the failure of such payer bank, because of its insolvency or other default, to account for the proceeds thereof, shall not render the forwarding bank liable therefor: *Provided, however,* such forwarding bank shall have used due diligence in other respects in connection with the collection of such instrument: *Provided further,* that the provisions of this act shall not apply where there is more than one bank in a town.

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

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

Ratified this 7th day of March, A.D. 1919.

Banks not liable for failure of correspondent bank to account for proceeds of instruments.

Provided forwarding bank used due diligence.

Proviso: not to apply where more than one bank in town.

CHAPTER 170

AN ACT TO AMEND CHAPTER 116, PUBLIC LAWS OF 1911,
RELATING TO THE COMPENSATION FOR INDEXING THE
SENATE AND HOUSE JOURNALS.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of chapter one hundred and sixteen of the Public Laws of one thousand nine hundred and eleven be amended as follows: Strike out the word "two" in line five, and insert in lieu thereof the word "three."

Compensation
increased.

SEC. 2. This act shall be in force from and after its ratification.
Ratified this 7th day of March, A.D. 1919.

CHAPTER 171

AN ACT TO PLACE REVEREND J. S. WOODWARD, AN EX-
CONFEDERATE VETERAN OF SWAIN COUNTY, ON THE
PENSION ROLL.

The General Assembly of North Carolina do enact:

SECTION 1. That Reverend J. S. Woodward, an Ex-Confederate veteran of Swain County, be and he is hereby placed on the roll of Confederate pensioners of North Carolina, in the second class.

Rev. J. S. Wood-
ward placed on
pension roll.

SEC. 2. This act shall be in force from and after its ratification.
Ratified this 7th day of March, A.D. 1919.

CHAPTER 172

AN ACT TO PLACE J. W. PINNIX UPON THE PENSION ROLL.

The General Assembly of North Carolina do enact:

SECTION 1. That J. W. Pinnix, an afflicted Confederate soldier, formerly of Caswell County, North Carolina, and now of Kernersville, Forsyth County, North Carolina, wounded April second, one thousand eight hundred and sixty-five, at Petersburg, Virginia, and a member of Company E, Eleventh North Carolina Regiment, be and he is hereby placed on the pension roll, in the first class, to get the same pay as is now given or may be hereafter given to pensioners in this class, and to receive his pay in the same manner as other pensioners living in Forsyth County, North Carolina.

J. W. Pinnix
placed on
pension roll.

SEC. 2. This act shall be in force from and after its ratification.
Ratified this 7th day of March, A.D. 1919.

CHAPTER 173

AN ACT TO EXEMPT PENDER COUNTY FROM THE
PRIMARY LAW.

The General Assembly of North Carolina do enact:

County officers
excluded from
primary
provisions.

SECTION 1. That section thirty-four of chapter one hundred and one of the Public Laws of North Carolina, session one thousand nine hundred and fifteen, be and is hereby amended as follows: In line twelve, between the words "Caldwell" and "Mitchell," add "Pender."

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

SEC. 3. This act shall be in force from and after its ratification. Ratified this 7th day of March, A.D. 1919.

CHAPTER 174

AN ACT TO AMEND HOUSE BILL 310, SENATE BILL 320, OF
THE SESSION OF 1919, RELATING TO THE PAR VALUE
OF STOCK IN BANKS.

The General Assembly of North Carolina do enact:

H. B. 310,
S. B. 320,
amended.

SECTION 1. That section one of House Bill three hundred and ten, Senate Bill three hundred and twenty, ratified on the seventeenth day of February, one thousand nine hundred and nineteen, be and the same is hereby amended by striking out the word "four" in the last line of said section, and inserting in lieu thereof the word "three."

SEC. 2. This act shall be in force from and after its ratification. Ratified this 7th day of March, A.D. 1919.

CHAPTER 175

AN ACT TO PROHIBIT TELEGRAPH COMPANIES FROM
CONVERTING INTRASTATE MESSAGES INTO INTER-
STATE MESSAGES.

The General Assembly of North Carolina do enact:

Penalty for
failure to trans-
mit and deliver
message.
Proviso: pen-
alty in addition
to right of
action.

SECTION 1. That any telegraph company doing business in this State that shall fail to transmit and deliver any intrastate message within a reasonable time shall forfeit and pay to any one who may sue for same a penalty of twenty-five (\$25) dollars: *Provided*, that said penalty shall be in addition to any right of

action that any person may have for the recovery of damages: *Provided further*, that proof of the sending of any message from one point in this State to another point in this State shall be prima facie evidence that it is an intrastate message.

Proviso: intrastate message defined.

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

SEC. 3. This act shall be in force from and after its ratification. Ratified this 7th day of March, A.D. 1919.

CHAPTER 176

AN ACT TO AUTHORIZE THE STATE BUILDING COMMISSION TO GRANT PERMISSION TO THE BOARD OF DIRECTORS TO USE CERTAIN EQUIPMENT NOW IN THE BUILDINGS OCCUPIED BY THE WHITE DEPARTMENT OF THE STATE SCHOOL FOR THE BLIND AND THE DEAF.

The General Assembly of North Carolina do enact:

SECTION 1. That the State Building Commission be and they are hereby authorized and empowered, at their discretion, to grant permission to the board of directors of the State School for the Blind and the Deaf to use in the construction and equipment of the buildings now being erected on the recently acquired site for the said institution, any part of the plumbing, heating, or other equipment or material now in the buildings occupied by the white department of the State School for the Blind and the Deaf.

Transfer of material and equipment authorized.

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

SEC. 3. This act shall be in force from and after its ratification. Ratified this 7th day of March, A.D. 1919.

CHAPTER 177

AN ACT TO PREVENT PUBLIC SCHOOL TEACHERS FROM INFECTING THEIR PUPILS WITH TUBERCULOSIS.

The General Assembly of North Carolina do enact:

SECTION 1. That any person teaching in the public schools of North Carolina, or occupying the position of superintendent of public instruction in any county in the State, after the first day of October, one thousand nine hundred and nineteen, shall secure each year before assuming his or her duties a certificate from the county physician, or other reputable physician of the county, certifying that the said person has not an open or active infectious stage of tuberculosis, or any other contagious disease.

Teachers and superintendents to secure health certificates.

Physician to make examination without charge.

Violation of act misdemeanor.

SEC. 2. The physician shall make the aforesaid certification on form supplied by the North Carolina State Board of Health, and without charge to the teacher applying for the certification.

SEC. 3. Any person violating any of the provisions of this act shall be guilty of a misdemeanor and subject to a fine of not more than fifty dollars nor more than thirty days imprisonment.

SEC. 4. This act shall be in force from and after its ratification. Ratified this 7th day of March, 1919.

CHAPTER 178

AN ACT TO AMEND CHAPTER 138, PUBLIC LAWS OF 1917, KNOWN AS THE MUNICIPAL FINANCE ACT OF 1917.

The General Assembly of North Carolina do enact:

Title of act amended.

SECTION 1. The title of chapter one hundred and thirty-eight of the Public Laws of one thousand nine hundred and seventeen, entitled "An Act Relating to General Municipal Finance," ratified March fifth, one thousand nine hundred and seventeen, is hereby amended so as to read as follows: "A General Act Relating to Municipal Finance."

Preamble repealed. Parts 1, 2, 3, 4, and sections 34, 35, 36 of part 5 amended.

SEC. 2. The preamble of said act is hereby repealed.

SEC. 3. Parts one, two, three, and four of said act, and sections thirty-four, thirty-five, thirty-six, and thirty-seven of part five of said act, are hereby amended so as to read as follows:

PART I

PRELIMINARY

Short title of act.

Section 1. *Short Title.* This act may be cited as "The Municipal Finance Act."

Interpretation of terms.

Sec. 2. *Interpretation.* In this act, unless the context otherwise requires, the expression—

Bond ordinance.

"Bond ordinance" means an ordinance authorizing the issuance of bonds of a municipality;

Clerk.

"Clerk" means the person occupying the position of clerk or secretary of a municipality;

Financial officer.

"Financial officer" means the chief financial officer of a municipality;

Funding bonds.

"Funding bonds" means bonds issued to pay or extend the time of payment of debts incurred before March seventh, one thousand nine hundred and seventeen, not evidenced by bonds;

Governing body.

"Governing body" means the board or body in which the general legislative powers of a municipality are vested;

"Local improvement" means any improvement on property the cost of which has been or is to be specially assessed in whole or in part;	Local improvement.
"Municipality" means and includes any city, town, or incorporated village in this State now or hereafter incorporated;	Municipality.
"Necessary expenses" means the necessary expenses referred to in section seven of article seven of the Constitution of North Carolina;	Necessary expenses.
"Publication" includes posting in cases where posting is authorized by this act as substitute for publication in a newspaper;	Publication.
"Refunding bonds" means bonds issued to pay or extend the time of payment of debts incurred before March seventh, one thousand nine hundred and seventeen, evidenced by bonds;	Refunding bonds.
"Special assessments" means special assessments for local improvements, levied on abutting property or other property specially benefited, or on street railroad companies or other companies or individuals having tracks in streets or highways, and "specially assessed" has a corresponding meaning.	Special assessments.
In any case where the governing body of a municipality shall be in doubt as to who is the chief financial officer herein referred to, the governing body may by resolution determine who is such chief financial officer, and such determination shall be conclusive.	Chief financial officer determined by governing body.
Sec. 3. <i>Publication of ordinance and notices.</i> An ordinance or notice required by this act to be published by a municipality shall be published in a newspaper published in the municipality, or, if no newspaper is published therein, a newspaper published in the county and circulating in the municipality, or, if there is no such newspaper, the ordinance or notice shall be posted at the door of the building in which the governing body usually holds its meetings and at three other public places in the municipality.	Publication of ordinances and notices.
Sec. 4. <i>Construction with Constitution.</i> Every provision of this act shall be construed as being qualified by constitutional provisions whenever such construction shall be necessary in order to sustain the constitutionality of any portion of this act. If any portion of this act shall be declared unconstitutional the remainder shall stand, and the portion declared unconstitutional shall be excised.	Construction with constitution.
Sec. 5. <i>Application of act.</i> This act shall apply to all municipalities.	Application of act.

PART II

BUDGET AND APPROPRIATIONS

Sec. 6. *Fiscal year; annual budget.* The fiscal year of every municipality shall begin either on the first day of June or on the first day of September, as the governing body of the municipality may determine. Not earlier than one month before nor later than one month after the beginning of each fiscal year of a munic-

Budget and appropriations.
Fiscal year to begin June 1 or September 1.

Plan for financing.

pality the governing body shall cause to be prepared a plan for financing the municipality during said fiscal year, which plan shall be known as the budget and shall be based upon detailed estimates furnished by the several departments and other divisions of the municipal government. The budget shall present the following information:

Itemized estimates of necessary appropriations.

(a) An itemized estimate of the appropriations necessary to be made for current expenses and for permanent improvements for each department and division of the municipal government for said fiscal year (exclusive of expenses to be paid for by means of bonds issued under Part IV), for the payment of the principal and interest of debts, and for deficits of the previous fiscal year, with comparative statements in parallel columns of expenditures for corresponding items so far as possible for the two next preceding fiscal years. This estimate may include a contingent fund not designated for any particular purpose not exceeding five per centum of the total estimated amount of other appropriations.

Itemized estimate of taxes.

(b) An itemized estimate of the taxes required and of the estimated revenues of the municipality from all other sources for said fiscal year and of the unencumbered balances of appropriations, and of the surplus revenues of the previous fiscal year with comparative statements in parallel columns of the taxes and other revenues for the two next preceding fiscal years.

Statement of financial condition.

(c) A statement of the financial condition of the municipality; and

Other information.

(d) Such other information as the governing body may deem it advisable to state.

Copy of budget filed for public inspection.

A copy of the budget shall be filed in the office of the clerk of the municipality for public inspection not later than ten days before its adoption by the governing body, and a public hearing shall be given thereon by the governing body before the adoption of the budget, notice of which hearing shall be published.

Fiscal year may be changed.

The fiscal year may be changed by resolution of the governing body, which resolution shall declare that the fiscal year shall thereafter begin on the first day of September or June, as the case may be. A budget and appropriation ordinance shall be adopted for a period commencing at the expiration of the current fiscal year in which such resolution is passed, and ending at the end of the next succeeding new fiscal year. Such a budget shall be adopted within the month preceding or the month following the beginning of such period.

Budget and appropriation ordinance.

Sec. 7. *Annual appropriation ordinance.* Not later than one month after the beginning of a fiscal year the governing body shall pass the annual appropriation ordinance for said fiscal year, which shall be based on the budget. The total amount of appropriations shall not exceed the total of the estimated revenues, unencumbered balances and surplus receipts.

Annual appropriation ordinance.

Appropriations may not exceed estimated revenues.

Sec. 8. *Temporary appropriations.* In the interval between the beginning of a fiscal year and the adoption of the annual appropriation ordinance the governing body may make appropriations for the purpose of paying fixed salaries, the principal and interest of bonded debts and other loans, the stated compensation of officers and employes and indebtedness for work performed or materials furnished under contracts made before the beginning of the fiscal year, or for the ordinary expenses of the municipality, which appropriations shall be chargeable to the appropriations in the annual appropriation ordinance for that year.

Temporary appropriations.
Purposes.

Sec. 9. *Amendment of appropriation ordinance.* At any time after the passage of the annual appropriation ordinance, the governing body may amend such ordinance so as to authorize the transfer of balances appropriated for one purpose to another purpose, or to appropriate available revenues not included in the annual budget. The amendatory ordinance shall be published one or more times, at least one week before its final passage, with notice of the time when, and place where it will be finally passed: *Provided, however,* that such ordinance may be passed during the last two months of a fiscal year without any previous publication or notice.

Amendment of appropriation ordinance.
Amendatory ordinance to be published.

Sec. 10. *Lapse of appropriations.* At the close of each fiscal year the unencumbered balance of each appropriation shall revert to the respective fund from which it was appropriated, and shall be subject to future appropriation.

Lapse of appropriation.
Appropriation reverts to original fund.

Sec. 11. *Revenues appropriated by law.* Nothing herein shall be construed to permit revenues which by statute are appropriated to a particular purpose to be appropriated to any other purpose, but such revenues shall nevertheless be included in the budget.

Revenues appropriated by law may not be diverted.

PART III

TEMPORARY LOANS

Sec. 12. *Revenue Loans.* (1) A municipality may borrow money for the purpose of meeting appropriations made for the current fiscal year, in anticipation of the collection of the taxes and revenues of such fiscal year, and within the amount of such appropriation. Such loans shall be paid not later than the tenth day of October in the next succeeding fiscal year. Provision shall be made in the annual budget and annual appropriation ordinance of each fiscal year for the payment of all unpaid loans predicated upon the taxes and revenues of the previous fiscal year.

Temporary loans.
Revenue loans.
Time of repayment.

(2) For the purpose of paying a judgment recovered against a municipality, or paying the principal or interest of debts due or to become due within two months and not otherwise provided for, a municipality may borrow money in anticipation of the receipt of either the revenues of the fiscal year in which the money is

To pay judgment or debts.

Judgments over 2 cents per \$100 may be paid in annual installments.

Bond anticipation loans.

To be paid in not over three years.

Procedure. Notes to be issued for money borrowed. Notes may be renewed.

Interest rate limited to 6 per cent.

Authorization of issuance of notes.

To be approved by attorney.

borrowed or the revenues of the next succeeding fiscal year. Such loans shall be paid not later than the end of such next succeeding fiscal year. In the event, however, that a judgment against a municipality amounts to more than two cents per hundred dollars of the assessed valuation of taxable property of the municipality for the year in which taxes were last levied before the recovery of the judgment, a loan to pay the judgment may be made payable in not more than five substantially equal annual installments, beginning within one year after the loan is made.

Sec. 13. *Bond anticipation loans.* At any time after a bond ordinance has taken effect as provided in Part IV, a municipality may borrow money for the purposes for which the bonds are to be issued, in anticipation of the receipt of the proceeds of the sale of the bonds, and within the maximum authorized amount of the bond issue. Such loans shall be paid not later than three years after the time of taking effect of the ordinance authorizing the bonds upon which they are predicated. The governing body may, in its discretion, retire any such loans by means of current revenues, special assessments, or other funds, in lieu of retiring them by means of bonds: *Provided, however,* that the governing body, before the actual retirement of any such loan by any means other than the issuance of bonds under the bond ordinance upon which such loan is predicated, shall amend or repeal such ordinance so as to reduce the authorized amount of the bond issue by the amount of the loan to be so retired. Such an amendatory or repealing ordinance shall take effect upon its passage and need not be published.

Sec. 14. *Procedure.* Notes shall be issued for all moneys borrowed under the last two sections. Such notes may be renewed from time to time, but all such renewal notes shall mature within the time limited by said sections for the payment of the original loan. They may be disposed of by public or private negotiation. No money shall be borrowed under said sections at a rate of interest exceeding six per centum per annum. The issuance of such notes shall be authorized by resolution of the governing body, which shall fix the actual or maximum face amount of the notes and the actual or maximum rate of interest to be paid upon the amount borrowed. The governing body may delegate to the financial officer or to the chief executive officer the power to fix said face amount and rate of interest within the limitations prescribed by said resolution, and the power to dispose of said notes. All such notes shall be executed in the manner provided in section twenty-eight of this act in relation to bonds. They shall be submitted to and approved by the attorney for the municipality before they are issued, and his written approval indorsed on the notes,

PART IV

PERMANENT FINANCING

	Permanent financing.
Sec. 15. <i>Application.</i> The provisions of this part shall not apply to temporary loans made under Part III.	Application.
Sec. 16. <i>Power to issue bonds; purposes.</i> A municipality may issue its bonds for any one or more of the following purposes:	Power to issue bonds; purposes.
(a) To pay for any public improvement or property which it may lawfully make or acquire, or for the making or acquisition of which it may lawfully pay money, except current expenses:	For public improvement or property.
(b) To fund or refund a debt of the municipality incurred before March seventh, one thousand nine hundred and seventeen, which is payable at the time of passage of the ordinance authorizing bonds to fund or refund such debt, or to become payable within one year thereafter, or which, though payable more than one year thereafter, is to be canceled prior to its maturity and simultaneously with the issuance of the bonds to fund or refund such debt:	To refund debt.
(c) For any other purpose which it may lawfully undertake or for which it is authorized by law to raise money, except the payment of current expenses.	For any lawful expense except current expenses.
Sec. 17. <i>Bond ordinances.</i> (1) All bonds of a municipality shall be authorized by an ordinance passed by the governing body. The ordinance shall state—	Bond ordinances to be passed by governing body.
(a) In brief and general terms the purpose for which the bonds are to be issued:	To state purpose.
(b) The maximum aggregate principal amount of the bonds:	Maximum principal amount.
(c) That a tax sufficient to pay the principal and interest of the bonds shall be annually levied and collected:	Sufficient tax to be levied.
(d) That a statement of the debt of the municipality has been filed with the clerk pursuant to this act and is open to public inspection:	Statement of debt.
(e) The average assessed valuation of property subject to taxation by the municipality for the three fiscal years in which taxes were last levied, as shown by said statement:	Average assessed value of property.
(f) The amount of the net debt of the municipality outstanding, authorized or to be authorized, as shown by said statement:	Net outstanding debt.
(g) One of the following provisions:	
I. If the bonds are for funding or refunding debts incurred before March seventh, one thousand nine hundred and seventeen, or for local improvements of which at least one-fourth of the cost, exclusive of the cost of paving at street intersections, has been or is to be specially assessed.	Funding or refunding bonds or bonds for local improvements to carry special tax.
That the ordinance shall take effect upon its passage and shall not be submitted to the voters: or,	Ordinance effective on passage.
II. If the bonds are for a purpose other than the payment of necessary expenses, or if the governing body, although not re-	

quired to obtain the assent of the voters before issuing the bonds, deems it advisable to obtain such assent—

Ordinance effective on approval by voters.

That the ordinance shall take effect when approved by the voters of the municipality at an election as provided in this act, or.

III. In any other cases—

Ordinance effective in 30 days, unless petition for submission to voters.

That the ordinance shall take effect thirty days after its first publication (or posting), unless in the meantime a petition for its submission to the voters is filed under this act, and that in such event it shall take effect when approved by a majority of the voters of the municipality.

Bond ordinance effective upon condition.

(2) A bond ordinance shall take effect at the time and upon the conditions indicated therein. If the ordinance provides that it shall take effect upon its passage no vote of the people shall be necessary for the issuance of the bonds.

Need not specify location of improvement.

(3) In stating the purpose of a bond issue, a bond ordinance need not specify the location of any improvement or property, or the kind of pavement or other material to be used in the construction or reconstruction of streets, highways, sidewalks, curbs, or gutters, or the kind of construction or reconstruction to be adopted for any building, for which the bonds are to be issued. A description in a bond ordinance of a property or improvement, substantially in the language employed in section eighteen of this act to describe such a property or improvement, shall be a sufficiently definite statement of the purpose for which the bonds authorized by the ordinance are to be issued.

Unrelated bonds not authorized by same ordinance.

(4) Bonds for two or more unrelated purposes, not of the same general class or character, shall not be authorized by the same ordinance: *Provided, however,* that bonds for two or more improvements or properties mentioned together in any one clause of subsection 3 of section eighteen of this act may be treated as being for but one purpose, and may be authorized by the same bond ordinance. In no event shall bonds for a purpose other than the payment of necessary expenses be authorized by the same bond ordinance which authorizes bonds for necessary expenses. After two or more bond ordinances have been passed and have taken effect, the governing body may, in its discretion, cause all or any of the bonds authorized by the ordinances to be actually issued as one consolidated bond issue.

Bonds for local improvements may be divided into two classes. Designation of classes.

(5) In the case of bonds for local improvements, the governing body may, in its discretion, divide the bonds into two classes, and into two or more separate issues, one of which classes of bonds shall be designated local improvement bonds, or by some other suitable name, and treated as being for the purpose of paying the municipality's actual or estimated share of the cost of the local improvements, and the other class shall be designated assessment bonds, or by some other suitable name, and treated as being for the purpose of paying the actual or estimated share

of such cost which has been or is to be specially assessed, in anticipation of the collection of special assessments: *Provided, however*, that all such bonds shall be general and unconditional obligations of the municipality, payable primarily by general taxes. In any event, in the case of bonds for local improvements, the governing body shall, either in the bond ordinance or in a subsequent resolution passed before any of the bonds are issued, determine the amount of the bonds which are to be treated as being for the purpose of paying that portion, actual or estimated, of the cost of the improvements which has been or is to be assessed, or, in other words, shall determine the amount of the bonds to be issued in anticipation of the collection of special assessments. Whenever it is practicable so to do, local improvements should be financed in the first instance by means of temporary loans contracted in anticipation of the issuance of bonds, and the bonds should not be issued until the amount of the special assessments is definitely known and the property owners have had an opportunity to pay their assessments. The provisions of the last sentence are directory, and not mandatory.

Proviso: bonds to be unconditional obligations of municipality.

Financing of local improvements.

Provisions directory.

(6) In cases where a petition of property-owners is required by law for the making of local improvements, a bond ordinance authorizing bonds for such local improvements may be passed before any such petition is made, but no bonds for the local improvements in respect of which such petitions are required shall be issued under the ordinance, nor shall any temporary loan be contracted in anticipation of the issuance of such bonds, unless and until such petitions are made, and then only up to the actual or estimated amount of the cost of the work petitioned for. The determination of the governing body as to the actual or estimated cost of work so petitioned for shall be conclusive in any action involving the validity of bonds or notes or other indebtedness.

Where petition of property-owners is required bonds cannot be issued until petition is made.

Governing body's determination of cost conclusive.

(7) In the cases referred to in the last subsection the bond ordinance may be made to take effect upon its passage, notwithstanding that the necessary petitions for the local improvements have not been filed: *Provided*, that it appears upon the face of the ordinance that one-fourth or some greater proportion of the cost, exclusive of the cost of work at street intersections, has been or is to be assessed.

Bond ordinance effective on passage if one-fourth of cost of work is to be assessed.

Sec. 18. *Term of bonds.* (1) Either in the bond ordinance or in a resolution passed after the bond ordinance but before any bonds are issued thereunder, the governing body shall, within the limits prescribed by subsection 3 of this section, determine and declare—

Bond ordinance or resolution must declare:

(a) The probable period of usefulness of the improvement or property or class of improvements or properties, for which the bonds are to be issued; or,

Probable period improvements usefulness.

Probable period of assessments.

(b) If the bonds are to be issued in anticipation of the collection of special assessments, the probable period at the end of which the last installment of the assessments will have been in arrears for two years, but not exceeding a period of fifteen years; or,

If bonds are to pay off debt incurred before March 7, 1917, shortest period in which it is practicable to pay debt.

(c) If the bonds are to be issued for funding or refunding a debt incurred before March seventh, one thousand nine hundred and seventeen, either the shortest period in which the debt can be finally paid without making it unduly burdensome upon the taxpayers of the municipality or, at the option of the governing body, the probable unexpired period of usefulness of the improvement or property for which the debt was incurred; or,

To consolidate bond issues periods shall be averaged.

(d) In the case of a consolidated bond issue comprising bonds authorized by different ordinances for different purposes, and in the case of a bond issue covering both the municipality's share and the property-owners' share of the cost of a local improvement, the governing body, besides determining the several periods required to be determined as aforesaid, shall determine the average of the different periods so determined, taking into consideration the amount of bonds to be issued on account or each purpose or item in respect of which a period is determined.

Determination of period.

The period required to be determined as aforesaid shall be computed from a date not more than one year after the time of passage of any bond ordinance authorizing the issuance of the bonds. The determination of any such period by the governing body shall be conclusive.

Maturity of bonds.

(2) The bonds must mature within the period determined as aforesaid, or, if several different periods are so determined, then within said average period.

Limit to probable periods of usefulness.

(3) In determining, for the purpose of this section, the probable period of the usefulness of an improvement or property, the governing body shall not deem said period to exceed the following periods for the following improvements and properties, respectively, viz.:

Sewers.

1. Sewer systems (either sanitary or surface drainage), forty years.

Water supplies.

2. Water supply systems, or combined water and electric light systems, or combined water, electric light, and power systems, forty years.

Gas systems.

3. Gas systems, thirty years.

Light and power.

4. Electric light and power systems, separate or combined, thirty years.

Incinerating plants.

5. Plants for the incineration or disposal of ashes, or garbage, or refuse (other than sewage) fifteen years.

Parks.

6. Public parks (including or not including a playground as a part thereof), fifty years.

Playgrounds.

7. Playgrounds, thirty years.

8. Buildings for purposes not stated in this section, if they are—
- (1) Of frame construction, that is, a building of which the exterior walls or a portion thereof shall be constructed of wood; or a building sheathed with boards and partially or entirely covered with four inches or less of masonry or with metal sheets, twenty years. Buildings.
Of frame construction.
- (2) Of nonfireproof construction, that is, a building the outer walls of which are constructed of brick, stone, iron, or other hard, incombustible materials, but which in any other respect differs from a fireproof building as defined in this section, thirty years. Nonfireproof.
- (3) Of fireproof construction, that is, a building the walls of which are constructed of brick, stone, iron, or other hard, incombustible materials, and in which there are no wood beams or lintels, and in which the floors, roofs, stair-halls, and public halls are built entirely of brick, stone, iron, or other hard, incombustible materials, and in which no woodwork or other inflammable material is used in any of the partitions, floorings, or ceiling (but the building shall be deemed to be of fireproof construction notwithstanding that elsewhere than in the stair-halls and entrance halls there is wooden flooring on top of the fireproof floor, and that wooden sleepers are used, and that it contains wooden handrails and treads, made of hardwood, not less than two inches thick), forty years. Fireproof.
9. Bridges (including retaining walls and approaches), thirty years, or, in case of wooden bridges, ten years. Bridges.
10. Lands for purposes not stated in this section, forty years. Lands.
11. Constructing or reconstructing the surface of roads, streets, or highways, whether including or not including contemporaneous constructing or reconstructing of sidewalks, curbs, or gutters, or drains, or grading, if such surface
- (i) Is constructed of sand and gravel, five years. Sand or gravel.
- (ii) Is of water-bound macadam or penetration process, ten years.
- (iii) Is of bricks, blocks, sheet asphalt, bitulithic, or bituminous concrete, laid on a solid foundation, or is of concrete, twenty years. Asphalt or concrete.
12. Land for roads, streets, highways, or sidewalks, or grading, or constructing or reconstructing culverts, or retaining walls, or surface, or subsurface drains, thirty years. Land for roads, etc.
13. Constructing sidewalks, curbs, or gutters, or brick, stone, concrete or other material of similar lasting character, twenty years. Sidewalks, curbs, gutters.
14. Installing fire or police alarms, telegraph or telephone service, or other system of communication for municipal use, thirty years. Fire or police alarms.

Fire equipment, ambulances, patrol wagons, etc.

15. Fire engines, fire trucks, hose carts, ambulances, patrol wagons, or any vehicles for use in any department of the municipality, or for the use of municipal officials, ten years.

Cemeteries.

16. Land for cemeteries, or the improvement thereof, thirty years.

Sewer, water or gas connections.

17. Constructing sewer, water, gas, or other service connections, from the service main in the street to the curb or property line, when the work is done by the municipality in connection with any permanent improvement of or in any street, ten years.

Grade crossings.

18. The elimination of any grade crossing or crossings and improvements incident thereto, twenty years.

Equipment, apparatus, etc.

19. Equipment, apparatus, or furnishing not included in clause twenty or other clauses of this subsection, ten years.

Improvement or property.

20. Any improvement or property not included in other clauses of this subsection, forty years.

Improvements and properties defined.

Each of the improvements and properties mentioned in clauses numbered from one to nine, both inclusive, of this subsection shall be deemed to include the acquisition, construction, reconstruction, or enlargement thereof, or of any part thereof, or of buildings, lands, or rights in lands therefor, or of original furnishings, equipment, machinery, or apparatus therefor, or of the original improvement thereof. Bonds for any or all improvements or properties included in any one clause of this subsection may for the purposes of this section be deemed by the governing body to be for but one improvement or property.

Determination of kind of construction.

If the bonds are for a building referred to in clause eight of this subsection, and the bond ordinance does not state the kind of construction of the building, or if the bonds are for street improvements mentioned in clause eleven of this subsection, and the bond ordinance does not state the kind or kinds of pavement or other material to be used, then the kind of construction, or the kind or kinds of pavement or other material, as the case may be, shall be determined by resolution before any of the bonds are issued.

Shortest practicable period of payment limited by kind of bonds.

4. In determining, for the purpose of this section, the shortest period in which a debt incurred before March seventh, one thousand nine hundred and seventeen, can be finally paid without making it unduly burdensome upon the taxpayers of the municipality, the governing body shall not deem said period to be greater than the following periods in the following cases, respectively—

Funding bonds.

(a) Ten years, if funding bonds are to be issued.

Refunding bonds, where debt is not more than 8 per cent assessed valuation.

(b) Thirty years, if refunding bonds are to be issued, and the net debt of the municipality, as stated in the debt statement filed pursuant to section nineteen, is not more than eight per centum of the average assessed valuation set forth in said statement.

Where debt is less than 10 per cent.

(c) Forty years, if refunding bonds are to be issued, and said net debt is more than eight but not more than ten per centum of said average assessed valuation.

(d) Fifty years, if refunding bonds are to be issued, and said net debt is more than ten per centum of said average assessed valuation. Where debt is more than 10 per cent.

Sec. 19. *Debt limit.* (1) After the introduction and before the final passage of a bond ordinance the financial officer shall make and file with the clerk a sworn statement of the debt of the municipality, showing in such detail as he may deem advisable— Statement of debt to show :

(a) The total amount (hereinafter referred to as the gross debt) of the outstanding floating debt incurred before March seventh, one thousand nine hundred and seventeen, the bonded debt outstanding, and the bonded debt to be incurred under ordinances or other proceedings passed, taken, or pending, exclusive of debt incurred or to be incurred in anticipation of the collection of taxes or in anticipation of the sale of bonds. Total amount floating, bonded outstanding and bonded debt to be incurred.

(b) The total of the following amounts (hereinafter referred to as the deductions), viz. : Deductions.

I. The amount of unissued funding or refunding bonds included in the gross debt ; Unissued bonds.

II. The amount of sinking funds or other funds held for the payment of any part of the gross debt other than existing debt incurred for revenue-producing enterprises and deducted as provided in this clause ; Sinking funds.

III. The amount (actual or estimated) of uncollected special assessments levied or to be levied on account of local improvements for which any part of the gross debt was or is to be incurred, and applicable to the payment of any part of the gross debt. Uncollected special assessments.

IV. The amount of bonded debt included in the gross debt and incurred within five years prior to date of said statement, or to be incurred, for water, gas, electric light or power purposes, or two or more of said purposes. Bonded debt for water, gas, light or power.

V. The amount of bonded debt (other than bonded debt included in subdivision IV of this clause "b") included in the gross debt and incurred for any revenue producing enterprise owned by the municipality, which during the fiscal year immediately preceding the date of the statement, or during any period of twelve consecutive months ending not more than ninety days before said date, yielded to the municipality current net revenue, after making any necessary allowance for repairs and maintenance, in excess of the interest payable on the debt in that year or period and of the annual installment necessary to be raised in that year or period for the amortization of the debt ; or, if such debt was not entirely provided for as aforesaid, it shall be stated as a deduction proportionately to the extent to which said net revenue (after making said allowance) met said interest and amortization installment during said year or period. Bonded debt incurred for revenue-producing municipal enterprise.

Proportionate deduction.

(c) The current (hereinafter referred to as the net debt) of the difference between the gross debt and the deductions ; Net debt.

Assessed valuation.

(d) The assessed valuation of property subject to taxation by the municipality for each of the three years in which taxes were last levied, and the average thereof;

Ratio of debt thereto.

(c) The percentage that the net debt bears to said average assessed valuation.

Optional:

The statement may, at the option of the financial officer, further show—

Net increase.

(f) The total amount (hereinafter referred to as the net increase) of all bonds issued on or before March seventh, one thousand nine hundred and seventeen (including those which have been paid) or authorized, or to be authorized by ordinance or other proceeding passed, taken, or pending, exclusive of bonds for the payment of the portion of the cost of an improvement that has been or is to be assessed upon property benefited and exclusive of funding and refunding bonds;

Ratio to valuation.

(g) The percentage that the net increase bears to said average assessed valuation.

Conditions under which ordinance may be passed.

(2) The ordinance shall not be passed unless it appears from said statement either that the net debt does not exceed twelve and one-half per centum, in case said average assessed valuation is not more than four million dollars, or ten per centum, in any other case, of said average assessed valuation, or that the net increase does not exceed three per centum of said average assessed valuation, or unless the bonds to be issued under the ordinance are for water, gas, electric light or power purposes, or two or more of said purposes, or for funding or refunding a debt incurred before March seventh, one thousand nine hundred and seventeen, and for no other purpose.

Statement to remain in open file.

Statement to be taken as true, unless controverted.

(3) Said statement shall remain on file with the clerk and be open to public inspection. In any action or proceeding in any court involving the validity of bonds said statement shall be deemed to be true and to comply with the provisions of this act unless it appears (in an action or proceeding commenced within the time limited by section twenty for the commencement thereof), first, that the representations contained therein could not by any reasonable method of computation be true, and second, that a true statement would show that the ordinance authorizing the bonds could not be passed.

Annual accumulation for amortization.

(4) In determining, for the purpose of clause *b* of subsection 1 of this section, the annual installment necessary to be raised in any year for the amortization of an outstanding debt for a revenue producing enterprise, the financial officer shall, in case the debt is not payable in annual installments, deem said annual installment to be an amount which, if thereafter annually contributed to a sinking fund for the amortization of the debt (which shall be the then existing sinking fund for said purpose, if there is one), would, with the fund and with the accumulations of interest thereon and upon the contribution thereto, such accumu-

lation being computed at the rate of four per centum per annum, produce at the date of maturity the amount of the debt.

Sec. 20. *Notice of bond issue; limitation of actions.* (1) A bond ordinance shall be published once in each of four successive weeks after its final passage, unless the ordinance provides that it shall take effect upon its passage, in which case it shall be published once. A notice substantially in the following form (the blanks being first properly filled in), with the printed or written signature of the clerk appended thereto, shall be published with the ordinance:

Notice of bond issue. Bond ordinance to be published.

The foregoing ordinance was passed on the ----- day of -----, 19___, and was first published (or posted) on the ----- day of -----, 19__.

Form of notice.

Any action or proceeding questioning the validity of said ordinance must be commenced within thirty days after its first publication (or posting).

Clerk (or Secretary).

(2) An action or proceeding in any court to set aside a bond ordinance, or to obtain any other relief upon the ground that the ordinance is invalid, must be commenced within thirty days after the publication of the notice aforesaid and the ordinance or supposed ordinance referred to in the notice. After the expiration of said period of limitation no right of action or defense founded upon the invalidity of the ordinance shall be asserted, nor shall the validity of the ordinance be open to question in any court upon any ground whatever, except in an action or proceeding commenced within said period.

Action to set aside bond issue to be commenced in 30 days.

Expiration of limitation.

Sec. 21. *Petition for referendum.* (1) If a bond provides that it shall take effect thirty days after its first publication unless a petition for its submission to the voters shall be filed in the meantime, the ordinance shall be inoperative without the approval of the voters of the municipality at an election if a petition shall be filed as provided in this section.

Petition for referendum.

Operation of ordinance.

(2) A petition demanding that the ordinance be submitted to the voters may be filed with the clerk within thirty days after the first publication of the ordinance. The petition shall be in writing and signed by voters of the municipality equal in number to at least thirty-three and one-third per centum of the total number of registered voters in the municipality as shown by the registration books for the last preceding election therein. The residence address of each signer shall be written after his signature. Each signature to the petition shall be verified by a statement (which may relate to a specified number of signatures) made by some adult resident freeholder of the municipality under oath before an officer competent to administer oaths, to the effect that the

Petition to submit ordinance to referendum.

Must be signed by 33 1-3 per cent of voters.

Signatures to be verified.

Each sheet of signatures to verified.

Clerk to investigate sufficiency.

Voting on bond ordinances.

Bonds to be approved by majority of qualified voters.
Bonds to be approved by majority of votes.

Special election may be called.

More than one ordinance may be voted on.
Notice to be published.

Title or statement of ordinance on ballots.

Form of ballots.

signature was made in his presence and is the genuine signature of the person whose name it purports to be. The petition need not contain the text of the ordinance to which it refers. The petition need not be all on one sheet, and if on more than one sheet, it shall be verified as to each sheet.

(3) The clerk shall investigate the sufficiency of the petition, and present it to the governing body with a certificate stating the result of his investigation. The governing body shall thereupon determine the sufficiency of the petition, and the determination of the governing body shall be conclusive.

Sec. 22. *Voting on bond ordinances.* If a bond ordinance provides for the issuance of bonds for a purpose other than the payment of necessary expenses of the municipality, the approval of a majority of the qualified voters of the municipality, as required by the constitution of North Carolina, shall be necessary in order to make the ordinance operative. If, however, the bonds are to be issued for necessary expenses, the affirmative vote of the majority of the voters voting on the bond ordinance shall be sufficient to make it operative, in all cases where the ordinance is required by this act to be submitted to the voters. Whenever the taking effect of an ordinance authorizing the issuance of bonds is dependent upon the approval of the ordinance by the voters of a municipality, the governing body may submit the ordinance to the voters at an election to be held not more than six months after the passage of the ordinance. The governing body may call a special election for that purpose or may submit the ordinance to the voters at the regular municipal election next succeeding the passage of the ordinance, but no such special election shall be held within two months before or after a regular election. Several ordinances or other matters may be voted upon at the same election. A notice of the election, setting forth in full the ordinance to be voted upon, shall be published at least once, not more than sixty days nor less than twenty days before the election. The provisions of law in force at the time of said election governing the registration of voters for regular municipal elections in the municipality and the conducting and canvassing of such regular municipal elections shall apply to elections required or provided for by this act. The title or a statement of the nature of each ordinance to be voted upon shall be printed on a ballot, which shall be separate from the ballot for candidates for office. Below the title or statement of the nature of each ordinance there shall be printed on two separate lines the words "For the Ordinance" and "Against the Ordinance," respectively, with a square enclosed in ruled lines at the left of each of said two lines at the left of each of said two lines. At the top of the ballot there shall be printed the following words: "Notice to Voters: For a vote for any ordinance submitted upon this ballot, make an X mark in the square opposite the words 'For the

Ordinance.' For a negative vote, make a similar mark in the square opposite the words 'Against the Ordinance.'" If a voter makes an X mark in the square opposite the words "For the Ordinance" it shall be counted as a vote approving the ordinance and the issuance of the bonds and the levying of the tax provided for by the ordinance. If a voter makes an X mark in the square opposite the words "Against the Ordinance" it shall be counted as a vote against said ordinance, bonds, and tax. The officers appointed to hold said election, in making return of the result thereof, shall incorporate therein not only the number of votes cast for and against each ordinance submitted, but also the number of voters registered and qualified to vote in the election. The board authorized to canvass the votes cast shall also canvass the number of voters registered and qualified to vote in the election, and shall judicially determine and declare the result of the election. Said board shall prepare a statement showing the number of votes cast for and against each ordinance submitted, and the number of voters qualified to vote in the election, and declaring the result of the election, which statement shall be signed by a majority of the members of said board and delivered to the clerk of the municipality, who shall record it in the book of ordinances of the municipality, file the original in his office, and publish it once. No right of action or defense founded upon the invalidity of the election shall be asserted, nor shall the validity of the election be open to question in any court upon any ground whatever, except in an action or proceeding commenced within twenty days after the publication of said statement.

Report of election officers.

Result of election to be declared.

No action against validity of election to lie after 20 days.

Preliminary action.

When bonds may be issued.

Details of bond issue fixed.

Interest may not exceed 6 per cent.

Time and manner of issuing bonds.

Bonds to mature serially. First bond payable in not more than three years.

Sec. 23. *Preliminary action.* At any time after the passage of a bond ordinance, all steps preliminary to the actual issuance of bonds under the ordinance may be taken, but the bonds shall not be actually issued unless and until the ordinance takes effect.

Sec. 24. *When bonds may be issued.* After a bond ordinance takes effect, bonds may be issued in conformity with its provisions at any time or times within three years after the ordinance takes effect.

Sec. 25. *Details fixed by resolution.* The aggregate amount of bonds to be issued under a bond ordinance, the rate or rates of interest they shall bear, not exceeding six per centum per annum payable semiannually, and the times and place or places of payment of the principal and interest of the bonds, shall be fixed by resolution or resolutions of the governing body. The bonds may be issued either all at one time or from time to time in blocks, and different provisions may be made for different blocks.

Sec. 26. *Bonds to mature serially.* Each bond issue made this act shall mature in annual installments or series, the first of which shall be made payable not more than three years after the date of the first issued bonds of such issue, and the last

Limit of amount of installment.	within the period determined and declared pursuant to section eighteen, subsection 3 of this act. No such installment or series shall be more than two and one-half times as great in amount as the smallest prior installment or series of the same bond issue. If all of the bonds of an issue are not issued at the same time, the bonds at any one time outstanding shall mature as aforesaid.
Medium and place of payment.	Sec. 27. <i>Medium and place of payment.</i> The bonds may be made payable in such kinds of money and at such place or places within or without the State of North Carolina as the governing body may by resolution provide.
Form and execution of bonds. Signature and seal.	Sec. 28. <i>Form and execution.</i> The bonds shall be issued in such form as the officers who execute them shall adopt, except as otherwise provided by the governing body. They shall be signed by two or more officers designated by the governing body, or, if the governing body makes no such designation, then by the mayor or other chief executive officer and by the financial officer of the municipality, and the corporate seal of the municipality shall be affixed to the bonds and attested by the clerk.
Coupons.	The bonds may have coupons attached for the interest to be paid thereon, which coupons shall bear a facsimile signature of the financial officer in office at the date of the bonds or at the date of delivery thereof. The delivery of bonds so executed shall be valid notwithstanding any change in the officers or in the seal of the municipality occurring after the signing and sealing of the bonds.
Delivery.	Sec. 29. <i>To whom bonds payable; registration and transfer.</i> (1) Bonds issued under this act shall be payable to the bearer unless they are registered as provided in this section; and each coupon appertaining to a bond shall be payable to the bearer of the coupon.
Registration and transfer. All except registered bonds payable to bearer.	(2) A municipality may keep in the office of its financial officer or in the office of a bank or trust company appointed by the governing board as bond registrar or transfer agent, a register or registers for the registration and transfer of its bonds, in which it may register any bond at the time of its issue or, at the request of the holder, thereafter. After such registration the principal and interest of the bond shall be payable to the person in whose name it is registered except in the case of a coupon bond registered as to principal only, in which case the principal shall be payable to such person, unless the bond shall be discharged from registry by being registered as payable to bearer.
Register of holders.	After registration a bond may be transferred on such register by the registered owner in person or by attorney, upon presentation to the bond registrar, accompanied by delivery of a written instrument of transfer in a form approved by the bond registrar, executed by the registered owner.
Payment of principal and interest.	(3) Upon the registration or transfer of a bond as aforesaid, the bond registrar shall note such registration or transfer on the
Transfer.	
Transfer to be noted.	

back of the bond. Upon the registration of a coupon bond as to both principal and interest he shall also cut off and cancel the coupons.

(4) A municipality may, by recital in its bonds, agree to register the bonds as to principal only, or agree to register them as to both principal and interest, or agree to register them either as to principal only or as to both principal and interest, at the option of the bondholder.

Registration within province of municipality.

Sec. 30. *Sale.* All bonds of a municipality shall be sold by the governing body at not less than par. They shall be advertised and sold upon sealed proposals or at public auction unless the sale is made to a sinking fund of the municipality or is made within thirty days after failure to receive any legally acceptable bid in response to a public offering made as provided in this section. Whenever bonds are to be sold pursuant to advertisement there shall be published, at least once, a notice containing a description of the bonds to be sold, the place of sale, and the time of sale, or time limited for the receipt of proposals, which shall not be less than ten days after the first publication of the notice. The notice shall state that bidders must deposit with the financial officer, before making their bids or present with their bids, a certified check payable to the order of the municipality or the financial officer upon an incorporated bank or trust company, or a sum of money, for or in an amount equal to two per centum of the face amount of bonds bid for, to secure the municipality against any loss resulting from the failure of the bidder to comply with the terms of his bid. Proposals submitted pursuant to such notice shall be opened in public, and the bonds shall be awarded to the highest bidder unless all bids are rejected. The municipality shall have the right to reject all bids. The power to sell bonds may be delegated by the governing body to a committee thereof or any two officers, one of whom shall be the financial officer: but every private sale of bonds shall be made or confirmed by the governing body. Bonds of the municipality sold out of a sinking fund of the municipality shall be sold as provided in this section, except that such bonds may be sold for less than par. Nothing herein shall prevent a municipality from awarding its bonds to the bidder offering to take them at the lowest rate of interest, provided the notice of sale invites bidders to name the rate of interest which the bonds are to bear.

Sale not to be at price less than par.

Publication of notice of sale.

Deposit required with bids.

Proposals opened in public.

May reject bids.

Bonds out of sinking fund may be sold at less than par.

Sec. 31. *Application of proceeds.* The proceeds of the sale of bonds issued under this act shall be used only for the purposes specified in the ordinance authorizing said bonds, and for the payment of the principal and interest of temporary loans made in anticipation of the sale of bonds: *Provided, however,* that if for any reason any part of such proceeds are not applied to or are not necessary for such purposes, such unexpended part of the proceeds shall be applied to the payment of the principal or

Application of proceeds.

interest of said bonds. The cost of preparing, issuing, and marketing bonds shall be deemed to be one of the purposes for which the bonds are issued.

Validity.

Sec. 32. *Validity.* Any bonds reciting that they are issued pursuant to this act shall in any action or proceeding involving their validity be conclusively deemed to be fully authorized by this act and to have been issued, sold, executed and delivered in conformity herewith, and with all other provisions of statutes applicable thereto, and shall be incontestable, anything herein or in other statutes to the contrary notwithstanding, unless such action or proceeding is begun prior to the delivery of such bonds.

Sale incontestable after delivery of bonds.

Taxes to pay bonds.
Full faith and credit pledged.

Sec. 33. *Taxes to pay bonds.* The full faith and credit of a municipality shall be deemed to be pledged for the punctual payment of the principal of and interest on every bond and note issued under this act, including assessment bonds or other bonds for which special funds are provided. The governing body shall annually levy and collect a tax *ad valorem* upon all the taxable property in the municipality sufficient to pay the principal and interest of all bonds issued under this act as such principal and interest become due: *Provided, however,* that such tax may be

Ad valorem tax to be collected.

Reduction of tax.

reduced by the amount of other moneys appropriated and actually available for such purpose. So much of the net revenue derived by the municipality in any fiscal year from the operation of any revenue producing enterprise owned by the municipality after paying all expenses of operating, managing, maintaining, repairing, enlarging, and extending such enterprise, shall be applied, first, to the payment of the interest payable in the next succeeding year on bonds issued for such enterprise, and, next, to the payment of the amount necessary to be raised by tax in such succeeding year for the payment of the principal of said bonds. All moneys derived from the collection of special assessments upon which assessment bonds or other bonds or notes are predicated, shall be placed in a special fund, and used only for the payment of such bonds or notes. Every municipality shall have the power to levy taxes *ad valorem* upon all taxable property therein for the purpose of paying the principal of or the interest on any bonds or notes for the payment of which the municipality is liable, issued under any act other than this act, or for the purpose of providing a sinking fund for the payment of said principal, or for the purpose of paying the principal of or interest on any notes issued under this act. The powers stated in this section in respect of the levy of taxes for the payment of the principal and interest of bonds and notes shall not be subject to any limitation prescribed by law upon the amount or rate of taxes which a municipality may levy. Taxes levied under this section shall be levied and collected in the same manner as other taxes are levied and collected upon property in the municipality.

Use of excess of revenue.

All moneys from special assessment to be placed in special fund.

Municipality may levy tax for bonds.

Levy not subject to restriction.

Manner of levy and collection.

PART V

MISCELLANEOUS

Sec. 34. <i>General restrictions.</i> (1) No municipality shall—	General restrictions.
(a) Make an appropriation of money except as provided in this act:	Appropriations.
(b) Borrow money or issue bonds or notes except as provided in this act:	Issue of bonds or notes.
(c) Make an expenditure of money unless the money shall have been appropriated as provided in this act, or unless the expenditure is a payment of a judgment against the municipality or is a payment of the principal or interest of a bond or note of the municipality: or	Expenditures.
(d) Enter into any contract involving the expenditure of money unless a sufficient appropriation shall have been made therefor, except a continuing contract to be performed in whole or in part in an ensuing fiscal year, in which case an appropriation shall be made sufficient to meet the amount to be paid in the fiscal year in which the contract is made.	Contracts.
(2) The authorization of bonds by a municipality shall be deemed to be an appropriation of the maximum authorized amount of the bonds for the purposes for which they are to be issued.	Authorization of bonds deemed appropriation.
Sec. 35. <i>Procedure for passing ordinances and resolutions.</i> Ordinances and resolutions passed pursuant to this act shall be passed in the manner provided by other laws for the passage of ordinances and resolutions, but shall not be subject to the provisions of other laws prescribing conditions, acts, or things necessary to exist, happen, or be performed precedent to or after the passage of ordinances or resolutions in order to give them full force and effect: <i>Provided, however,</i> that in any municipality in which the acts of the governing body thereof involving the raising or expenditure of money are required by law to be approved by some other official board or officer of the municipality in order to make them effective, all ordinances and resolutions passed by the governing body under this act shall, unless they relate solely to elections held under this act, be so approved before they take effect.	Passage of ordinances and resolutions. Manner of passage. Not subject to other laws.
	Proviso: approval of acts.
Sec. 36. <i>Enforcement of act.</i> Any officer of a municipality or any one or more taxable inhabitants thereof, or any creditor to whom the municipality is indebted to an amount not less than one thousand dollars may, within the periods of limitation prescribed by this and other acts, maintain an action or other proceeding against the municipality or any officer thereof to set aside or have declared invalid any illegal official act on the part of the municipality or its officers or to prevent any such act, or to compel the municipality or its officers to comply with the provisions of this and other laws relating to the municipality. The	Enforcement of act. Actions against municipality.

Superior Court to have jurisdiction.

Order of court.

Failure to carry out order.

Tax limit for ordinary expenses.

Outstanding floating indebtedness validated.

May fund floating indebtedness by bond issue.

Conflicting acts repealed.

Proviso: all acts under chapter 138, Public Laws 1917, validated.

Superior Court of the county or district in which the municipality is situated shall have jurisdiction to enforce by mandamus, injunction, or other appropriate remedy the provisions of this act and of said laws. If any board or officer of a municipality shall be ordered by a court of competent jurisdiction to levy or collect a tax to pay a judgment or other debt, or to perform any duty required by this act to be performed by such board or officer, and shall fail to carry out such order, the court, in addition to all other remedies, may appoint its own officers or other persons to carry out such order.

SEC. 37. *Tax limit for ordinary expenses.* For the purpose of raising revenue for defraying the expenses incident to the proper government of the municipality the governing body shall have the power, and is hereby authorized to levy and collect an annual *ad valorem* tax on all taxable property in the municipality at a rate not exceeding one dollar and twenty-five cents on the one hundred dollars valuation of said property.

SEC. 4. All floating indebtedness now outstanding, incurred by a municipality in good faith for necessary expenses thereof, is hereby validated, notwithstanding any want of power or authority to incur indebtedness for the purpose for which such indebtedness was incurred, and notwithstanding any defect in the procedure for incurring the indebtedness, or any other defect or illegality, including a failure to observe any debt limit prescribed by law. The municipality may fund such floating indebtedness now outstanding by issuing bonds under the act hereby amended in the same manner and upon the same terms and conditions as are prescribed by said act for the issuance of bonds described in said act as funding bonds, namely, bonds issued to fund indebtedness incurred before March seventh, one thousand nine hundred and seventeen, not evidenced by bonds.

SEC. 5. All acts and parts of acts, general or special (including acts passed at this session of the General Assembly prior to the passage of this act), inconsistent with this act, are hereby repealed: *Provided, however*, that all acts and proceedings heretofore done or taken under said chapter one hundred and thirty-eight of the Public Laws of one thousand nine hundred and seventeen, in its original form, or as heretofore amended, shall be as valid and effectual as if done and taken under said act as it is hereby amended, and only subsequent proceedings shall be taken as provided in this amendatory act: *Provided, further*, that this act shall not affect sections three, four, or five of the act passed at the present session of the General Assembly amending sections twenty and twenty-one of the act hereby amended.

SEC. 6. All acts and proceedings done or taken under said chapter one hundred and thirty-eight of the Public Laws of one thousand nine hundred and seventeen, prior to the enactment of the act heretofore passed amending sections twenty and twenty-

one of chapter one hundred and thirty-eight of the Public Laws of one thousand nine hundred and seventeen, shall be as valid and effectual as if taken under said act as it is hereby amended, and only subsequent proceedings shall be taken as herein provided.

SEC. 7. All laws and parts of laws, whether general, special, private, or public local laws, regulating, restricting or relating in any way to the incurring of indebtedness of a municipality, are hereby repealed, including laws passed at the present session of the General Assembly, except as otherwise expressly provided in section four of this act.

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

Ratified this 7th day of March, A.D. 1919.

CHAPTER 179

AN ACT TO AMEND CHAPTER 83, REVISAL OF 1905, OF NORTH CAROLINA, IN REGARD TO BUILDING AND LOAN ASSOCIATIONS.

The General Assembly of North Carolina do enact:

SECTION 1. Amend section 3880 of the Revisal of one thousand nine hundred and five by adding at the end thereof the following: "All such associations shall pay an annual license fee of twenty-five dollars (\$25) and may be licensed upon filing with the Insurance Commissioner an application in such form as he may prescribe. Said license fee shall be in lieu of all other license fees now charged building and loan associations, and shall be used to defray the expenses incurred by the Insurance Commissioner in supervising building and loan associations.

License fee of building and loan associations.

SEC. 2. Amend section 3884 by adding at the end thereof the following words: "No series or class of stock shall be paid off until fully matured."

No stock to be paid off till matured.

SEC. 3. Amend section 3889 of the Revisal of one thousand nine hundred and five by adding at the end thereof the words: "Provided, the guaranteed dividends on paid-up or guaranteed stock shall be less than the association is earning, and may have the right to share in the dividends between the guaranteed and the earned per centum."

Guaranteed dividends.

SEC. 4. That section 3897 of the Revisal of one thousand nine hundred and five be amended by adding after the word "character" and before the words "it shall be" in line five the following words: "or in his discretion whenever he deems it prudent to do so."

Section 3897 of the Revisal amended.

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

Ratified this 8th day of March, A.D. 1919.

CHAPTER 180

AN ACT TO AMEND CHAPTER 831, PUBLIC LAWS OF 1907.

The General Assembly of North Carolina do enact:

Exemption of
companies invest-
ing in N. C.
bonds annulled.

SECTION 1. That section one, chapter eight hundred and thirty-one, of the Public Laws of one thousand nine hundred and seven, be amended by striking out all the words at the end of said section after the words "December of each year." And chapter eight hundred and thirty-one, Laws of one thousand nine hundred and seven, shall be further amended by adding at the end of section nine thereof the words "But one-fourth of the funds arising from the five per cent mentioned herein shall be paid to the colored Fire Association of North Carolina for general purposes." Amend further: by striking out in subsection one of section six of chapter eight-thirty-one, Laws of one thousand nine hundred and seven, all of said subsection after the word "fireman" in line four thereof.

One-fourth of
funds to Colored
Fire Association.

SEC. 2. This act shall be in force from and after its ratification. Ratified this 8th day of March, A.D. 1919.

CHAPTER 181

AN ACT TO PROVIDE ADDITIONAL FUNDS FOR THE MAINTENANCE OF FARM-LIFE SCHOOLS IN NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Fund for sup-
port of county
farm-life
school.

SECTION 1. That if the funds available for the maintenance and support of any county farm-life school established or to be established in North Carolina under chapter eighty-four, Public Laws of one thousand nine hundred and eleven, and the amendment thereto by the General Assembly of one thousand nine hundred and nineteen, or available hereafter from other sources, shall be insufficient to provide for the proper maintenance and support of said school or schools, the county board of education of any county is hereby empowered to add to its annual budget for the maintenance and support of such schools, an amount not greater than one thousand dollars (\$1,000) provided that this amount shall not be duplicated out of the State Public School Fund.

County board
of education
may add to
budget.

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

Ratified this 8th day of March, A.D. 1919.

CHAPTER 182

AN ACT TO REGULATE THE SALE AND DISTRIBUTION OF PULVERIZED LIMESTONE AND MARL FOR AGRICULTURAL PURPOSES IN NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. The North Carolina Board of Agriculture is hereby authorized and directed, for the purpose of furnishing marl or limestone to the farmers of the State, to make such arrangements as they deem advisable for this purpose, and to this end may lease or purchase oyster shells in large quantities and beds of limestone, and erect machinery suitable for the preparation of the material for use by the farmers; and any lime so prepared and any by-products shall be sold for agricultural purposes to the citizens of the State at a reasonable cost which shall produce an amount of money sufficient to maintain and operate the plant.

Board of Agriculture authorized to manufacture lime.

To be sold at reasonable cost.

SEC. 2. With the approval of the Governor, when requested by the Board of Agriculture, the superintendent of the penitentiary may furnish a superintendent with a squad of able-bodied convicts, not to exceed fifty, to do such work as the commissioners, with the authority of the board, may deem necessary to mine, prepare, load and dispose of the material. The board shall pay the State quarterly such amount as shall be agreed upon by the superintendent of the penitentiary and the Board of Agriculture for their work, out of the proceeds of the sales, and the State shall guard, feed, clothe, and work convicts: *Provided, however,* that after the first year's operations the expenses of the work shall not exceed the amount of the sales.

State Prison to furnish superintendent and laborers.

Board to pay for use of convicts.

Proviso: after first year expenses shall not exceed sales.

SEC. 3. The Board of Agriculture are authorized to make all regulations necessary to execute the provisions of the act and shall report annually to the Governor and furnish him itemized statements of the receipts and expenditures, which shall be published in the report of the Commissioner of Agriculture to the Legislature.

Board to make regulations.

Itemized statements to be furnished Governor and published.

SEC. 4. That all pulverized limestone and marl sold or offered for sale for agricultural purposes in North Carolina shall have the analyses guaranteed by the manufacturers.

Analyses to be guaranteed.

SEC. 5. These analyses shall show the percentage of calcium carbonate and the percentage of magnesium carbonate in the finished product.

Percentage of ingredients to be shown.

SEC. 6. Limestone or marl offered or exposed for sale to the farmers of North Carolina for agricultural purposes must show an average of at least seventy per cent calcium carbonate; dolomitic limestone at least fifty per cent calcium carbonate; and a total carbonates equivalent of not less than eighty per cent; and shell marl at least sixty per cent calcium carbonate.

Limestone or marl to show certain percentages calcium carbonate.

Degree of fineness provided.

SEC. 7. All pulverized limestone (except shell marl) offered or exposed for sale to the farmers of North Carolina for agricultural purposes shall be ground to a sufficient degree of fineness to pass a screen of not less than ten meshes to the linear inch.

Manufacturers of ground limestone and marl to register products. To show analysis.

SEC. 8. All manufacturers of ground limestone and marl who shall offer any of their goods for sale in this State shall annually register with the Commissioner of Agriculture, along with a statement of the analysis of the finished product, a statement showing the name and general average composition of the raw material—limestone, domolitic limestone, marl, etc., from which the finished product is manufactured.

Board may inspect places of manufacture.

SEC. 9. The Commissioner and Board of Agriculture are hereby authorized, empowered and directed to inspect any and all quarries, grinders, and other places of manufacture, as well as any and all consignments of pulverized limestone and marl shipped into North Carolina for agricultural purposes, with a view to enforcing the provisions of this act.

Failure to comply with act misdemeanor.

SEC. 10. All persons or firms failing to register their goods before the first of July each year, or failing to comply with the provisions of this act, shall be guilty of a misdemeanor and, on conviction, shall be fined not less than ten nor more than fifty dollars for the first offense, and not less than one hundred dollars for each subsequent offense.

Penalty.

SEC. 11. All laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 12. That this act shall be in force from and after July first, one thousand nine hundred and nineteen.

Ratified this 4th day of March, A.D. 1919.

CHAPTER 183

AN ACT TO AMEND CHAPTER 35, PUBLIC LAWS OF 1917, RELATING TO EXPENDITURES FOR CLOTHING INMATES OF THE STATE SCHOOL FOR THE BLIND AND THE DEAF.

The General Assembly of North Carolina do enact:

Clothing allowance for pupils of School for Blind.

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

SEC. 2. This act shall be in force from and after its ratification. Ratified this 8th day of March, A.D. 1919.

CHAPTER 184

AN ACT TO APPOINT MEMBERS OF THE COUNTY BOARDS OF EDUCATION IN THE RESPECTIVE COUNTIES OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. As provided by law the following named persons are hereby appointed members of the county boards of education in and for their respective counties to fill vacancies existing or caused by the increase in number of the membership, as provided by law, for a term of six years, except as otherwise provided herein, from the first Monday of July, one thousand nine hundred and nineteen, that is to say:

Alamance—S. E. Tate, for a term of six years; W. A. Harper, for a term of two years; J. L. Scott, for a term of four years; McBryde Holt, for a term of two years.

Alexander—J. E. Cheatham, for a term of six years.

Alleghany—W. E. Cox, for a term of six years.

Anson—John Leak Little, for a term of six years; Paul J. Kiker, for a term of two years.

Ashe—G. C. Greene, for a term of six years.

Avery—Henry T. Norman, for a term of six years.

Beaufort—P. H. Johnson, for a term of six years.

Bladen—F. D. McLean, for a term of six years.

Brunswick—Frank E. Galloway, for a term of six years.

Burke—A. N. Dale, for a term of six years.

Cabarrus—George F. McAllister, for a term of six years.

Caldwell—W. J. Lenoir, for a term of six years.

Camden—W. K. Leary, for a term of six years; J. W. Jones, for a term of four years; C. A. Gregory, for a term of two years.

Carteret—W. I. Willis, for a term of six years.

Caswell—J. P. Gwynn, for a term of six years; F. R. Warren, for a term of four years; R. I. Newman, for a term of two years.

Catawba—W. G. Bandy, for a term of six years.

Chatham—T. B. Bray, for a term of six years; J. M. Marley, for a term of four years; Junius Norwood, for a term of four years; C. D. Orrell, for a term of two years; J. T. Paschal, for a term of two years.

Cherokee—J. F. Palmer, for a term of six years; P. A. Mauney, for a term of four years; R. L. Hampton, for a term of two years.

Chowan—F. A. Ward, for a term of six years.

Clay—S. E. Hogsed, for a term of six years; M. L. Coleman, for a term of four years; P. M. Scroggs, for a term of two years.

Cleveland—The board of education of Cleveland County, their terms of office to continue until the expiration of two years from July first, one thousand nine hundred and nineteen, or till their successors are appointed, shall consist of: William L. Plonk, R. L. Weathers, A. P. Spake.

- Columbus. *Columbus*—Minos Meares, for a term of six years; Roland A. Thompson, for a term of four years; C. D. Koonce, for a term of two years.
- Craven. *Craven*—T. M. Arthur, for a term of six years.
- Cumberland. *Cumberland*—W. L. Williams, for a term of six years; A. B. Yarborough, for a term of four years; N. S. McArthur, for a term of two years.
- Currituck. *Currituck*—William W. Jarvis, for a term of six years; Dr. Julian C. Baum, for a term of four years.
- Dare. *Dare*—S. A. Griffin, for a term of six years.
- Davidson. *Davidson*—C. W. Stokes, for a term of six years.
- Davie. *Davie*—J. W. Etchison, for a term of six years.
- Duplin. *Duplin*—A. L. McGowan, for a term of six years.
- Durham. *Durham*—J. D. Hamlin, for a term of six years; W. I. Crawford, for a term of four years; H. L. Umstead, Sr., for a term of four years; W. H. Wilkins, for a term of two years.
- Forsyth. *Forsyth*—E. T. Kapp, for a term of six years.
- Franklin. *Franklin*—A. W. Perry, Sr., for a term of six years; T. H. Dickens, for a term of six years.
- Gaston. *Gaston*—C. E. Hutchison, for a term of six years.
- Graham. *Graham*—T. M. Jenkins, for a term of six years.
- Granville. *Granville*—Francis M. Pinnix, for a term of six years.
- Greene. *Greene*—B. W. Edwards, for a term of six years; J. T. Dixon, for a term of four years.
- Guilford. *Guilford*—Charles H. Ireland, for a term of six years; Dred Peacock, for a term of four years; C. S. Gilmer, for a term of two years.
- Halifax. *Halifax*—W. F. White, for a term of six years.
- Harnett. *Harnett*—John M. Hodges, for a term of six years.
- Haywood. *Haywood*—Glen Palmer, for a term of two years; D. M. Cagle, for a term of six years; Ray Morgan, for a term of four years; J. F. Shelton, for a term of six years; Paul Hyatt, for a term of two years.
- Henderson. *Henderson*—Claud Sales, for a term of two years.
- Hertford. *Hertford*—B. G. Williams, for a term of six years.
- Hoke. *Hoke*—Ryan McBryde, for a term of six years.
- Hyde. *Hyde*—Milton Credle, for a term of six years; William Middleton, for a term of two years; Joseph Mason, for a term of four years; W. B. Nixon, for a term of two years.
- Jackson. *Jackson*—J. S. Calhoun, for a term of six years; R. R. Fisher, for a term of four years; T. L. Jamison, for a term of two years; John Leatherwood, for a term of two years.
- Johnston. *Johnston*—George F. Woodard, for a term of six years.
- Jones. *Jones*—A. C. Foscue, for a term of six years.
- Lee. *Lee*—D. E. Shaw, for a term of six years.
- Lenoir. *Lenoir*—N. J. Rouse, for a term of six years.
- Lincoln. *Lincoln*—J. W. Little, for a term of six years.

- Macon*—N. L. Barnard, for a term of six years; R. M. Ledford, Mac. n.
for a term of four years; Joe L. Foust, for a term of two years.
- Madison*—Wiley Roberts, Jr., for a term of six years. Madison.
- Martin*—Joseph T. Waldo, for a term of six years. Martin.
- McDowell*—Miles P. Flack, for a term of six years. McDowell.
- Mitchell*—M. L. Wilson, for a term of six years. Mitchell.
- Montgomery*—R. L. Davis, for a term of six years. Montgomery.
- Moore*—W. H. H. Lawhorne, for a term of six years. Moore.
- Nash*—F. V. Avent, for a term of six years. Nash.
- New Hanover*—B. Solomon, for a term of six years. New Hanover.
- Northampton*—E. S. Bowers, for a term of six years. Northampton.
- Onslow*—Hosea Brown, for a term of six years. Onslow.
- Orange*—W. S. Roberson, for a term of two years; S. Browning, Orange.
for a term of six years.
- Pamlico*—J. P. Jones, for a term of six years; J. J. Brinson, Pamlico.
for a term of four years; William C. Keel, for a term of two
years.
- Pasquotank*—D. W. Morgan, for a term of six years. Pasquotank.
- Pender*—S. V. Bowen, for a term of six years. Pender.
- Perquimans*—Thomas Nixon, for a term of six years. Perquimans.
- Person*—W. R. Moody, for a term of six years; W. D. Merritt, Person.
for a term of four years; J. G. Chambers, for a term of two years.
- Pitt*—L. C. Arthur, for a term of six years. Pitt.
- Polk*—Dr. E. M. Sally, for a term of six years. Polk.
- Randolph*—N. C. English, for a term of six years. Randolph.
- Richmond*—D. A. Parson, for a term of six years; J. P. Gil- Richmond.
bons, for a term of four years; J. M. Dockery, for a term of two
years.
- Robeson*—C. T. Tate, for a term of six years. Robeson.
- Rockingham*—C. P. Wall, for a term of six years. Rockingham.
- Rowan*—J. M. Furr, for a term of six years. Rowan.
- Sampson*—John L. Hathcock, for a term of six years. Sampson.
- Scotland*—J. T. Bostick, for a term of six years. Scotland.
- Stanly*—O. D. Ritchie, for a term of six years; L. W. Hart, for Stanly.
a term of four years; L. H. Bost, for a term of two years.
- Stokes*—J. R. Forest, for a term of six years; Jasper Slate, for Stokes.
a team of four years; John I. Christian, for a term of two years.
- Surry*—E. H. Wrenn, for a term of six years; J. H. Tharpe, Surry.
for a term of four years; W. Y. Davenport, for a term of two
years.
- Swain*—J. T. Cunningham, for a term of six years. Swain.
- Transylvania*—Edwin Poor, for a term of six years; Fielding Transylvania.
Paxton, for a term of four years.
- Tyrrell*—H. T. Davenport, for a term of six years. Tyrrell.
- Union*—A. Lex Funderburke, for a term of six years; S. A. Union.
Latham, for a term of six years; P. P. W. Plyler, for a term of
two years.
- Vance*—R. B. Crowder, for a term of six years. Vance.

- Wake. *Wake*—N. Y. Gulley, for a term of six years; M. B. Chamblee, for a term of four years; W. A. Withers, for a term of two years.
- Warren. *Warren*—Jesse Gardner, for a term of six years; Edward Petar, for a term of four years.
- Washington. *Washington*—J. E. Singleton, for a term of six years.
- Watauga. *Watauga*—J. W. Farthing, for a term of six years.
- Wayne. *Wayne*—Barnes Aycock, for a term of six years; A. H. Edger-ton, for a term of two years; J. E. Kelly, for a term of four years.
- Wilkes. *Wilkes*—J. H. Pennell, for a term of two years; C. C. Faw, for term of six years.
- Wilson. *Wilson*—B. G. Thompson, for a term of six years; C. E. Brame, for a term of four years.
- Yadkin. *Yadkin*—M. V. Fleming, for a term of six years.
- Yancey. *Yancey*—J. Frank Hensley, for a term of six years.
- Boards increased in membership. SEC. 2. The membership of the boards of education is in-creased from three to five in the following counties, to wit: Haywood, Richmond, Surry, Macon, Columbus, Cumberland, Per-son, Caswell, Pamlico, Chatham, Hyde, Cherokee, Durham and Rockingham.
- Secretary of State to certify names to clerks of court, who shall notify members to qualify. SEC. 3. That the Secretary of State shall, within twenty days after the ratification of this act, send a certified copy of the names of the members to the county boards of education appointed in this act for the respective counties, to the clerk of the Supe-rior Court of each county in the State; whereupon said clerk should immediately notify each member of his appointment and direct such members to appear at the courthouse the first Monday of July, one thousand nine hundred and nineteen, for the purpose of qualifying, as directed by law.
- SEC. 4. That all laws and clauses of laws in conflict with this act, be and the same are hereby repealed.
- SEC. 5. That this act shall be in force and effect from and after its ratification.
- Ratified this 11th day of March, A.D., 1919.

CHAPTER 185

AN ACT TO AMEND SECTION 2696, REVISAL OF 1905, AS AMENDED BY CHAPTER 103, PUBLIC LAWS OF 1917.

The General Assembly of North Carolina do enact:

Chapter 103,
Public Laws
1917, amended.

SECTION 1. That subsection *a* of section two thousand six hundred and ninety-six of chapter one hundred and three of the Public laws of one thousand nine hundred and seventeen be stricken out and that the following subsection *a* be inserted in

lieu thereof: "Whenever in the opinion of the board of county commissioners of any county in the State it shall become necessary to build, rebuild, or repair any of the public roads or bridges in any county in the State and the same cannot be done with the labor and funds at their command or in their hands, then the board of county commissioners of any such county are hereby fully authorized and empowered in their discretion to build, rebuild, repair, after or construct any of the roads and bridges in such county in such manner as to them may seem practicable.

County commissioners may build roads or bridges in any practical manner.

Whenever it shall become necessary to build, rebuild, or repair any highway bridge over any stream which divides one county from another the board of commissioners in each county may join in an agreement for building, rebuilding, or repairing the same, and the cost thereof shall be defrayed by the two counties in proportion to the number of taxable polls in each, unless otherwise agreed upon between the boards of commissioners of such counties: *Provided, however*, that the cost of any bridge erected across a stream dividing one county from another shall not exceed two per cent of the assessed valuation of the taxable property in each of the said counties.

Construction or repair of bridges between counties.

Cost not to exceed 2 per cent of assessed valuation.

SEC. 2. That subsection *b* of said section two thousand six hundred and ninety-six of said chapter be and it is hereby repealed.

Subsection B repealed.

SEC. 3. That subsection *c* of said section two thousand six hundred and ninety-six be and the same is hereby amended as follows: By striking out the word "bridge" between the words "any" and "pursuant" in line two of said subsection *c*, and by inserting in lieu thereof the following: "roads and bridges"; and by inserting after the word "bonds" in line five of said subsection *c* the following words: "or borrow money and issue notes therefor"; and by striking out the word "bridge" in line six of said subsection *c* and inserting in lieu thereof the words "roads and bridges"; and by adding the following words at the end of said subsection *c*: "and the same may be disposed of at public or private sale as the board of commissioners may determine."

Subsection C amended.

Sale of bonds may be public or private.

SEC. 4. That subsection *d* of said section two thousand six hundred and ninety-six be amended as follows: By inserting after the word "bonds" in line three the words "or notes"; and by inserting after the words "bonds" in line seven of said subsection *d* the words "or notes"; and by inserting after the word "bonds" in line eight in said subsection *d* the words "or notes."

Subsection D amended.

SEC. 5. That a new section to be known as section six shall be added at the end of said chapter, reading as follows: "That the powers to build and construct any roads or bridges pursuant to this act shall be deemed and construed to be additional powers so to do, notwithstanding any limitation, restriction or modification contained in any other act of the General Assembly, including

Section 6 added to act.

Powers not to be restricted by other acts.

acts passed at the present session of this assembly and subsequent to the ratification of this act.

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

SEC. 7. This act shall be in force from and after its ratification.
Ratified this 8th day of March, A.D. 1919.

CHAPTER 186

AN ACT TO AMEND CHAPTER 100, REVISAL OF 1905 OF NORTH CAROLINA, KNOWN AS THE GENERAL INSURANCE LAWS, AND AMENDMENTS AND ADDITIONS THERETO.

The General Assembly of North Carolina do enact:

Section 4829
Revisal 1905
amended.

SEC. 3. Amend section four thousand eight hundred and twenty-nine by adding in line ten after the word "thereof" and before the word "shall" the words "or for the use of any county, city, or incorporated town or school district."

Section 4779 not
applicable to
policies for less
than \$300.

SEC. 5. Amend section four thousand seven hundred and seventy-nine, Revisal, as follows: Strike out the last sentence reading as follows: "This section shall not apply to the issuing of policies or other contracts of insurance for less than one hundred dollars," and insert the following: "This section shall not apply to the issuing of policies or other contracts of insurance for less than three hundred dollars, nor to the issuing of policies on the 'group' plan."

Licensing of
underwriters
agency.

SEC. 6. Amend section four thousand seven hundred and fifteen, as follows: "*Provided*, that an underwriters agency, composed of two or more companies, proposing to do a reinsurance business only in the State may be licensed without a separate license for each company, upon filing with the Insurance Commissioner a statement of each company, the amount proposed to be assumed by them, and such other information as he may call for, showing that the companies are solvent and propose to conduct the business in a way that would be safe and fair to the citizens of the State."

Surplus of
special tax paid
into general
fund.

SEC. 7. Amend section four thousand eight hundred and twenty-three, Revisal of one thousand nine hundred five of North Carolina, by adding at the end thereof the words: "*Provided*, that any part of such fund unexpended at the end of the fiscal year, April first, shall be by the Insurance Commissioner paid into the State Treasury for general purposes as other funds collected by him."

SEC. 8. This act shall be in force from and after its ratification.
Ratified this 10th day of March, A.D. 1919.

CHAPTER 187

AN ACT TO PROVIDE FOR THE HOLDING OF SUPERIOR COURTS IN THE FOURTEENTH JUDICIAL DISTRICT.

The General Assembly of North Carolina do enact:

SECTION 1. The Superior Courts of the Fourteenth Judicial District, composed of Gaston County and Mecklenburg County, shall be held at the following times, to wit:

Gaston County. Seventh Monday before the first Monday in March, sixth Monday after the first Monday in March, thirteenth Monday after the first Monday in March, second Monday before the first Monday in September, seventh Monday before the first Monday in September; each for criminal cases only; sixth Monday before the first Monday in March, second Monday after the first Monday in September, thirteenth Monday after the first Monday in September; each to continue for two weeks, for the trial of civil cases only; third Monday before the first Monday in September, to continue one week, for the trial of civil cases only; *Provided*, that the board of commissioners of Gaston County may in their discretion, by an order at their regular meeting held on the first Monday in July in any year, dispense with the term of court for the third Monday before the first Monday in September.

Time of holding courts in Gaston County.

Judgments by default final and by default and inquiry may be taken at any of the criminal terms of the Superior Court of Gaston County, in the manner provided by law for such judgments.

Proviso: commissioners may dispense with one term.

Mecklenburg County. Eighth Monday before the first Monday in March, first Monday before the first Monday in March, tenth Monday after the first Monday in March, fourteenth Monday after the first Monday in March, eighth Monday before the first Monday in September, to continue for two weeks, first Monday before the first Monday in September, fourth Monday after the first Monday in September, and tenth Monday after the first Monday in September; which eight terms are for the trial of criminal cases exclusively; fourth Monday before the first Monday in March, to continue three weeks, the first Monday in March, fourth Monday after the first Monday in March, eighth Monday after the first Monday in March, eleventh Monday after the first Monday in March, fifteenth Monday after the first Monday in March, the first Monday in September, fifth Monday after the first Monday in September, eighth Monday after the first Monday in September, eleventh Monday after the first Monday in September; each last named nine terms to continue for two weeks, and all of the last named ten terms are for the trial of civil cases exclusively; *Provided*, that the board of county commissioners of Mecklenburg County may in their discretion, by an order at their regular meeting held on the first Monday in March

Judgments by default may be taken at any term.

Time of holding court in Mecklenburg County.

Proviso: commissioners may provide for civil and criminal courts.

in any year, provide the holding of the term of court for the seventh Monday after the first Monday in March, and for the trial of criminal and civil cases, either or both, at said term.

Civil and criminal courts to be separate.

No process nor other writ of any kind pertaining to civil actions shall be made to any of the criminal terms, and no business pertaining to civil actions shall be transacted at the criminal terms for Mecklenburg County. At the first Fall and Spring terms of the criminal courts for Mecklenburg and Gaston held for each year, grand juries shall be drawn, and the presiding judge shall charge them as provided by law: and such grand juries shall serve during the remaining Fall and Spring terms respectively.

Drawing of grand juries.

Chapter 196, Public Laws, 1913, repealed.

SEC. 2. That the provisions of chapter 196, of the Public Laws of nineteen hundred and thirteen, and all laws and clauses of laws amendatory thereto, which are in conflict with the provisions of this act, are hereby repealed only to the extent of such conflict.

SEC. 3. This act shall be in force and effect from and after the first day of January, 1920.

Ratified this 8th day of March, A.D. 1919.

CHAPTER 188

AN ACT TO AMEND CHAPTER 122, PUBLIC LAWS OF 1913.

The General Assembly of North Carolina do enact:

Maximum interest on bonds.

SECTION 1. That section one of chapter one hundred and twenty-two, Public Laws nineteen hundred and thirteen, be and the same is hereby amended by striking out the word "five" in line seven, and by inserting in lieu thereof the word "six": and by inserting after the word "bonds" in line nine of said section the following words: "or at such other place as the board of county commissioners may determine."

Bonds may be issued to mature serially.

SEC. 2. That the bonds authorized by said chapter 122, Public Laws 1913, may, at the option of the county commissioners, be issued so as to mature serially or in annual installments, the last payment of which shall be due within the maximum period authorized by said act.

Act applies to bonds voted and not issued.

SEC. 3. That this act shall apply to all bonds heretofore voted and not yet issued by any township under said chapter notwithstanding that said bonds have been voted as five per cent bonds.

SEC. 4. All laws in conflict with this act are hereby repealed.

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

Ratified this 8th day of March, A.D. 1919.

CHAPTER 189

AN ACT TO PROVIDE FOR THE CONSTRUCTION AND MAINTENANCE OF A SYSTEM OF STATE HIGHWAYS AND TO ENABLE THE STATE TO SECURE THE BENEFITS OF FEDERAL AID THEREFOR, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of constructing and maintaining a system of State highways and post roads, the funds collected by the State as a license tax on automobiles, motor cars, motorcycles, motor trucks or other vehicles from which the State does now or may hereafter collect a license tax, shall, after the expense of collecting has been deducted as herein provided, be paid to the State Treasurer, and by him kept as a special fund to be known as the "State Highway Fund," for the construction and maintenance of a system of State highways, which shall be constructed so as to form a system of modern highways acceptable to the United States Government, connecting by the most practicable routes the various county seats and other principal towns of every county in the State.

Tax on automobiles to be paid into State Highway Fund.

SEC. 2. That all convicts, either State or county, that can be arranged for by agreement with the State Prison Board or between the various county authorities and State Highway Commission as the case may be, may be worked on this system of State highways and on the production of material for said highways. The care and discipline of such prisoners shall be as provided by the prison laws of the State.

Care and discipline of convicts.

SEC. 3. The location, construction and maintenance of the highways which are to be constructed by the State Highway Commission under this act are to be determined upon and the work done by the State Highway Commission, and all surveys, plans, specifications and estimates shall be made by said Highway Commission. Whenever any one or more of the counties of the State shall agree to furnish one-fourth the cost of the construction of that portion of the State highway system contemplated by this act which will be in or run through such county or counties, preference shall be given by the State Highway Commission in beginning the construction of the highway or highways in or running through such county or counties; and whenever any county shall notify the State Highway Commission that it will and is prepared to furnish one-fourth the cost of construction of that portion of the State Highway system which will be in or run through such county or counties, it shall be the duty of the State Highway Commission to proceed to such county or counties as early as practicable and determine upon

Costs to be determined by State Highway Commission.

Plans, specifications and estimates.

Preference to be given counties paying one-fourth of cost.

Notice to Highway Commission.

Highway Commission to determine location.

Surveys, plans, specifications and estimates.

Funds to be held subject to order of Highway Commission. Division of expense.

Contracts.

Work to be done under supervision of Highway Commission. Subject to inspection of U. S. authorities.

To apply for Federal aid.

To cooperate with counties in obtaining labor and material.

Counties, townships and districts may use funds available.

Highway construction and improvement declared necessary expense.

Financial cooperation to be by agreement.

Agreements to conform to statutes.

Chapter 140, Public Laws 1917, amended.

the location of the highway or highways in or running through such county or counties which will be a part of the State highway system and make the necessary surveys, plans, specifications and estimates and proceed with the construction of the highway or highways as soon as necessary funds are available; the one-fourth to be paid by such county or counties to be held by the road authorities subject to the order of the State Highway Commission, to be paid as the work progresses. Under this arrangement, one-fourth the cost will be paid by the county or counties, one-fourth from the State Highway fund, and one-half from the Federal Aid fund. In constructing the highway or highways, the State Highway Commission may make and enter into contracts for such construction work with any county or counties of the State, or with contractors, or have the work done under its supervision, endeavoring to have the same done as cheaply as possible. The said construction work and labor shall be done under the direct supervision of the State Highway Commission subject to the inspection and approval of the Secretary of Agriculture of the United States or his authorized representative, and in accordance with the rules and regulations made pursuant to the Federal Aid Law. The State Highway Commission may, in its discretion, from time to time apply for and secure Federal aid and make payments on said construction as the same progresses in the pro rata part of the value of the labor and material which have been actually put into such construction in compliance with said plans and specifications. The State Highway Commission shall cooperate with the counties in obtaining material and labor to be used on any project under the provisions of this act.

SEC. 4. That the several counties, townships, and road districts, in order to provide their one-fourth of the cost of constructing said system of State highways as contemplated by this act within their respective territories, may in their discretion use such road funds as they may have available or may provide same under and pursuant to any law now in force or hereafter enacted, and the construction and improvement of the said system of State highways is hereby declared to be a necessary public expense of the several counties, townships, and road districts as to such portion of same as may be located within their respective bounds, under the provisions of this act. And the financial cooperation of the respective counties, townships, and road districts shall be under agreement entered into between the local county, township, or road district officials and the State Highway Commission, which agreements shall conform with the requirements of the Federal Government and the provisions of this act not inconsistent with the said Federal requirements.

SEC. 5. That section six of chapter one hundred and forty of the Public Laws of one thousand nine hundred and seventeen be

stricken out and the following inserted in lieu thereof: "That a license or registration fee shall be charged and collected annually on motor vehicles registered under the provisions of this act, on each motor vehicle, except motor trucks, motor vehicles for the carriage of passengers for hire, and motorcycles, as follows: On each motor vehicle having a rating of twenty-six horsepower or less, a registration license fee of ten dollars; on each motor vehicle having a rating of more than twenty-six horsepower but not more than thirty horsepower, a registration or license fee of fifteen dollars; on each motor vehicle having a rating of more than thirty horsepower a registration or license fee of twenty dollars; that each motor vehicle used for the carriage of passengers for hire shall carry a special "Service" license to be furnished by the Secretary of State, for which the license fee shall be twice the amount fixed for like motor vehicles for private use. The annual license or registration fee for a motorcycle shall be five dollars. The annual registration or license fee for motor trucks shall be as follows: On each motor truck with a carrying capacity of not more than one ton, twelve dollars and fifty cents; on each motor truck with a carrying capacity of more than one ton but not more than two tons, twenty-five dollars; on each motor truck with a carrying capacity of more than two tons but not more than three tons, forty dollars; on each motor truck with a carrying capacity of more than three tons but not more than four tons, sixty-five dollars; on each motor truck with a carrying capacity of more than four tons but not more than five and one-half tons, one hundred dollars; on each trailer, ten dollars for the first ton carrying capacity, and twenty dollars for each additional ton: *Provided*, that any applicant for the registration of any motor vehicle on or after the first day of March of each year shall be required to pay for said registration a license fee for the balance of the year ending June thirtieth only one-half of the fee levied in this section: *Provided further*, that no county, city or town shall charge any license or registration fee on motor vehicles in excess of one dollar per annum: *Provided further*, that no motor truck with a carrying capacity of more than five and one-half tons nor any motor truck with steel tires shall be licensed or allowed to be used upon the State highway system. The method of computing the horsepower of motor vehicles shall be the formula adopted by the Society of Automobile Engineers: *Provided further*, that all necessary expenses of collecting the said license or registration fees, including clerical assistance, the cost of purchasing number plates and mailing same, and for such blanks, books, and other supplies as cannot be furnished by the State printer, shall be paid for monthly from the revenue derived from said fees by warrant of the Auditor on the State Treasurer; and said expenses shall be approved by the Governor and Council of State,

License or registration fee to be collected.

Regulation of fees and licenses.

Twenty-six horsepower machine.

Thirty horsepower machine.

Machines having more than thirty horsepower.

Motor vehicles for hire to carry service license.

Service license twice other license.

Motorcycle license.

Motor truck license.

One-ton truck.

Two-ton truck.

Three-ton truck.

Four-ton truck.

Five and one-half ton truck.

Trailers.

Proviso: payment of license for part of year.

Proviso: no other tax in excess of \$1 permitted.

Proviso: no truck of over 5 1/2 tons capacity or steel tire truck licensed.

Method of computing horsepower.

Necessary expenses of system to be paid from license fees.

Expenses approved by Governor and Council of State.

Not to exceed 10 per cent of amount collected.

Chapter 140, Public Laws of 1917, amended. Fee for demonstration license.

Price of display numbers.

Unexpended funds to be paid to counties to which they belong.

Funds to be used as county road fund.

Use of funds subject to agreement.

All property and funds to be converted to State Highway Fund.

Fund apportioned by State Highway Commission.

If automobile fund insufficient, treasurer to negotiate short term loans.

Not to exceed 10 per cent of fund to be held for administration purposes.

Fund held for administration, to revert to highway fund if not used.

and shall not in an aggregate exceed ten per cent of the total amount collected by the Secretary of State under the provisions of this act."

SEC. 6. That section eleven, chapter one hundred and forty, Public Laws of one thousand nine hundred and seventeen, is hereby amended by striking out the word "ten" in line eleven and inserting in lieu thereof the word "twenty-five," and by striking out the word "one" in line seventeen thereof and inserting in lieu thereof the word "five."

SEC. 7. That the funds heretofore collected to be expended in the several counties of the State under the provisions of chapter one hundred and forty, Public Laws of one thousand nine hundred and seventeen, now remaining unexpended, shall be paid by the State Highway Commission to the counties to which such funds belong under the provisions of said act, to be by the county road authorities used as a county fund under the provisions of this act for the construction and maintenance of the State highway or highways in said counties as herein provided, which use shall be subject to any of the agreements and contracts now in force between the Federal Government or the various counties and the State Highway Commission.

SEC. 8. All funds collected under the provisions of this act or hereafter collected under the provisions of chapter one hundred and forty, Public Laws of one thousand nine hundred and seventeen, as herein amended, and all property and funds of the State Highway Commission, except as provided in preceding section, shall be converted into the State Highway fund and apportioned by the State Highway Commission under the provisions of this act.

SEC. 9. If the State Highway fund provided by this act shall be insufficient to enable the State in coöperation with the counties and subdivisions thereof to advantageously avail itself of the Federal aid to the fullest extent, then the State Treasurer, upon the advice of the Governor and Council of State, shall from time to time negotiate and secure a short term loan for such amount as may be necessary to meet the available Federal aid, and no more, upon the best terms obtainable, and execute the note or notes of the State therefor, and place the money so obtained to the credit of the said State Highway fund, to be apportioned by the State Highway Commission as other moneys in said fund and as herein provided.

SEC. 10. That so much, not to exceed ten per centum, of the "State Highway Fund," as provided in this act for any registration year as the State Highway Commission may estimate to be necessary for administering the provisions of this act, shall be deducted for that purpose, available until expended. Within sixty days after the close of each registration year the State Highway Commission shall determine what part, if any, of the

sums theretofore deducted for administering the provisions of this act will not be needed for that purpose, and said sum shall be returned to the State Highway fund.

SEC. 11. The rights of way for the construction of the system of State highways provided for in this act shall be furnished by the counties, townships, or road districts in which same are located, without cost to the State, and the cost of engineering shall be paid for by the State out of the Highway fund.

SEC. 12. The State Highway Commission and the State Forester may cooperate with the county, township or district road authorities in the proper selection, planting and protection of roadside trees, and the State Highway Commission is hereby empowered to make all necessary rules and regulations for the protection of the State highways and the roadside trees herein provided for.

SEC. 13. At the expiration of the terms of office of the present State Highway Commission the State Highway Commission shall consist of four members, to be appointed by the Governor, and one of the said commissioners shall be from the western, one from the central, and one from the eastern portion of the State, and one from the State at large, such appointments to be confirmed by the Senate at the present session of the General Assembly; two of whom shall be appointed for two years from April first, one thousand nine hundred and nineteen; one for four years from April first, one thousand nine hundred and nineteen, and one for six years from April first, one thousand nine hundred and nineteen, their successors in office to be appointed for a term of six years each; such appointments to be confirmed by the Senate. One of the members of the State Highway Commission shall always be a member of the minority party. The Governor shall at the time of making said appointments designate one of the members of said commission as chairman, and said member shall be known and designated as the State Highway Commissioner. The State Highway Commissioner shall be a practical business man and shall give his entire time to the work of the commission, and shall receive as compensation and salary therefor such amount as may be fixed by the Governor not to exceed five thousand five hundred (\$5,500) dollars per annum and his actual traveling expenses. The said State Highway Commission shall be vested with all the authority of the said commission whenever the same is not in session. The Highway Commission shall determine the time of its meetings and make such rules and regulations as shall be necessary for carrying out the provisions of this act. The members of the State Highway Commission, other than the State Highway Commissioner, shall receive ten dollars per day and actual expenses while engaged in the discharge of the duties of their offices: *Provided*, that in the event that appointments as provided in this section are not confirmed by the Senate before adjournment in March, 1919, the

Counties, townships or districts to furnish rights of way. Engineering to be paid for out of highway fund.

Highway Commission and Forester to cooperate.

Highway Commission to make regulations for protection of trees.

Appointment of Highway Commission. Distribution of members.

Terms of office.

Appointments to be confirmed by Senate.

One member from minority party.

Governor to designate chairman, to be Highway Commissioner.

Qualifications of Highway Commissioner. Salary.

Powers.

Commission to fix times of meeting.

Compensation of members.

Proviso: appointments not confirmed to be *ad interim* appointments.

Governor may make appointments *ad interim* to be subject to confirmation when the Senate is next in session.

Members of commission to give bond.

SEC. 14. The members of the State Highway Commission shall, before entering upon the discharge of their duties, each give a bond to be fixed and approved by the Governor conditioned upon the faithful discharge of the duties of their offices and the full and proper accounting for all public property coming into their possession or under their control. The premium on said bond or bonds shall be paid out of the State Highway fund.

Premiums on bonds to be paid out of highway fund.

SEC. 15. Section five of chapter one hundred and thirteen of the Public Laws of one thousand nine hundred and fifteen be and is hereby repealed and the following inserted in lieu thereof: "The State Highway Commission shall furnish and provide suitable offices for itself in the city of Raleigh and shall provide itself with the necessary supplies, fixtures and stationery, and pay for the same out of the State Highway Funds."

Section 5, chapter 113, Public Laws 1915, repealed.

Commission to provide offices, supplies, etc.

SEC. 16. The full account of each project shall be kept by or under the direction of the State Highway Commission or its authorized representative, to ascertain at any time the expenditures on and the liabilities against the project, and, separately the condition of the ten per cent fund; and also records of contract and force account work. The accounts and records together with all the supporting documents shall be open at all times to the inspection of the Governor or the road authorities of any county furnishing one-fourth of cost of construction, as provided by this act, or their authorized representatives, and copies thereof shall be furnished upon request.

Account of each project to be kept.

Condition of 10 per cent fund to be kept separately.

Accounts and records open.

SEC. 17. The State Highway Commission shall, on or before the tenth day of the convening of each regular session of the General Assembly, make a full detailed report to the General Assembly, showing the construction and maintenance work done in each county, the type of such work, the cost of the same, and such other data as may be of public interest in connection with the work of the said Highway Commission. The books and accounts of the State Highway Commission shall be audited at least once a year by a certified public accountant designated by the Governor, and the report of the certified accountant shall be made a part of and accompany the report of the State Highway Commission to the General Assembly as herein provided.

Commission to make detailed report to General Assembly.

What report must contain.

Books and accounts to be audited.

SEC. 18. Such powers as are necessary to comply with the conditions and requirements of the Federal Aid Law and the rules and regulations adopted by the Secretary of Agriculture of the United States to carry out the provisions thereof, and also any powers herein conferred on county authorities which are inconsistent or in conflict with the Federal requirements be and are hereby expressly conferred upon and vested in the State Highway Commission.

Necessary powers conferred on commission.

SEC. 19. That no member of the Senate shall be eligible to appointment as a member of the State Highway Commission. No member of Senate eligible to appointment.

SEC. 20. All laws and clauses of laws in conflict with the provisions of this act are, to the extent of such conflict, hereby repealed.

SEC. 21. This act shall be in force and effect from and after its ratification.

Ratified this 10th day of March, A.D. 1919.

CHAPTER 190

AN ACT TO PROVIDE FOR THE MAINTENANCE OF THE PUBLIC ROADS OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of county commissioners of any and all counties of the State of North Carolina that have issued and sold bonds for the construction or reconstruction of roads in their respective counties or any of the townships and road districts therein, and the board of county commissioners of any and all counties which shall hereafter issue and sell bonds for the construction or reconstruction of public roads in their respective counties or any of the townships and road districts therein, are authorized, instructed, and directed to levy annually during the life of the bonds a special tax on all taxable property, both real and personal, sufficient to raise an amount equal to at least three per cent, and not more than five per cent, of the total amount of bonds issued by the county, except as hereinafter specified, for the construction or reconstruction of the public roads, as may be necessary to maintain said roads in a satisfactory manner. Commissioners of counties in which roads have been or are built by bonds directed to levy tax for maintenance.

SEC. 2. The money raised by said special tax authorized by section 1 of this act shall be used for the maintenance of the roads in said county, township, or road district in which the tax is collected, and which were or will be built by the revenue derived from the sale of bonds; and shall not be used for any other purpose except as herein provided. Money raised used for maintenance only.

SEC. 3. Taxes for the maintenance of the roads built from the revenue derived from said bonds shall be levied upon the following scale: Where the roads have cost one thousand dollars per mile or less, a tax sufficient to raise not less than fifty dollars per mile per year shall be levied. Where the roads have cost more than one thousand and not more than two thousand dollars per mile, a tax of five per cent shall be levied. When the roads have cost more than two thousand dollars per mile and not more Scale of taxes.

Roads costing less than \$1,000 per mile.
Costing \$1,000 to \$2,000.
Costing \$2,000 to \$3,000.

Costing more than \$3,000 per mile.
Reduction of levy.

than three thousand dollars per mile, a tax of four per cent shall be levied. When the roads have cost more than three thousand dollars per mile, a tax of three per cent shall be levied.

SEC. 4. When in any county, township or road district, the fund raised under this act is thought to be more than sufficient to maintain the roads in proper condition the board of county commissioners are authorized to apply to the State Highway Commission for an investigation to determine the amount needed for the proper maintenance of the roads to be maintained by the county, and upon certification by said State Highway Commission, showing that funds are more than sufficient, a reduction may be made in the levies as provided in this act, so that only such levies as will provide the amount needed may be made.

Direction of maintenance.

SEC. 5. The work of maintaining the roads provided for in this act shall be under the board of county commissioners, county road commission, township road commission, district road commission or any other officials having charge of the road work for the county or subdivisions thereof.

Commissioners to report amount of bonds and miles of roads built.

SEC. 6. The board of county commissioners of any and all counties where bonds have been issued for the construction or reconstruction of roads shall, as soon as practicable after the ratification of this act, ascertain the amount of bonds that have been issued or that may be hereafter issued in any county, township, and road district, and shall ascertain the number of miles of road constructed under such bond issues, and make a report of same in detail to the State Auditor and the State Highway Commission.

State road excluded.

SEC. 7. This act is not intended to include any roads that are maintained by the State.

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

Ratified this 10th day of March, A.D. 1919.

CHAPTER 191

AN ACT TO AMEND CHAPTER 278, PUBLIC LAWS OF 1917, REGARDING ADVISORY BOARD OF PAROLE.

The General Assembly of North Carolina do enact:

Board of Charities' per diem to be paid by State Treasurer.

SECTION 1. That section one, chapter two hundred and seventy-eight, Public Laws of one thousand nine hundred and seventeen, be and the same is hereby amended by striking out the last six words in the last sentence of said section and inserting in lieu thereof the following: "And such payment shall be made by the State Treasurer upon voucher from the State Auditor issued upon itemized statement approved by the chairman of the Board of

Parole, and sums now due for services for the years one thousand nine hundred and seventeen and one thousand nine hundred and eighteen shall be paid in like manner."

SEC. 2. That section two of chapter two hundred and seventy-eight, Public Laws of one thousand nine hundred and seventeen, be amended by adding thereto the following: "The Advisory Board of Parole shall formulate rules for application for pardons or paroles for persons serving on county chain gangs, and when such rules ~~have been~~ approved by the Governor they shall be followed and observed by all persons applying for pardons or paroles for prisoners serving upon chain gangs or in other county or local prisons."

Board of Parole to formulate rules for application for pardons for county prisoners.

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

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

Ratified this 10th day of March, A.D. 1919.

CHAPTER 192

AN ACT TO PROVIDE FOR THE PHYSICAL EXAMINATION AND TREATMENT OF THE SCHOOL CHILDREN OF THE STATE AT REGULAR INTERVALS.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be the duty of the State Board of Health and the State Superintendent of Public Instruction to prepare and distribute to the teachers in all public schools of North Carolina instructions and rules and regulations for the physical examination of pupils attending the public schools.

Physical examination of pupils of public schools.

SEC. 2. Upon receipt of such instructions, rules, and regulations, it shall be the duty of every teacher in the public schools to make a physical examination of every child attending the school and enter on cards and official forms furnished by the State Board of Health a record of such examination. The examination shall be made at the time directed by the State Board of Health and the State Superintendent of Public Instruction, but every child shall be examined at least once every three years. The State Board of Health and the State Superintendent of Public Instruction shall so arrange the work as to cover the entire State once every three years.

Teachers to make examination.

Time of examination.

SEC. 3. The teacher shall transmit the record cards and other blank forms made by him or her to the North Carolina State Board of Health, and if any teacher fails within sixty days, after receiving the aforesaid forms and requests for examination and report, to make such examination and report as herein provided,

Records to be transmitted to State Board of Health.

Failure to transmit records a misdemeanor.
Punishment.

Records to be studied and classified.
Parents to be notified of defects.

Child to be brought before agent of State Board of Health.

Failure to bring child misdemeanor.

Proviso: child not to be carried over ten miles.
No examination of child whose parent objects.

County commissioners to pay for treatment of children.

In cities, city to pay.

Proviso: funds not needed to be returned.

Free dental treatment.

Appropriation from State public school fund.

the said teacher shall be guilty of a misdemeanor and subject to a fine of not less than ten dollars nor more than fifty dollars or thirty days in prison.

SEC. 4. The North Carolina State Board of Health shall have the records filed by the teacher carefully studied and classified, and shall notify the parent or guardian of every child whose card shows a serious physical defect to bring such child before an agent of the State Board of Health on some day designated by the State Board of Health between the hours of nine a.m. and five p.m. for the purpose of having said child thoroughly examined; and if, upon receipt of such notice, any parent or guardian shall fail or refuse to bring said child before the agent of the State Board of Health without good cause shown, he shall be guilty of a misdemeanor, and shall be fined not less than five dollars nor more than fifty dollars or imprisoned not more than thirty days: *Provided*, that the distance the child must be carried shall not exceed ten miles. No pupil or minor shall be compelled to submit to medical examination or treatment whose parent or guardian objects to the same. Such objection may be made by a written and signed statement delivered to the pupil's teacher or to any person who might conduct such examination or treatment in the absence of such objection.

SEC. 5. Within thirty days after the completion of the examination of the children by the agent of the State Board of Health, and after written statement of the proper authority hereinafter designated, a sum not exceeding ten dollars per hundred children enrolled in the county or city shall be paid to the State Board of Health to be used exclusively for the purpose of treating school children for defects other than dental, the same to be paid by the county commissioners of the county, and in cities or towns having a separate school system, to be paid by the city manager, city council, city board of aldermen, or city commissioners: *Provided*, that any funds so paid and not needed in enforcing the provisions of this act shall be returned to the county or city from which it was received.

SEC. 6. For the purpose of providing free dental treatment for as many children as possible each year, and to aid the State Board of Health in making the examinations as provided for in section 4, a special appropriation not to exceed fifty thousand dollars per annum shall be set aside from the State Public School Fund, and shall be paid by the Treasurer of the State of North Carolina on properly signed requisition forms to the Treasurer of the North Carolina State Board of Health.

SEC. 7. Chapter 244, Public Laws of one thousand nine hundred and seventeen, and all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 8. This act shall be in effect from and after its ratification.
Ratified this 8th day of March, A.D. 1919.

CHAPTER 193

AN ACT TO VALIDATE CERTAIN MUNICIPAL TAXES.

The General Assembly of North Carolina do enact:

SECTION 1. All taxes levied by any municipality for general purposes since the enactment of chapter one-thirty-one of the Public Laws of 1917 (known as the Municipal Finance Act of 1917), at a rate not exceeding one dollar and twenty-five cents on the one hundred dollars assessed valuation of taxable property of the municipality, are hereby ratified and validated, notwithstanding that the rate of said taxes exceeded the rate of one dollar on the one hundred dollars assessed valuation of said taxable property. Taxes validated.

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

SEC. 3. This act shall be in force from and after its ratification. Ratified this 8th day of March, A.D. 1919.

CHAPTER 194

AN ACT TO PRESERVE THE LIEN OF JUDGMENT BY A TRANSFER OF THE SAME TO A TRUSTEE WHEN THERE ARE TWO OR MORE JUDGMENT DEBTORS JOINTLY AND SEVERALLY LIABLE FOR ITS PAYMENT AND THE SAME IS PAID BY ONE OF SUCH JUDGMENT DEBTORS.

The General Assembly of North Carolina do enact:

SECTION 1. That in all cases in the courts of this State wherein judgment has been, or may hereafter be, rendered against two or more persons or corporations, who are jointly and severally liable for its payment either as joint obligors or joint tort-feasors, and the same has not been paid by all the judgment debtors by each paying his proportionate part thereof, if one of the judgment debtors shall pay the judgment creditor, either before or after execution has been issued, the amount due on said judgment, and shall, at the time of paying the same, demand that said judgment be transferred to a trustee for his benefit, it shall be the duty of the judgment creditor or his attorney to transfer without recourse such judgment to a trustee for the benefit of the judgment debtor paying the same; and a transfer of such judgment as herein contemplated shall have the effect of preserving the lien of the judgment and of keeping the same in full force as against any judgment debtor who does not pay his proportionate part thereof to the extent of his liability thereunder in law and in equity. If the judgment debtors do not agree as to their proportionate Transfer of judgment.

Transfer to preserve judgment.

Proportion of liability of debtors; jury trial to decide.

liability and it be alleged in such action by petition that any judgment debtor is insolvent or is a nonresident of the State and cannot be forced under the execution of the court to contribute to the payment of the judgment, the court shall, in the action in which the judgment was rendered, after notice to the defendants or such of them as may be within the jurisdiction of the court, submit proper issues to a jury to find the facts arising on such petition and any answer that may be filed thereto, and shall, upon such verdict and any admissions in the petition and answer, enter judgment declaring the proportionate part each judgment debtor shall pay.

Judgment creditor refusing to transfer judgment not to recover.

SEC. 2. That any judgment creditor who refuses to transfer a judgment in his favor to a trustee for the benefit of a judgment debtor who shall tender payment and demand in writing a transfer thereof to a trustee to preserve his rights in the same action as contemplated by section one of this act, shall not thereafter be entitled to an execution against the judgment debtor so tendering payment.

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

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

Ratified this 8th day of March, A.D. 1919.

CHAPTER 195

AN ACT TO AMEND SECTIONS 5353, 5354, 5357 AND 5362, REVISAL OF 1905, RELATING TO THE DISTRIBUTION AND SALE OF LAWS, JOURNALS AND SUPREME COURT REPORTS.

The General Assembly of North Carolina do enact:

Section 5353 of the Revisal amended.

SECTION 1. That section five thousand three hundred and fifty-three of the Revisal of one thousand nine hundred and five be amended by inserting after the word "commissioner" in line six thereof, and before the word "superintendents" in said line, the words "corporation commission, legislative reference library, state board of health, state highway commission, state board of charities and public welfare, state geologist."

Section 5354 of the Revisal amended.

SEC. 2. That section five thousand three hundred and fifty-four of the Revisal of one thousand nine hundred and five be amended by inserting after the word "commissioner", in line six thereof, and before the word "the" in said line, the words "corporation commission, legislative reference library."

Section 5357 of the Revisal amended.

SEC. 3. That section five thousand three hundred and fifty-seven of the Revisal of one thousand nine hundred and five be

amended by inserting after the word "commissioner" in line six thereof, and before the word "the" in said line, the words "corporation commission, legislative reference library."

SEC. 4. That section five thousand three hundred and sixty-two of the Revisal of one thousand nine hundred and five be amended by inserting after the word "at" in line three thereof, and before the word "one" in said line, the words "such price as he deems reasonable, not less than."

Section 6352
of the Revisal
amended.

SEC. 5. This act shall be in force from and after its ratification. Ratified this 8th day of March, A.D. 1919.

CHAPTER 196

AN ACT TO AMEND CHAPTER 115, PUBLIC LAWS OF 1913, PERMITTING THE PRESIDENT OF THE BOARD OF TRUSTEES OF THE APPALACHIAN TRAINING SCHOOL FOR TEACHERS TO EXECUTE DEED TO RAILWAY COMPANY.

The General Assembly of North Carolina do enact:

SECTION 1. That section three of chapter one hundred and fifteen, Public Laws of North Carolina, session one thousand nine hundred and thirteen, be amended by inserting between the first word in said section and the second word, the following: "the President of," and strike out in the first line of said section the words "are further" and insert in lieu thereof the word "is."

Authority con-
ferred on
president.

SEC. 2. This act shall be in force from and after its ratification. Ratified this 8th day of March, A.D. 1919.

CHAPTER 197

AN ACT TO REGULATE THE SALE OF CONCEALED WEAPONS IN NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person, firm, or corporation in this State to sell, give away or dispose of, or to purchase or receive, at any place within the State from any other place within or without the State, without a license or permit therefor shall have first been obtained by such purchaser or receiver from the clerk of the Superior Court of the county in which such purchase, sale, or transfer is intended to be made, any pistol, so-called pump-gun, bowie knife, dirk, dagger or metallic knucks.

Unlawful to sell,
give away, buy
or receive pistol,
pump-gun,
bowie knife,
dagger or
knucks without
license or
permit.

Permits and licenses to be issued by clerks of Superior Courts.

SEC. 2. That the clerks of the Superior Courts of any and all counties of this State are hereby authorized and directed to issue to any person, firm, or corporation in any such county a license or permit to purchase or receive any weapon mentioned in section one of this act from any person, firm, or corporation offering to sell or dispose of the same, which said license or permit shall be in the following form, to wit:

NORTH CAROLINA,

-----County.

Form of license to purchaser of weapon.

I, -----, clerk of the Superior Court of said county, do hereby certify that-----whose place of residence is-----Street, in -----(or) in-----Township -----County, North Carolina, having this day satisfied me as to his, her (or) their good moral character, and that the possession of one of the weapons described in section one of this act is necessary for self-defense or the protection of the home, a license or permit is therefore hereby given said-----to purchase one pistol, (or)-----from any per-

(If any other weapon is named, strike out word pistol.)

son, firm, or corporation authorized to dispose of the same.

This ----- day of -----, 19---

-----,
Clerk Superior Court.

Applicant must be of good moral character.

SEC. 3. That before the clerk of the Superior Court shall issue any such license or permit he shall fully satisfy himself by affidavits, oral evidence, or otherwise, as to the good moral character of the applicant therefor, and that such person, firm, or corporation requires the possession of such weapon mentioned in section one of this act for protection of the home: *Provided*, that if said clerk shall not be so fully satisfied, he shall refuse to issue said license or permit: and *Provided further*, that nothing in this act shall apply to officers authorized by law to carry firearms. The clerk shall charge for his services upon issuing such license or permit a fee of fifty cents.

Proviso: clerk may refuse permit.

Proviso: officers of law not affected.
License fee.

Record kept by clerk.

SEC. 4. That the clerk of the Superior Court shall keep a book, to be provided by the board of commissioners of each county, in which he shall keep a record of all licenses or permits issued under this act, including the name, date, place of residence, age, former place of residence, etc., of each such person, firm, or corporation to whom or which a license or permit shall have been so issued.

Dealer's record of sales.

SEC. 5. That each and every dealer in pistols, pistol cartridges and other weapons mentioned in section one of this act shall keep an accurate record of all sales thereof, including the name, place

of residence, date of sale, etc., of each person, firm, or corporation, to whom or which any and all such sales are made, which said record shall be open to the inspection of any duly constituted State, county or police officer, within this State.

SEC. 6. That during the period of listing taxes in each year the owner or person in possession or having the custody or care of any pistol or other weapon mentioned in section one of this act shall be, and is hereby, required to list the same specifically, together with the value thereof, as is now required by law for listing other personal property for taxes: *Provided*, that all persons listing any such weapons for taxes as aforesaid shall also be required to designate his place of residence, local street address, or otherwise as the case may be.

Weapons to be listed for taxes.

Proviso: persons listing them must give address.

SEC. 7. That any person, firm, or corporation violating any of the provisions of this act shall be guilty of a misdemeanor and fined or imprisoned in the discretion of the court.

Violation of act a misdemeanor.

SEC. 8. That upon submission or conviction of any person in this State for unlawfully carrying concealed weapons off of his own premises, the pistol or other deadly weapon with reference to which the defendant shall have been convicted shall be condemned and ordered confiscated and destroyed by the judge presiding at any such trial.

Weapons carried unlawfully to be destroyed.

SEC. 9. That this act shall be in force from and after the first day of April, one thousand nine hundred and nineteen.

Ratified this 10th day of March, A.D. 1919.

CHAPTER 198

AN ACT TO CONTROL THE DISTRIBUTION OF FUNDS TO THE CHEROKEE NORMAL SCHOOL OF ROBESON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the State Board of Education is hereby empowered to turn over to the county board of education of Robeson County the sum of one thousand dollars of the fund appropriated to the Cherokee Normal School of Robeson County, five hundred dollars in one thousand nine hundred and nineteen, and five hundred dollars in one thousand nine hundred and twenty, for the maintenance of an Indian training school at Union Chapel.

State Board of Education authorized to make appropriation.

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

Ratified this 5th day of March, A.D. 1919.

CHAPTER 199

AN ACT TO CHANGE THE NAME OF THE STATE NORMAL AND INDUSTRIAL COLLEGE AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

Section 4251 of the Revisal amended.

SECTION 1. That section four thousand two hundred fifty-one of the Revisal of 1905 of North Carolina be and the same is hereby amended by striking out in line five after the word "of" and before the word "with." "The State Normal and Industrial College." and inserting in lieu thereof the words "The North Carolina College for Women."

Change of name.

Section 4253 of the Revisal amended.
Objects of institution.

SEC. 2. That the Revisal of 1905 of North Carolina be amended by striking out all of section four thousand two hundred fifty-three, and inserting in lieu thereof the following: The objects of the institution shall be (1) to teach young white women all branches of knowledge recognized as essential to a liberal education, such as will familiarize them with the world's best thought and achievement and prepare them for intelligent and useful citizenship; (2) to make special provision for training in the science and art of teaching, school management, and school supervision; (3) to provide women with such training in the arts, sciences, and industries as may be conducive to their self-support and community usefulness; (4) to render to the people of the State such aid and encouragement as will tend to the dissemination of knowledge, the fostering of loyalty and patriotism, and the promotion of the general welfare. Tuition shall be free, upon such conditions as may be prescribed by the board of directors, to those who signify their intention to teach in the schools of North Carolina; and also, in the discretion of said board, to those who signify their intention to enter other fields of public service.

Tuition.

Directors to appoint president and faculty.

SEC. 3. That said chapter eighty-nine of the Revisal of 1905 of North Carolina is further amended by striking out all of sections four thousand two hundred and fifty-five and four thousand two hundred and fifty-six, and inserting in lieu thereof the following: The board of directors shall have the power of appointing a president and such professors, tutors, and other officers as to them shall appear necessary and proper for such terms and under conditions as they may prescribe, and shall also have the power to make regulations for the government of said college as shall not conflict with the laws of the State. And the faculty of the college, by and with the consent of the board of directors, shall have the power of conferring such degrees as are usually conferred by colleges. That it shall be the duty of the faculty of the North Carolina College for Women to extend its influence and usefulness as far as possible to the persons of the State who are unable to avail them-

Duty of faculty to extend college's usefulness.

selves of its advantages as resident students, by extension courses, by lectures, and by such other means as may seem to them most effective.

SEC. 4. That section four thousand two hundred fifty-seven be and the same is hereby amended by striking out all of said section after the words "cost" in line three. Board at cost.

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

SEC. 6. That all laws and clauses of laws concerning The State Normal and Industrial College (name herein changed to The North Carolina College for Women) not affected, referred to, or repealed by the provisions of this act, are hereby declared to be and remain in full force and effect. Acts not repealed effective.

SEC. 7. This act shall be in force from and after its ratification. Ratified this 8th day of March, A.D. 1919.

CHAPTER 200

AN ACT TO AMEND CHAPTER 17, PUBLIC LAWS OF 1917, RELATING TO PROFESSIONAL NURSING.

The General Assembly of North Carolina do enact:

SECTION 1. That section three of chapter seventeen of the Public Laws of one thousand nine hundred and seventeen be and it is hereby amended by adding at the end of said section three the following: "*Provided*, that training schools for nurses may give such credits for college work on the three-year course as they may deem wise, such credits not to total more than one year for any one person. Credits for college work.

SEC. 2. This act shall be in force from and after its ratification. Ratified this 8th day of March, A.D. 1919.

CHAPTER 201

AN ACT TO SECURE UNIFORMITY OF HIGH SCHOOL TEXT- BOOKS WITHIN EACH COUNTY FOR THE DIFFERENT TYPES OF HIGH SCHOOLS.

The General Assembly of North Carolina do enact:

SECTION 1. That the unit for the adoption of high school text-books shall be the county. Unit the county.

SEC. 2. That the State Superintendent of Public Instruction shall, within one year from the passage of this act, have prepared a list of approved text-books for use in all public high schools of State Superintendent to prepare list of approved books.

the State, from which list adoptions for each county in each subject of study taught in the high schools of the county shall be made in the manner prescribed in section three of this act; and the State Superintendent of Public Instruction shall have the State list of approved high school text-books printed, showing the wholesale, retail, and exchange prices as agreed upon by contract with the publishers of approved books under the provisions of this act.

Adoption of county list.

County committee for adoptions.

Proviso: high school inspector to recommend list.

Adoptions limited.

Proviso: more than one book on a subject may be adopted.

Plan of making list.

Publishers to submit samples with prices.

Manner of quoting prices.

SEC. 3. That the county board of education of each county shall, upon the recommendation of the county committee on high school text-books, every four years, except as hereinafter provided, adopt a county list which shall be made up from the State list of approved books provided for in section two of this act; and the said committee to select high school text-books for each county shall be composed of the county superintendent of public instruction, the superintendent of the largest city or town school system of the county, and three high school principals or teachers chosen from the different high schools of the county, to be selected jointly by the two above mentioned county and city superintendents: *Provided*, that in a county where such a committee cannot be secured according to the manner provided above, the State High School Inspector shall recommend to the county board of education of said county the high school books to be used in said county, and the county board of education shall adopt the list of books so recommended; and the county adoptions of high school text-books under this act shall be limited to the State list of approved high school text-books to be selected under the direction of the State Superintendent of Public Instruction and published by him as provided in section two of this act: *Provided*, that nothing in this act shall be construed as to prevent the county committee on high school text-books from recommending the use of, and the county board of education from adopting, more than one book in a subject for use in the different types of high schools that may require books of greater or less difficulty, nor shall any high school be prevented from using necessary supplementary books.

SEC. 4. That the plan to be followed by the State Superintendent of Public Instruction for making up an approved State list from which county adoptions shall be made shall be as follows:

1. He shall give notice to the publishers of high school text-books in such manner as he may choose, that each publisher wishing to have any book adopted for use in the high schools of North Carolina shall submit six copies of the same (of his regular, standard edition) to the State Superintendent of Public Instruction, together with a statement in writing of the price at which the said publisher will sell such book to properly constituted high school authorities in the State. The publisher shall quote to the State Superintendent of Public Instruction the wholesale, retail, and exchange prices of each book he submits, which prices

shall not be higher than are charged for the same book in any other state adopting high school text-books under a plan similar to that prescribed in this act.

2. That the State Superintendent of Public Instruction shall appoint a State committee on high school text-books, consisting of five members, who shall serve without pay except reimbursement out of the State Treasury upon the requisition of the State Superintendent of Public Instruction for actual expenses incurred by attendance upon meetings of the committee that may be called by, or under the direction of, the State Superintendent of Public Instruction: it shall be the duty of said State committee on high school text-books to make an examination of each book submitted by any publisher, under the provisions of this act, with a view to determining whether or not the contents, quality, and price of said book are such as to make it suitable and desirable for use in public high schools of this State: and the said State committee on high school text-books shall, every four years, except as herein otherwise provided, submit to the State Superintendent of Public Instruction, on or before the first day of January of each year within which county adoptions are to be made, a report of its findings with recommendations as to the books that shall be placed on the State approved list, which list shall constitute the State adopted list for a period of four years, except as herein otherwise provided.

State committee on high school text-books.

Duty of committee to examine and pass on suitability of books.

Report and list to be submitted every four years.

3. That all books recommended for use in the public high schools of North Carolina by the said State committee on high school text-books that meet with the approval of the State Superintendent of Public Instruction shall then be placed upon the State list of approved text-books at the prices agreed upon under contract entered into by the State Superintendent of Public Instruction with the publisher of approved high school text-books.

State Superintendent to vise list.

4. That the State Superintendent of Public Instruction shall then enter into a contract with each and every publisher having books on the State list of approved high school text-books to sell such books to the properly constituted authorities throughout the State in the manner provided for in this act.

Contracts with publishers.

5. That each publisher having any book or books on the State list of approved books shall file with the State Superintendent of Public Instruction a bond payable to the State of North Carolina, with some surety company authorized to do business in the State of North Carolina, as surety thereon, in a sum to be determined by the State Superintendent of Public Instruction, said sum being not less than five hundred dollars and not more than twenty-five hundred dollars, according to the number of books filed; the bond to be conditioned as follows: first, that the publisher will furnish any of the books at the price and under the conditions listed in his contract with the State Superintendent of Public Instruction to the duly constituted high school authorities of the

Publishers to file bond.

Amount of bond.

Conditions of bond.

No discrimination as to price.	State during the time said contract is continued in force; second, that the price of any book or books shall not exceed the lowest price the publisher has made elsewhere in the United States under a plan similar to that prescribed in this act, and that he will maintain said price uniformly throughout the State of North Carolina on the books filed and approved under the provisions of this act; third, that the publisher will reduce such prices automatically to the State of North Carolina whenever reductions are made elsewhere in the United States, so that at no time shall any book so filed and approved be sold to the high school authorities in North Carolina at a higher net price than is received for any such book elsewhere in the United States, and that upon failure or refusal of any publisher to make such a reduction, his contract for such book or books shall become null and void, and his bond forfeited in whole or in part as may be determined to be just and equitable by the State Superintendent of Public Instruction and the Attorney General of the State of North Carolina; fourth, that all books on the State list of approved high school text-books offered for sale, adoption, or exchange in the State of North Carolina shall be in equal quality to those filed with the State Superintendent of Public Instruction as regards paper, binding, printing, illustration, subject-matter, and all other particulars that may affect the value of such books; fifth, that the publishers shall not enter into any understanding, agreement, or combination to control the prices or restrict competition on the sale of such high school text-books in the State of North Carolina; sixth, that such bond shall be approved by the Attorney General of the State of North Carolina, and shall continue in force for a period of not less than five years and not more than six years without renewal after its filing, at or before the expiration of which period a new bond shall be given or the right of selling text-books on the State list of approved high school text-books in the State of North Carolina shall be forfeited; seventh, that if any publisher shall comply with the foregoing provisions of this act, and then fail or refuse to furnish any book or books to the duly constituted high school authorities of any county upon the terms herein provided, said school authorities shall at once notify the State Superintendent of Public Instruction of such failure or refusal, who shall at once cause an investigation of such charge to be made. If the State Superintendent shall find such charge to be true he shall at once notify such publisher and notify the superintendent of schools of each county and of each city whose schools are operated under special charter, that such book or books shall not thereafter be adopted or purchased by any of the public high school authorities of the State of North Carolina; and said publisher shall forfeit and pay to the State of North Carolina such a part of his bond as may be determined to be equitable and just by the State Superintendent of Public Instruc-
Reductions in price.	
Discrimination to annul contract and forfeit bond.	
Books sold must be up to samples.	
Restriction of competition forbidden.	
Bond to be approved.	
Term.	
Renewal.	
Failure to comply with conditions.	
Investigation.	
Notification.	
Forfeiture.	

tion and Attorney General of the State of North Carolina, to be recovered in the name of the State of North Carolina in an action to be brought by the Attorney General in any proper court, the amount when collected to be paid into the Treasury to the credit of the State Public School Fund of the State of North Carolina.

SEC. 5. That the county board of education of each county at a regular meeting held between the first day of February and the first day of June every four years, beginning with the year one thousand nine hundred and twenty, shall act upon the recommendation of the county committee on high school text-books, and shall adopt a list of high school text-books recommended by the said committee, under the provisions of this act, to be used in the county for the next four years; and when such county adoption shall have been made, no basal book or books, except those on the list adopted for use in the public high schools of the county for the next four years period from the time of an adoption, shall be used by any public high school of the county: *Provided*, that in adopting text-books of history and science, the committee may adopt and the State Superintendent of Public Instruction may make contracts for a period of two years.

SEC. 6. That in order to facilitate distribution, sale, and exchange of high school text-books in each county adopted under the provisions of this act, each county board of education shall provide for the handling of such books through such local depositories or agencies in the county as it may deem advisable and necessary; and such local depositories or agencies shall be responsible to the county board of education through whom all orders to the publishers for high school text-books, under the provisions of this act, shall be made, except as is hereinafter provided; and said depositories or agencies may be allowed a commission on the sale of high school text-books not to exceed fifteen per cent of the wholesale price of the books as agreed upon by contract entered into by the State Superintendent of Public Instruction with the publishers of approved high school text-books; and any depository or agency that shall charge a higher price than fifteen per cent in addition to the wholesale contract price shall be deprived of the right to handle any high school text-books adopted under the provisions of this act: *Provided*, that nothing in this act shall be construed to prevent the high school officials of any school or school system operated under a special charter from placing their orders directly with the publishers.

SEC. 7. That when a pupil in any public high school of one county removes to another county and enters a high school in that county and has regularly adopted high school text-books not used in the high schools of such other county, and wishes to dispose of them the county board of education in the county from which he removes, if requested to do so, shall purchase, through

Recovery.

County board to adopt upon recommendation of county committee.

No basal not on list to be used.

Proviso: contracts for two years.

Distribution of books.

Depositories.

Depositories commission limited to 15 per cent.

Proviso: schools may order direct.

Purchase of books from student removing from county.

Resale.

any of its depositories or agencies, such books at a fair valuation thereof, depending on the condition of the book, and shall provide for reselling them to other pupils at a profit not exceeding fifteen per cent.

State Superintendent may make rules.

SEC. 8. That the State Superintendent of Public Instruction may make such additional rules and regulations as he may deem necessary to carry out more effectively the provisions of this act and to facilitate the handling of high school text-books: *Provided*, that all such rules and regulations as he may make shall be in conformity with the provisions of this act.

Selection by disinterested persons.

SEC. 9. That it shall be a misdemeanor for any person to serve in any capacity in the selection of text-books for approved lists who is connected in any way with the production or sale of high school text-books.

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

Ratified this 8th day of March, A.D. 1919.

CHAPTER 202

AN ACT TO REPEAL CHAPTER 128, PUBLIC LAWS 1917, AND TO PROVIDE FOR THE INCORPORATION OF RURAL COMMUNITIES.

The General Assembly of North Carolina do enact:

Incorporation upon petition.

SECTION 1. That the people of any rural community in North Carolina, upon petition signed by a majority of the registered voters of such community embracing in area one entire school district, may be incorporated under the provisions of this act, the title of such corporate body being "The ----- Community of ----- County" (or counties), the name of community and county (or counties) to be supplied in the petition for incorporation: *Provided*, that no part of such community shall be nearer than two miles to the nearest boundary of any incorporated town or city of five thousand or more inhabitants, and nothing in this chapter shall be construed to prevent the extension of the limits of any town or city regularly incorporated so as to include territory incorporated under this act. After any school district has been incorporated under the provisions of this act the boundaries of said school district and incorporated rural community may be changed only in the manner prescribed in section four thousand one hundred and fifteen. Revisal of one thousand nine hundred and five, for changing the lines of a special-tax school district, except that the county board of education shall proceed to enlarge such boundaries in accordance with said section upon the written request of a majority of the school committeemen or trustees of said school district and

Proviso: no part of community to be within two miles of town of 5,000.

Incorporation of school district and extension of boundaries.

a written request of a majority of the board of directors of the incorporated rural community.

SEC. 2. The petition for incorporation shall be addressed to the Secretary of State at his office in Raleigh, who, if such petition is in due form, shall then issue the certificate of incorporation without charge therefor.

Certificate of incorporation.

SEC. 3. The registered voters of each community incorporated under the provisions of this act shall hold a public community meeting on the first Saturday in January of each year, or on such other day as may be specified in the petition for incorporation. The place of such meeting shall also be designated in the petition for incorporation; but the time or place, or both, may be changed at any annual meeting to take effect at the following annual meeting, notice of such change to be posted in three public places in such community. At such annual community meeting the voters may adjourn to meet at some other specified date, and other meetings may be held upon petition signed by ten per cent of the registered voters of the community, provided notice of such meeting is posted at three public places in such community at least two weeks prior to such meeting. Questions involving the levy of any tax, however, shall be decided only at the regular annual community meeting.

Annual public community meetings.

Other meetings upon petition after notice.

Tax questions decided at annual meeting.

SEC. 4. At each annual community meeting, as provided in section three of this act, the voters shall elect three persons to be known as the "Board of Directors of ----- Community," one of whom shall be designated as chairman and another as secretary-treasurer, each performing the duties suggested by his title.

Board of directors.

SEC. 5. The said board of directors of such community shall be charged with the duty of enforcing and executing such ordinances as the community meetings may adopt; and performing such other functions not inconsistent with the laws of North Carolina or the United States as the community meetings may direct. The annual compensation, if any, of such board of directors, or any member thereof, shall be fixed at each annual meeting.

Duties of directors.

Compensation.

SEC. 6. At each meeting of the registered voters of a community they shall have the right to adopt, amend, or repeal ordinances, provided such action is not inconsistent with the laws of North Carolina or the United States, concerning the following subjects: the public roads of the community; the public schools of the community; regulations intended to promote the public health; the police protection; the abatement of nuisances; the care of paupers, aged or infirm persons; to encourage the coming of new settlers; the regulation of vagrancy; aids to the enforcement of State and National laws; the collection of community taxes; the establishment and support of public libraries, parks, halls, playgrounds, fairs, and other agencies of recreation, educa-

Ordinances.

Subjects: roads, schools, health, police, nuisances, indigent, infirm, immigrants, vagrancy, taxes, libraries, recreation, morals.

Proviso: no loss of identity as part of county or township.

tion, health, music, art, and morals: *Provided*, that nothing herein contained shall be construed to mean that any community incorporated under the provisions of this act shall lose its identity as a part of the road and school systems of the county or counties in which it is located, nor lose its right to participate the same as before incorporation in the benefits to be derived from county or township funds raised by taxation or otherwise for building or maintaining the public roads, for the public schools, for public health, or for other public uses.

Annual meeting authorized to levy taxes or issue bonds.

SEC. 7. That for the promotion of any of the objects mentioned in section six of this act, the registered voters of any incorporated community, in annual community meeting assembled, shall have the right to levy taxes or issue bonds upon the property of the community, within limits hereinafter set forth, either for specific purposes or for the general use of the community upon a method of tax division among varying objects as agreed upon by such annual community meeting: *Provided*, that the aggregate of taxes levied for such community purposes shall not exceed five mills annually on each dollar of taxable property: *Provided*, that the aggregate amount of the bonds issued shall at no time exceed ten per cent of the total property valuation of the community. *Provided*, that any tax imposed or levied under the provisions of this act may be revoked only in the manner prescribed in section four thousand one hundred and fifteen, Revisal of one thousand nine hundred and five, for revoking special taxes in a special-tax school district.

Proviso: tax limit.

Proviso: limit of bonds.

Proviso: repeal of tax.

Manner of levying tax.

SEC. 8. No community meeting may levy a tax unless a majority of the registered voters of the community are present at such meeting and vote by ballot for such tax: but if at any annual community meeting a majority of the voters present, whatever their number, may vote to submit the question of levying such a tax to the qualified voters of the community at an election to be held not earlier than thirty days subsequent to such meeting. If the community meeting shall desire to submit separately the question of tax levy for different purposes, it shall mention a name of not more than six words by which each such tax shall be designated, as for example, "Road Tax," "Public Library Tax"; or such community meeting may submit the question of a tax levy for various purposes under the title "For Community Tax." At the election herein provided for each voter may deposit a ballot marked "For ----- Tax" or "Against ----- Tax": and if a majority of the qualified voters of the community at such election shall vote for such tax, then the proposed tax levy shall be enforced and the tax collected at the same time and in the same manner as State and county taxes are now collected, or such incorporated community, through its board of directors, may name a collector of community taxes and fix his compensation, requiring both tax collector and treasurer to give bond for proper amounts.

Submission to voters.

Form of ballot.

Enforcement and collection of levy.

SEC. 9. At any election herein provided for, the board of directors may act as election officers, judges of election, etc., and the ballots shall be counted, compared, canvassed and returned in the same manner as is now provided for general elections in the various counties of the State. The result of any such election shall be certified by the secretary of the board of directors of the community to the clerk of the board of county commissioners, who shall record the same in the minutes of the said board of county commissioners, and no further recording or declaring of the result shall be necessary.

Directors to act as election officers.

Record of result.

SEC. 10. The Bureau of Community Service, now directed by the State departments of Education, Agriculture, and Health, the State College of Agriculture and Engineering, and the State Normal and Industrial College, is hereby charged with the duty of securing from the communities of the State incorporated under this act reports as to what each community is doing for the promotion of the purposes mentioned in section six of this act; and the aforesaid Bureau of Community Service shall furnish the officers of such incorporated communities forms for keeping records, accounts, etc., and for making reports. Said bureau shall also provide forms and instructions to citizens of the State desiring to petition for incorporation under the provisions of this act, and shall publish annually a summary of the work accomplished by incorporated communities. The members of the board of directors of such incorporated communities are required to render such reports to the Bureau of Community Service, and to post copies of same, together with an itemized statement of receipts, disbursements, and balances for the year, in three public places in the community, under the penalty, upon conviction, of a fine of ten dollars each: *Provided*, that all printing required under this act shall be paid for by the State Department of Education.

Bureau of Community Service to secure reports from communities.

Bureau to furnish forms for records and petitions and publish annual summary.

Directors' report.

Statement.

Penalty.

Proviso: payment for printing.

Standards for production and marketing of produce.

SEC. 11. Said board of directors may adopt standards for the production and marketing of produce, canned vegetables, etc., and may adopt labels, trade names, and brands for the same, and regulate their use, requiring the inhabitants of said community to comply with the standards set and adopted by the directors before they can use the brand, trade name, or labels for said community; and said board of directors may adopt such regulations as may be necessary to protect said brands, trade names, etc.; may have an inspection of the goods sold thereunder, and may take any and all necessary steps looking to a system of community standard production, and of coöperative community marketing.

Protection of standards.

SEC. 12. Any person violating any ordinance adopted under the provisions of this act or any rule made by the board of directors or other governing authority authorized by any of the provisions of this act, shall be guilty of a misdemeanor, and upon conviction shall be imprisoned not exceeding thirty days or fined

Violation of community ordinances a misdemeanor.

- Jurisdiction. Any magistrate residing within the boundaries of a community incorporated under this act shall have power to hear and try all cases arising from violation of ordinances adopted by such community: *Provided*, that if there is no magistrate residing within the boundaries of the community, or if the community shall desire an additional magistrate, there shall be nominated at each annual meeting some suitable person living within the confines of the community who shall, upon proper certification of nomination, be appointed community magistrate by the Governor of the State, with all the powers of a magistrate within the bounds of said community.
- Proviso: community magistrates.
- Police officers. SEC. 13. The board of directors of any community organized under the provisions of this act are authorized and empowered to employ one or more policemen for the community, whose duties and powers shall be those prescribed by law for constables for the townships in the various counties of the State; and the said policemen shall receive as compensation the same fees that are now prescribed by law for constables.
- Registration of voters. SEC. 14. That each person charged with the duty of registering voters in an election precinct embraced in whole or in part in any incorporated community shall furnish the chairman of the board of directors of such incorporated community a complete list of the registered voters in his precinct at the preceding State election, and from such list the board of directors shall compile an official list of registered voters residing in the community for use in connection with the enforcement of this act; such registrar receiving one-half cent for each name so furnished, to be paid for by the community.
- Official list.
- Chapter 128, Public Laws 1917, repealed. SEC. 15. That all laws and clauses of laws in conflict with the provisions of this act, and especially chapter one hundred and twenty-eight of the Public Laws of one thousand nine hundred and seventeen, are hereby repealed.
- SEC. 16. This act shall be in force from and after its ratification. Ratified this 10th day of March, A.D. 1919.

CHAPTER 203

AN ACT TO PROVIDE FOR THE ERECTION OF A SUITABLE BUILDING BY THE BUILDING COMMISSION FOR THE BOARD OF AGRICULTURE.

The General Assembly of North Carolina do enact:

Erection of building authorized.

SECTION 1. That the Building Commission is hereby authorized to contract for or have erected on the site of the present Agricultural Building site a building suitable for the Department of Agriculture and the work it is authorized to promote. The said

Building Commission is hereby authorized to construct said building at such time as they deem advisable at a cost not to exceed two hundred and fifty thousand dollars, to be provided for by this General Assembly. Limit of cost.

SEC. 2. That one entire floor of the building shall be fitted up in committee rooms for the committees of the General Assembly with necessary cloak and lavatory rooms. Floor for use of General Assembly.

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

SEC. 4. This act shall be in force from and after its ratification. Ratified this 10th day of March, A.D. 1919.

CHAPTER 204

AN ACT TO AMEND CHAPTER 57, PUBLIC LAWS OF 1917, RELATING TO DIVORCE.

The General Assembly of North Carolina do enact:

SECTION 1. That in all cases where an absolute divorce is granted upon the grounds of separation of husband and wife for ten successive years as provided by law, such decree granting such divorce shall not have the effect of impairing or destroying the right of the wife to receive alimony under any judgment or decree of the court rendered before the commencement of such proceeding for absolute divorce. Divorce on ground of separation does not destroy right to alimony.

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

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

Ratified this 10th day of March, A.D. 1919.

CHAPTER 205

AN ACT TO AMEND SECTION 210, REVISAL OF 1905, RELATING TO PERSONS DISQUALIFIED TO PRACTICE LAW.

The General Assembly of North Carolina do enact:

SECTION 1. That section two hundred and ten of Revisal of one thousand nine hundred and five be and the same is hereby amended by adding to the said section the following words: "*Provided*, this section shall not apply to Confederate soldiers." Disqualification of court officials removed for Confederates.

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

Ratified this 10th day of March, A.D. 1919.

CHAPTER 206

AN ACT FOR PREVENTION OF VENEREAL DISEASES.

The General Assembly of North Carolina do enact:

Unlawful to expose another to venereal infection.

SECTION 1. That syphilis, gonorrhoea, and chancroid, herein-after designated as venereal diseases, are hereby declared to be contagious, infectious, communicable, and dangerous to the public health. It shall be unlawful for any one infected with these diseases or any of them to expose another person to infection.

Reports of venereal diseases required.

SEC. 2. Any physician or other person who makes a diagnosis in or treats a case of venereal disease, and any superintendent or manager of a hospital, dispensary, or charitable or penal institution in which there is a case of venereal disease, shall make a report of such case to the health authorities according to such form and manner as the North Carolina State Board of Health shall direct.

Examination of persons suspected of infection directed.

SEC. 3. State, county, and municipal health officers, or their authorized deputies, within their respective jurisdictions are hereby directed and empowered, when in their judgment it is necessary to protect the public health, to make examinations of persons reasonably suspected of being infected with venereal disease, and to detain such persons until the results of such examinations are known: to require persons infected with venereal disease to report for treatment to a reputable physician and continue treatment until cured or to submit to treatment provided at public expense until cured: and also, when in their judgment it is necessary to protect the public health, to isolate or quarantine persons infected with venereal disease. It shall be the duty of all local and State health officers to investigate sources of infection of venereal disease, to coöperate with the proper officials whose duty it is to enforce laws directed against prostitution, and otherwise to use every proper means for the repression of prostitution.

Detention and treatment.

Segregation of those infected.

Duty of health officers to investigate sources of infection.

State or municipal prisoners to be examined and treated.

SEC. 4. All persons who shall be confined or imprisoned in any State, county, or city prison in the State shall be examined for and, if infected, treated for venereal diseases by the health authorities or their deputies. The prison authorities of any State, county, or city prison are directed to make available to the health authorities such portion of any State, county, or city prison as may be necessary for a clinic or hospital wherein all persons who may be confined or imprisoned in any such prison and who are infected with venereal disease, and all such persons who are suffering with venereal disease at the time of the expiration of their terms of imprisonment; and, in case no other suitable place for isolation or quarantine is available, such other persons as may be isolated or quarantined under the provisions of section three, shall be isolated and treated at public expense

Isolation of patients.

until cured; or, in lieu of such isolation any of such persons may, in the discretion of the North Carolina State Board of Health, be required to report for treatment to a licensed physician or submit to treatment provided at public expense as provided in section three. Nothing herein contained shall be construed to interfere with the service of any sentence imposed by a court as a punishment for the commission of crime.

Report for treatment in lieu of isolation.

SEC. 5. The North Carolina State Board of Health is hereby empowered and directed to make such rules and regulations as shall in its judgment be necessary for the carrying out of the provisions of this act, including rules and regulations providing for the control and treatment of persons isolated or quarantined under the provisions of section three, and such other rules and regulations, not in conflict with provisions of this act, concerning the control of venereal diseases, and concerning the care, treatment, and quarantine of persons infected therewith, as it may from time to time deem advisable. All such rules and regulations so made shall be of force and binding upon all county and municipal health officers and other persons affected by this act, and shall have the force and effect of law.

State Board of Health empowered to enforce act.

Rules binding on all health officers.

SEC. 6. The North Carolina State Board of Health, through its officers, are hereby empowered and authorized to incur such expenses in the examination, detention, quarantine, and treatment of persons suspected of having, or having, venereal diseases as in their judgment is necessary.

Expenses authorized.

SEC. 7. The North Carolina State Board of Health shall submit to the county commissioners of the county in which persons suspected of having, or having, venereal diseases are suspected of having spread the disease, an itemized statement of expenses incurred in the examination, detention, quarantine, or treatment of such persons, and the county commissioners shall, within thirty days after the receipt of such statement of expenses, pay to the treasurer of the North Carolina State Board of Health a sum equal to that expended.

Board of Health to submit statements to counties.

Payment of expenses.

SEC. 8. Any person who shall violate any of the provisions of this act or any lawful rule or regulation made by the North Carolina State Board of Health pursuant to the authority herein granted, or who shall fail or refuse to obey any lawful order issued by any State, county, or municipal health officer, pursuant to the authority granted in this act, shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than twenty-five dollars, nor more than fifty dollars, or by imprisonment for not more than thirty days.

Violation of act or refusal to obey order of health officer a misdemeanor.

Penalty.

SEC. 9. All laws or parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

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

Ratified this 10th day of March, A.D. 1919.

CHAPTER 207

AN ACT FOR THE RELIEF OF JASPER C. ROBINSON OF YANCEY COUNTY.

Preamble.

Whereas, Jasper C. Robinson was a member of the Home Guard in Yancey County during the years eighteen hundred and sixty-three, eighteen hundred and sixty-four, and eighteen hundred and sixty-five, serving as such in the said county of Yancey and other counties, rendering valuable service to his State and Government; and

Preamble.

Whereas, the said Jasper C. Robinson is now a man of feeble health, slender means and unable to do the ordinary work for providing the necessities of life; now therefore—

The General Assembly of North Carolina do enact:

Placed on pension roll.

SECTION 1. That the name of Jasper C. Robinson be placed upon the pension rolls of the State and that he receive a pension of fourth class dollars in the same manner as pensions are now paid to Confederate veterans of this State.

SEC. 2. This act shall be in force from and after its ratification. Ratified this 10th day of March, A.D. 1919.

CHAPTER 208

AN ACT TO AMEND CHAPTER 152, PUBLIC LAWS OF 1917, ENTITLED "AN ACT TO AMEND CHAPTER 442, PUBLIC LAWS OF 1909, ENACTING A GENERAL DRAINAGE LAW AND PROVIDING FOR THE ESTABLISHMENT OF DRAINAGE DISTRICTS, AND THE ACT AMENDATORY THEREOF, BEING CHAPTER 67, PUBLIC LAWS OF 1911, AND FOR OTHER PURPOSES."

The General Assembly of North Carolina do enact:

Clerks of court to be paid for services by drainage districts.

SECTION 1. That section four of chapter one hundred and fifty-two of Public Laws of one thousand nine hundred and seventeen of North Carolina be and the same is hereby amended by striking out the word "county" where it occurs on page two hundred and ninety-two of said act in line twenty-nine on said page, and inserting in lieu thereof the word "drainage," and by inserting after the word "commissioners" in said line and before the word "as" the words "of such district," and by striking out the word "county" where it occurs in line thirty-one of said page and inserting in lieu thereof the words "said district."

Tax books a charge against drainage districts.

SEC. 2. That section nine of the aforesaid act be and the same is hereby amended by striking out the word "county" where it occurs in line thirty-one on page two hundred and ninety-seven

and inserting in lieu thereof the words "such drainage district," and by striking out the word "county" at the beginning of line thirty-two on page two hundred and ninety-seven, and inserting in lieu thereof the word "drainage."

SEC. 3. That section ten of the aforesaid act be and the same is hereby amended by striking out the word "county" where it occurs in line thirteen of said section, and inserting in lieu thereof the words "said district."

Auditor paid by district.

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

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

Ratified this 10th day of March, A.D. 1919.

CHAPTER 209

AN ACT TO AMEND CHAPTER 264, PUBLIC LAWS OF 1915, RELATING TO PUBLIC ROADS.

The General Assembly of North Carolina do enact:

SECTION 1. That section four of chapter two hundred sixty-four of the Public Laws of one thousand nine hundred and fifteen be and the same is hereby amended by adding, after the word "Camden" in line seven of said section four, the words "New Hanover."

Act made to apply to New Hanover County.

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

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

Ratified this 10th day of March, A.D. 1919.

CHAPTER 210

AN ACT TO AMEND CHAPTER 109, PUBLIC LAWS OF 1913, RELATING TO VITAL STATISTICS.

The General Assembly of North Carolina do enact:

SECTION 1. Amend section nineteen by striking out that part of the section beginning with the word "provided" in line eight, to and including the word "subregistrar" in line twelve.

Chapter 109, Public Laws 1913 amended.

SEC. 2. Amend by striking out in section twenty-one the words "or be both fined and imprisoned in the discretion of the court."

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

Ratified this 10th day of March, A.D. 1919.

CHAPTER 211

AN ACT TO AMEND SECTION 4545, REVISAL OF 1905, RELATIVE TO THE TREATMENT OF CROATAN INDIANS IN THE INSANE HOSPITAL.

The General Assembly of North Carolina do enact:

SECTION 1. That section four thousand five hundred and forty-five of the Revisal of North Carolina, session of one thousand nine hundred and five, be and the same is hereby repealed, and insert in lieu thereof the following: "That all the insane and inebriate Cherokee Indians of Robeson County, and all the insane and inebriate Croatan Indians of the other counties of the State shall be cared for in the hospital for the insane at Raleigh in wards separate and apart from the white patients in said hospital, and all such Cherokee Indians of Robeson County and Croatan Indians of the other counties of the State shall be cared for and receive same treatment as other patients in said hospital receive.

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

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

Ratified this 10th day of March, A. D. 1919.

Insane Indians
to be treated in
separate wards.

CHAPTER 212

AN ACT TO AMEND SECTIONS 3029 AND 3030, REVISAL OF 1905, RELATIVE TO OWNING AND OPERATING PUBLIC WAREHOUSES.

The General Assembly of North Carolina do enact:

SECTION 1. Amend section three thousand and twenty-nine, Revisal of one thousand nine hundred and five, by inserting in line one thereof after the word "any" and before the word "corporation," the words "person or."

SEC. 2. Amend section three thousand and thirty of the Revisal of one thousand nine hundred and five by inserting in line one of said section after the word "such" and before the word "corporation," the words "person or," and by inserting in line ten of said section, after the word "such" and before the word "corporation," the words "person or."

SEC. 3. All laws and clauses of law in conflict with this act are hereby repealed.

SEC. 4. This act shall be in force from and after its ratification.
Ratified this 10th day of March, A.D. 1919. ✓

Law relating
to bonded ware-
houses made to
apply to indi-
viduals operat-
ing warehouses.

CHAPTER 213

AN ACT TO REQUIRE THE PROVISION OF ADEQUATE
SANITARY EQUIPMENT FOR PUBLIC SCHOOLS.

The General Assembly of North Carolina do enact:

SECTION 1. That in each county the county board of education be and the same is hereby required to provide, under rules and regulations to be made by the North Carolina State Board of Health and approved by the State Superintendent of Public Instruction, two privies at each public schoolhouse, one for boys and one for girls.

County board of education to provide privies.

Said privies shall be considered an essential and necessary part of the equipment of each public school, and may be paid for in the same manner as desks and other essential equipment of the school.

Payment for privies.

At least twenty-five per cent of the schools of each county shall have the privies herein required, provided on or before September first, one thousand nine hundred and nineteen, a second twenty-five per cent on or before September first, one thousand nine hundred and twenty, a third twenty-five per cent on or before September first, one thousand nine hundred and twenty-one, and the balance on or before September first, one thousand nine hundred and twenty-two.

Time allowed for installation.

The county superintendent of public instruction and the county board of education of each county are hereby charged with the execution of the provisions of this act, and failure to fully and completely execute it shall be a misdemeanor and subject the several members of the board and the county superintendent to a fine or imprisonment, or both, in the discretion of the court.

Failure to execute act a misdemeanor.

SEC. 2. That the local district or township committeemen be and the same are hereby required to keep the privies provided in section one of this act in a sanitary condition, and shall be governed in this particular by rules and regulations to be prepared by the North Carolina State Board of Health with the approval of the State Superintendent of Public Instruction.

Privies to be kept sanitary.

Failure of the committeemen to keep privies at public schoolhouses in proper sanitary condition under the rules and regulations aforesaid shall be considered a misdemeanor and shall subject them severally and personally to fine or imprisonment, or both, in the discretion of the court.

Failure to keep them so a misdemeanor.

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

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

Ratified this 10th day of March, A.D. 1919.

CHAPTER 214

AN ACT TO OBTAIN REPORTS OF PERSONS INFECTED
WITH VENEREAL DISEASES.

The General Assembly of North Carolina do enact:

Unlawful for any
save physicians
to treat venereal
diseases.

SECTION 1. That it shall be unlawful for any person except a regularly licensed physician to prescribe or give away any medicine for the treatment of any person afflicted with any venereal disease.

Druggists sell-
ing remedies used
in treatment of
such diseases to
make weekly
report of sales.

SEC. 2. That any druggist or other person who sells at retail any patented, proprietary, or trademark remedy or alleged remedy advertised or recommended or sold for or used in the treatment of venereal diseases (gonorrhoea, syphilis, or chaneroid) or lost manhood, impotency, or sterility, or medicinal preparations containing the oils or cubebs, copaiba, sandalwood, or the oils themselves, iodides of mercurry, or preparations compounded for urethral injections, shall report weekly on forms and in accordance with instructions supplied by the North Carolina State Board of Health the sale of such remedies or alleged remedies to the Bureau of Venereal Diseases of the North Carolina State Board of Health.

Obtention of pre-
scription or
remedy under
false name a
misdemeanor.

SEC. 3. Any person who, in obtaining a prescription from a physician under section one of this act, or in obtaining drugs or remedies mentioned in section two of this act, gives a false or assumed name or address, shall be guilty of a misdemeanor and subject to the penalties imposed in section eight of this act.

Agents to issue
prescriptions
may be
appointed.

SEC. 4. For the convenience of the public, a quarantine officer, either municipal or county, shall appoint, on the official request of the North Carolina State Board of Health, from the regularly registered physicians of the county one or more agents to issue prescriptions for drugs or remedies, necessary for treatment of such diseases.

Fees for reports
by quarantine
officers or
agents.

SEC. 5. A quarantine officer or agent of a quarantine officer who issues a prescription for any such drug, remedy, or alleged remedy, and who instructs a person infected with venereal disease as required by the State laws and reports by number but without identification as now prescribed for reports by physicians for such diseases to the North Carolina State Board of Health, shall be entitled to a fee of fifty cents, twenty-five cents of which shall be paid by the Bureau of Venereal Diseases of the North Carolina State Board of Health, and twenty-five cents of which shall be paid by the county commissioners of the county in which the quarantine officer has jurisdiction, on a certification of the Bureau of Venereal Diseases of the North Carolina State Board of Health of the number of prescriptions issued by the quarantine officer or the quarantine officer's agent: *Provided, however,* that the municipal authorities shall pay the above amount for prescrip-

Payment.

Proviso:
municipal
officers.

tions issued by a municipal quarantine officer or his agent; and *Provided further*, that a quarantine officer shall not be entitled to any pay from either county or city for issuing prescriptions to persons who pay the quarantine officer in part or in full for the issuance of prescriptions; and *Provided further*, that several prescriptions issued on a single visit of the infected person to the quarantine officer shall entitle the said officer to not more than the fee for a single prescription.

Proviso: prescriptions paid for.

Proviso: fee based on number of visits.

SEC. 6. Any and all prescriptions for venereal diseases (gonorrhea, syphilis, or chancroid), or impotency, sterility, or lost manhood, or prescriptions containing the drugs, remedies, or alleged remedies mentioned in section two of this act shall be kept by a druggist on a separate file, and shall be subject at any reasonable hour to inspection by an officer of the North Carolina State Board of Health.

Record of prescriptions by druggist.

Subject to inspection.

SEC. 7. The State health officer or his deputy or agent may require any purchaser of remedies or alleged remedies designated in section two of this act, and who may be reasonably supposed to be infected with a venereal disease, to appear before a regularly licensed physician, quarantine officer or agent, for an examination for the said disease.

Purchaser of remedies may be examined.

SEC. 8. Any person violating any of the provisions of this act shall be guilty of a misdemeanor and shall be fined not less than ten dollars nor more than fifty dollars, or imprisonment for not exceeding thirty days.

Violation of act a misdemeanor.

SEC. 9. All laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 10. This act shall be in force from and after its ratification. Ratified this 10th day of March, A.D. 1919.

CHAPTER 215

AN ACT FOR THE REPRESSION OF PROSTITUTION.

The General Assembly of North Carolina do enact:

SECTION 1. That from and after the passage of this act it shall be unlawful:

Made unlawful:

(a) To keep, set up, maintain, or operate any place, structure, building or conveyance for the purpose of prostitution or assignation;

To operate place for prostitution.

(b) To occupy any place, structure, building, or conveyance for the purpose of prostitution or assignation; or for any person to permit any place, structure, building or conveyance owned by him or under his control to be used for the purpose of prostitution or assignation, with knowledge or reasonable cause to know that the same is, or is to be, used for such purpose;

To occupy place for such purpose.

To receive person for such purpose.	(c) To receive, or to offer, or agree to receive any person into any place, structure, building, or conveyance for the purpose of prostitution or assignation, or to permit any person to remain there for such purpose:
To transport persons for prostitution.	(d) To direct, take, or transport, or to offer or agree to take or transport, any person to any place, structure, or building or to any other person, with knowledge or reasonable cause to know that the purpose of such directing, taking, or transporting is prostitution or assignation:
To procure.	(e) To procure, or to solicit, or to offer to procure or solicit for the purpose of prostitution or assignation:
To engage in or aid prostitution.	(f) To reside in, enter, or remain in any place, structure, or building, or to enter or remain in any conveyance, for the purpose of prostitution or assignation:
To engage in or aid prostitution.	(g) To engage in prostitution or assignation, or to aid or abet prostitution or assignation by any means whatsoever.
Definition of terms.	SEC. 2. That the term "prostitution" shall be construed to include the offering or receiving of the body for sexual intercourse for hire, and shall also be construed to include the offering or receiving of the body for indiscriminate sexual intercourse without hire. That the term "assignation" shall be construed to include the making of any appointment or engagement for prostitution or any act in furtherance of such appointment or engagement.
Prior conviction, reputation admissible as evidence.	SEC. 3. That in the trial of any person charged with a violation of any of the provisions of section one of this act, testimony of a prior conviction, or testimony concerning the reputation of any place, structure, or building, and of the person or persons who reside in or frequent the same, and of the defendant, shall be admissible in evidence in support of the charge.
Degrees of guilt.	SEC. 4. That any person who shall be found to have committed two or more violations of any of the provisions of section one of this act within a period of one year next preceding the date named in an indictment, information, or charge of violating any of the provisions of section one of this act, shall be deemed guilty in the first degree. That any person who shall be found to have committed a single violation of any of the provisions of this act shall be deemed guilty in the second degree.
Punishment for first-degree offense.	SEC. 5. (a) That any person who shall be deemed guilty in the first degree, as set forth in section four, shall be subject to imprisonment in, or commitment to, any penal or reformatory institution in this State for not less than one nor more than three years: <i>Provided</i> , that in case of a commitment to a reformatory institution the commitment shall be made for an indeterminate period of time of not less than one nor more than three years in duration, and the board of managers or directors of the reformatory institution shall have authority to discharge or to place on parole any person so committed after the service
Proviso: indeterminate commitment.	
Discharge or parole.	

of the minimum term, or any part thereof, and to require the return to the said institution for the balance of the maximum term of any person who shall violate the terms or conditions of the parole.

(b) That any person who shall be deemed guilty in the second degree, as set forth in section four, shall be subject to imprisonment for not more than one year: *Provided*, that the sentence imposed, or any part thereof, may be suspended; and *Provided further*, that the defendant may be placed on probation in the care of a probation officer designated by law or theretofore appointed by the court, upon the recommendation of five responsible citizens.

Punishment for second-degree offense.

Proviso: probation.

(c) That probation or parole shall be granted or ordered in the case of a person infected with venereal disease only on such terms and conditions as shall insure medical treatment therefor and prevent the spread thereof, and the court may order any convicted defendant to be examined for venereal disease.

Probation of those infected.

(d) That no girl or woman who shall be convicted under this act shall be placed on probation or on parole in the care or charge of any person except a woman probation officer.

Parole of females.

SEC. 6. That prosecutions for the violation of any of the provisions of section one of this act shall be tried in the courts of this State wherein misdemeanors (offenses) are triable except as to such courts the jurisdiction of which is so limited by the Constitution of this State as that the said jurisdiction cannot by statute be extended to include criminal actions of the character herein described.

Prosecutions under act.

SEC. 7. That the declaration by the courts of any of the provisions of this act as being in violation of the Constitution of this State shall not invalidate the remaining provisions.

Constitutionality.

SEC. 8. That all laws or parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

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

Ratified this 10th day of March, A.D. 1919.

CHAPTER 216

AN ACT TO ALLOW WILLS OF SOLDIERS AND SAILORS DYING IN SERVICE TO BE PROBATED.

The General Assembly of North Carolina do enact:

SECTION 1. That, in addition to the methods already provided in existing statutes therefor, the will of a soldier or sailor, executed while in the actual service of the United States, shall be admitted to probate (whether there were subscribing witnesses thereto, or not, if they, or either of them, is out of the State at

Such wills to be probated upon oath of three credible witnesses as to handwriting.

the time said will is offered for probate) upon the oath of at least three credible witnesses that the signature to said will is in the handwriting of the person whose will it purports to be. Such will so proven shall be effective to devise real property as well as to bequeath personal estate of all kinds. This act shall not apply to cases now pending in courts and at issue.

Does not apply to cases pending.

Expiration of act.

SEC. 2. This act shall expire by limitation on April sixth, one thousand nine hundred and twenty.

SEC. 3. This act shall take effect from and after its ratification. Ratified this 10th day of March, A.D. 1919.

CHAPTER 217

AN ACT TO AMEND SECTION 5, CHAPTER 152, PUBLIC LAWS OF 1917, RELATING TO THE ELECTION OF DRAINAGE COMMISSIONERS IN DRAINAGE DISTRICTS ALREADY ORGANIZED.

The General Assembly of North Carolina do enact:

SECTION 1. That the last sentence in section five of chapter one hundred and fifty-two, Public Laws of nineteen hundred seventeen, which reads, "The provisions of this section relating to the election of drainage commissioners shall not apply to any drainage district already organized," be repealed, and in lieu thereof the following be substituted: "The provisions of this section relating to the manner of election of drainage commissioners shall not apply to any drainage district organized prior to the ratification of chapter one hundred fifty-two, Public Laws of one thousand nine hundred and seventeen, except as provided in the sentence next to the last sentence in section five of said chapter one hundred and fifty-two, and in those districts the landowners shall be entitled to vote as provided by law prior to the ratification of said act. The term of office of boards of drainage commissioners in districts organized prior to the ratification of said chapter one hundred and fifty-two of the Public Laws of one thousand nine hundred and seventeen, and in which no election of drainage commissioners has been held under section five of said chapter one hundred and fifty-two, shall expire on the thirtieth day of September, nineteen hundred and nineteen, and their successors shall be elected on the second Monday in August, nineteen hundred and nineteen, in the manner provided by law. If for any reason the clerk of the court shall fail to provide for an election of said drainage commissioners on the second Monday in August to succeed those whose terms will expire on the thirtieth day of September, the said clerk shall have authority at the most convenient date thereafter to provide for such election, and in the meantime

Section 5, chapter 152, Public Laws 1917, amended.

Vote of land-owners in districts organized prior to March 5, 1917.

Expiration of terms of office of commissioners in these districts.

Successors.

the incumbents shall continue to hold office as commissioners until their successors are elected and qualified. The length of the term of service of commissioners elected hereunder shall be as provided in section five of said chapter one hundred and fifty-two of the Public Laws of one thousand nine hundred and seventeen. This section shall not apply to the manner or time of election of the drainage commission of the Mattamuskeet Drainage District.

Exception:
Mattamuskeet
District.

SEC. 2. This act shall be in force from and after its ratification. Ratified this 10th day of March, A.D. 1919.

CHAPTER 218

AN ACT TO AMEND THE REVISAL FOR FURTHER PROTECTION TO GRAVEYARDS.

The General Assembly of North Carolina do enact:

SECTION 1. That section three thousand six hundred and eighty-one of the Revisal be and the same is hereby amended by inserting after the word "graveyards," and before the word "he," in line three of said section, the following:

"Or shall cut or keep open any ditch or drainway, or put any permanent log or other obstruction not intended as a monument to a grave in such graveyards, or knowingly plow over and tear up any grave, or shall remove or change the location of any fence around such graveyard without the consent of such person or persons as may have parents, children or brothers or sisters buried therein."

Willful damage
to private
graveyard
a misdemeanor.

SEC. 2. This act shall be in force from and after its ratification. Ratified this 10th day of March, A.D. 1919.

CHAPTER 219

AN ACT TO APPROPRIATE THE SUM OF \$2,000 TO ASSIST THE DAUGHTERS OF THE AMERICAN REVOLUTION IN RESTORING AND PRESERVING THE HOUSE AT HALIFAX IN WHICH THE CONSTITUTION OF NORTH CAROLINA WAS WRITTEN IN 1776.

The General Assembly of North Carolina do enact:

SECTION 1. That the sum of two thousand dollars be and hereby is appropriated out of the moneys of the State not already appropriated, for the purpose of assisting the Daughters of the American Revolution in preserving and restoring the house at Halifax in which the Constitution was written in 1776.

Appropriation
of \$2,000 made.

Payment to
D. A. R.
provided for.

SEC. 2. That upon the completion of the restoration of the aforesaid Constitution House by the Daughters of the American Revolution said sum of two thousand dollars shall be paid by the Treasurer of the State to the Elizabeth Montford Ashe Chapter of the Daughters of the American Revolution, upon warrant to be drawn upon the Auditor by the Governor of the State of North Carolina, who shall, prior to drawing said warrant, investigate and approve said work of restoration.

SEC. 3. This act shall be in force from and after its ratification.
Ratified this 10th day of March, A.D. 1919.

CHAPTER 220

AN ACT TO AMEND CHAPTER 204, PUBLIC LAWS OF 1917,
INCREASING THE AMOUNT OF PENSIONS FOR CON-
FEDERATE SOLDIERS, SAILORS, AND THEIR WIDOWS.

The General Assembly of North Carolina do enact:

Limit of annual
pensions
increased to
\$650,000.

SECTION 1. That section two of chapter two hundred and four of the Public Laws of one thousand nine hundred and seventeen be and the same is hereby amended by striking out in line two the words "five hundred and seventy-five," and inserting "six hundred and fifty" in lieu thereof, and by striking out in line seven the words "five hundred and seventy-five," and inserting the words "six hundred and fifty" in lieu thereof, and by striking out in line twelve the words "five hundred and seventy-five," and inserting the words "six hundred and fifty" in lieu thereof.

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

SEC. 3. This act shall be in force from and after its ratification.
Ratified this 10th day of March, A.D. 1919.

CHAPTER 221

AN ACT TO PROVIDE FOR THE INSPECTION OF BOTTLING
PLANTS OR PLACES WHERE SOFT DRINKS ARE MANU-
FACTURED, PREPARED OR BOTTLED.

The General Assembly of North Carolina do enact:

Specifications
of places of
manufacture.

SECTION 1. That every building or room used for the manufacture, bottling or preparation for sale of any soft drink shall be properly lighted, drained, and ventilated, and shall have floors of some material which can be flushed and washed clean with water. All manufacturing or bottling of soft drinks shall be conducted

with due regard for the purity and wholesomeness of the products therein produced.

SEC. 2. That the term "soft drink" as used herein shall include all soda waters, root beers, and similar beverages, carbonated or otherwise, or ingredients used in the preparation of same.

SEC. 3. That the floors, walls, ceilings, furniture, receptacles, implements, and machinery of every establishment where soft drinks are manufactured, bottled, stored, sold, or distributed shall at all times be kept in a clean, sanitary condition; all vessels, receptacles, utensils, tables, shelves, and machinery used in moving, handling, mixing or processing must be thoroughly cleaned daily; all bottles, jugs, and other containers used must be sterilized with boiling water or live steam before being used, and all second-hand bottles or bottles that have been previously used must be soaked in caustic soda or alkali solution as prescribed by the rules and regulations adopted by the Board of Agriculture.

SEC. 4. That soft drinks in the process of manufacture, preparation, bottling, storing, or distribution must be protected from flies and dirt, and, as far as may be necessary, from all other foreign or injurious contamination.

SEC. 5. That all refuse, dirt, and the waste products subject to decomposition and decay incident to the manufacture, preparation, storing, selling, or distribution of soft drinks must be removed from the plant daily.

SEC. 6. That the doors, windows, and other openings of every building or room used for the preparation or bottling of soft drinks during fly season shall be fitted with self-closing screen doors and wire window screens of not coarser than fourteen mesh wire gauze.

SEC. 7. Every bottling establishment shall be provided with washroom and, if a toilet is attached, it must be of sanitary construction, and such toilet shall be separate and apart from any room used for the manufacture or bottling of soft drinks.

SEC. 8. The use of soap bark or any other substance deleterious to health in soft drinks is prohibited, and the container must bear the name of the material and the name and address of the manufacturer or jobber.

SEC. 9. The information required on the container of soft drinks may appear either on a paper label pasted on the container or on the crown cap of same.

SEC. 10. That it shall be the duty of the Board of Agriculture to enforce the provisions of this act, and the said board shall adopt and publish such regulations under this act as will insure the uniform and efficient enforcement of same. The food inspectors of the Department of Agriculture shall have authority, during business hours, to enter, for the purpose of inspection, all buildings or rooms used for the manufacture, bottling or handling of soft drinks, and to examine the condition of same, including

"Soft drink" defined.

Care of floor, furniture, receptacles, implements and machinery.

Sterilization of containers.

Protection from contamination.

Refuse and waste products.

Screened against flies.

Toilet and washroom.

Use of deleterious substances prohibited.

Information on container.

Board of Agriculture to enforce act.

Inspection of manufactories.

Obstruction
a misdemeanor.

products before and after manufacture, machinery and all imple-
ments used; and any person who shall hinder or prevent any
inspector in the performance of his duty in connection with this
act shall be guilty of a violation of this act.

Violation of act
a misdemeanor.

SEC. 11. That any person who shall violate any of the pro-
visions of this act shall be guilty of a misdemeanor, and upon
conviction thereof shall be fined not to exceed twenty-five dollars
for the first offense, and for each subsequent offense in the dis-
cretion of the court.

Penalty.

Bottlers' inspec-
tion fee.

SEC. 12. That, for the purpose of defraying expenses incurred
in the enforcement of the provisions of this act, the owner, pro-
prietor, or operator of each bottling plant or place where soft
drinks are made or bottled operated in this State shall pay to
the Commissioner of Agriculture an inspection fee of ten dollars
during the month of June of each year or before any such bottling
plant shall be operated thereafter.

SEC. 13. That all laws and clauses of laws in conflict with the
provisions of this act are hereby repealed.

SEC. 14. That this act shall be in force from and after June
first, nineteen hundred and nineteen.

Ratified this 10th day of March, A.D. 1919.

CHAPTER 222

AN ACT TO PROTECT MILK SUPPLY.

The General Assembly of North Carolina do enact:

Unlawful to
dispose of refuse
so as to pollute
water which
milk cows may
drink.

SECTION 1. It shall be unlawful for any person, firm, or corpo-
ration owning lands adjoining the lands of any person, firm, or
corporation which are or may be used for dairy purposes or for
grazing milk cows, to dispose of, or permit disposal of any animal,
mineral, chemical, or vegetable refuse, sewage or other deleterious
matter in such way as to pollute the water on the lands so used
or which may be used for dairy purposes or for grazing milk
cows, or to render unfit or unsafe for use the milk produced from
cows feeding upon the grasses and herbage growing on such
lands. This act shall not apply to incorporated towns maintain-
ing a sewer system.

Exception:
towns with
sewer systems.
Violation of act
a misdemeanor.

SEC. 2. Any one violating the provisions of this act shall be
guilty of a misdemeanor and fined not more than fifty dollars or
imprisoned for not more than thirty days, or both, and each day
that such pollution is committed or exists shall constitute a separ-
ate offense.

SEC. 3. This act shall be in force from and after its ratification.
Ratified this 10th day of March, A.D. 1919.

CHAPTER 223

AN ACT TO PLACE CAPTAIN THOMAS D. BOONE OF HERTFORD COUNTY ON THE PENSION ROLL.

The General Assembly of North Carolina do enact:

SECTION 1. That Thomas D. Boone, late captain of Company F, First North Carolina Infantry, North Carolina State Troops, Confederate States Army, be placed on the pension roll in the third class for Hertford County. Pensioner of third class.

SEC. 2. That the State Auditor be authorized to issue a warrant on the State Treasury for the amount of said pension.

SEC. 3. That this act be in force from and after its ratification. Ratified this 10th day of March, A.D. 1919.

CHAPTER 224

AN ACT TO AMEND THE CHARTER OF THE CASWELL TRAINING SCHOOL AND TO MORE CORRECTLY DEFINE ITS OBJECT.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of chapter eighty-seven of the Public Laws of North Carolina of one thousand nine hundred and eleven be stricken out and the following substituted therefor: Chapter 87
Public Laws
1911, amended.

"Section 1. The State shall establish and maintain an institution, the purpose and aim of which is to segregate, care for, train, and educate as their mentality will permit, the State's mental defectives; to disseminate knowledge concerning the extent, nature, and menace of mental deficiency; to suggest and initiate methods for its control, reduction, and ultimate eradication from our people; and to maintain an extension bureau for instructing the public in the care of the mental defectives who remain in their homes and for the after-care of discharged inmates of the institution; and to create and maintain a psychological clinic for the study and observation of mental defectives charged with crime, and to give expert advice in all cases of mental defect." Purpose of
school defined.

SEC. 2. That section three of chapter eighty-seven of the Public Laws of one thousand nine hundred and eleven be amended by striking out all of said section after the words "and all others" in line four. Provision for
payment
repealed.

SEC. 3. That section five of the Public Laws of one thousand nine hundred and eleven, chapter eighty-seven, be repealed. Provisions for
appeal from
commitment and
for order of
admission
repealed.

SEC. 4. That section six, chapter eighty-seven, of the Public Laws of one thousand nine hundred and eleven be repealed.

Counties relieved of maintenance.

SEC. 5. That section eight, chapter two hundred and sixty-six, of the Public Laws of one thousand nine hundred and fifteen, be repealed.

Section 6, chapter 193, Public Laws 1917, amended.

SEC. 6. That section six, chapter one hundred and ninety-three, of the Public Laws of one thousand nine hundred and seventeen, beginning with the words "that no patient," in line three be repealed.

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

SEC. 8. This act shall be in force from and after its ratification. Ratified this 10th day of March, A.D. 1919.

CHAPTER 225

AN ACT CONCERNING INDUSTRIAL BANKS, DEFINING THE SAME, AND PROVIDING FOR THEIR INCORPORATION AND SUPERVISION.

The General Assembly of North Carolina do enact:

"Industrial bank defined.

SECTION 1. The term "Industrial Bank" as used in this act shall mean any corporation formed under the provisions of this act, and any corporation heretofore organized under the general corporation law of this State which shall hereafter reorganize as an industrial bank pursuant to the provisions of this act.

Manner of organization.

SEC. 2. Corporations may be organized under and by virtue of this act in the same manner as provided for corporations authorized under section one thousand one hundred and thirty-seven of the Revisal of one thousand nine hundred and five and the laws amendatory thereto.

Capital stock.

SEC. 3. The capital stock of an industrial bank shall not be less than twenty-five thousand dollars.

Corporate title.

SEC. 4. Every corporation incorporated or reorganized pursuant to the provisions of this act shall be known as an industrial bank, and may use the word "bank" as part of its corporate title.

Special powers.

SEC. 5. In addition to the general powers conferred upon corporations formed under section one thousand one hundred and thirty-seven of the Revisal of one thousand nine hundred and five and the laws amendatory thereto, every industrial bank shall have the following powers:

Interest in advance.

1. To loan money on real or personal security and reserve lawful interest in advance upon such loans, and to discount or purchase notes, bills of exchange, acceptances or other choses in action.

May sell certificates of indebtedness.

2. To sell or offer for sale its secured or unsecured evidences or certificates of indebtedness, or investment, and to receive from investors therein or purchasers thereof payments therefor in

installments or otherwise, with or without an allowance of interest upon such payments, whether such evidence or certificates of indebtedness, or of investment be hypothecated for a loan or not, and to enter into contracts in the nature of a pledge or otherwise with such investors or purchasers with regard to said evidences or certificates of indebtedness, or of investment, and no such transaction shall, in any way, be construed to affect the rate of interest on such loans.

Interest on loans not affected.

3. To charge for a loan made pursuant to this section one dollar for each fifty dollars or a fraction thereof loaned, up to and including loans of two hundred and fifty dollars, and, for loans in excess of two hundred and fifty dollars, one dollar for each two hundred and fifty dollars excess or fraction thereof, to cover expenses, including any examination or investigation of the character and circumstances of the borrower, comaker, or surety; *Provided* that an additional fee of five dollars may be charged on such loans where same are secured by mortgage on real estate. No charge shall be collected unless a loan shall have been made.

May charge fee for loans.

Purpose of fee.

Proviso: loans secured by mortgages.

4. To establish branch offices or places of business within the county in which its principal office is located, but not elsewhere.

May establish branch offices.

Sec. 6. The total liabilities to any industrial bank of any person, corporation, company, or firm, for money borrowed, including in the liabilities of the company or firm the liabilities of the several members thereof, shall at no time exceed ten per cent of the actually paid-up capital and surplus of such industrial bank, but the discount of bona fide bills of exchange or acceptances drawn against actually existing values, and the discount of commercial or business paper actually owned by the person or persons, corporation, company, or firm negotiating the same, shall not be considered money so borrowed.

Limit of loans to one person or firm.

Acceptances, bills of exchange not considered loans.

Sec. 7. No industrial bank shall—

Restrictions.

1. Make any loan under the provisions of this act for a longer period than one year from the date thereof.

Term of loan.

2. Deposit any of its funds in any banking corporation unless such corporation has been designated as such depository by a vote of a majority of the directors, or of the executive committee, exclusive of any director who is an officer, director, or trustee of the depository so designated, present at any meeting duly called at which a quorum is in attendance.

Deposits.

Sec. 8. At least three-fourths of the number of directors of any industrial bank shall be residents of the State of North Carolina.

Directors.

Sec. 9. Every industrial bank formed under the provisions of this act shall be subject to supervision by the Corporation Commission and subject to examination in the same manner as is provided in the case of State banks so far as the same may be applicable and not inconsistent with the provisions of this act.

Supervision and examination.

Recognition of previously organized corporations as industrial banks.

SEC. 10. Any corporation heretofore organized under the general corporation law of this State, and authorized by its charter or articles of incorporation to engage in the business described in section five of this act, shall, upon filing notice with the Secretary of State and the Corporation Commission on or before January first, one thousand nine hundred and twenty, be recognized as an industrial bank within the provisions of this act and shall be subject to this act to the same extent as if actually incorporated hereunder.

SEC. 11. All laws and parts of laws in conflict with this act are hereby repealed.

SEC. 12. This act shall be in force from and after its ratification. Ratified this 10th day of March, A.D. 1919.

CHAPTER 226

AN ACT TO PAY THE INDEBTEDNESS OF THE STATE HIGHWAY COMMISSION AND TO AMEND THE STATE HIGHWAY COMMISSION LAW.

The General Assembly of North Carolina do enact:

Notes for \$20,000 ordered paid.

SECTION 1. That the notes of the State Highway Commission for twenty thousand dollars, as authorized by the Council of State, be and the same is hereby ordered paid, and the State Treasurer is herewith directed to pay the same.

SEC. 2. This act shall be in force from and after its ratification. Ratified this 10th day of March, A.D. 1919.

CHAPTER 227

AN ACT TO INCREASE THE AMOUNT OF PENSIONS FOR CONFEDERATE SOLDIERS, SAILORS, AND THEIR WIDOWS, AMENDING SECTION 4993, REVISAL OF 1905.

The General Assembly of North Carolina do enact:

SECTION 1. That section four thousand nine hundred and ninety-three of the Revisal of one thousand nine hundred and five of North Carolina, as amended by section one, chapter two hundred and four, Public Laws of one thousand nine hundred and seventeen, be and the same is hereby amended as follows: Strike out the word "eighty-five" relating to the first grade as defined in said section and the act or acts amendatory thereof, and insert in lieu thereof the words "one hundred"; strike out the word "seventy-five" relating to the second grade as defined in said sec-

First grade pensions.

Second grade.

tion and the act or acts amendatory thereof, and insert in lieu thereof the word "ninety"; strike out the word "fifty-five" relating to the third grade defined in said section and the act or acts amendatory thereof, and insert in lieu thereof the word "seventy"; strike out the word "forty-five" relating to the fourth grade as defined in said section and the act or acts amendatory thereof, and insert in lieu thereof the word "sixty"; so that pensions shall be paid to soldiers, sailors, and widows in the grades as defined in said section and act or acts amendatory thereof as follows:

First grade, one hundred dollars.

Second grade, ninety dollars.

Third grade, seventy dollars.

Fourth grade, sixty dollars.

Sec. 2. The State Auditor shall transmit to the clerks of the Superior Court of the various counties warrants for pensioners for one-half of the yearly pensions between the first and fifteenth of June, and for one-half the yearly pension between the first and fifteenth of December of each year.

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

Sec. 4. This act shall be in force from and after its ratification. Ratified this 10th day of March, A.D. 1919.

CHAPTER 228

AN ACT FOR THE RELIEF OF MRS. ELIZABETH K. YOUNG OF YANCEY COUNTY.

Whereas, Mrs. Elizabeth K. Young of Yancey County is the widow of John W. Young, a Confederate veteran, and is a woman deserving of the benefits accruing to the widows of Confederate veterans under our law; and

Whereas, the said Elizabeth K. Young was not married until after the time now prescribed by law for widows to have the benefits of such pensions; now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That Mrs. Elizabeth K. Young be and she is hereby allowed the regular pension accruing to the widows of Confederate veterans under the pension laws of this State.

Sec. 2. That the State Auditor is authorized and directed to place the name of Mrs. Elizabeth K. Young upon the pension rolls of his office and pay to her the pension as prescribed in section one of this act.

Sec. 3. This act shall be in force from and after its ratification. Ratified this 10th day of March, A.D. 1919.

CHAPTER 229

AN ACT FOR THE RELIEF OF EX-CONFEDERATE
SOLDIERS, SAILORS, AND WIDOWS.

The General Assembly of North Carolina do enact:

Unpaid pensions
to revert to
fund.

SECTION 1. That hereafter all moneys provided or appropriated in any one year for the Ex-Confederate soldiers, sailors, or widows, not paid out to them in any one year shall revert to the pension fund of the State, and shall be paid out to them in the next year in the class to which they belong.

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

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

Ratified this 10th day of March, A.D. 1919.

CHAPTER 230

AN ACT TO APPROPRIATE \$3,000 FOR VOCATIONAL
EDUCATION.

The General Assembly of North Carolina do enact:

Appropriation
for expenses of
board.

SECTION 1. That there is hereby appropriated out of the State Treasury from funds not otherwise appropriated the sum of three thousand dollars for vocational education, the same to be paid upon order of the State Board for Vocational Education in defraying the expenses of said board prior to June thirtieth, one thousand nine hundred and nineteen.

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

Ratified this 10th day of March, A.D. 1919.

CHAPTER 231

AN ACT TO CHANGE THE METHOD OF ELECTING TRUS-
TEES OF THE APPALACHIAN TRAINING SCHOOL.

The General Assembly of North Carolina do enact:

Provision for
self-perpetuation
revoked.

SECTION 1. That the last clause of section four thousand two hundred twenty-nine of the Revisal of one thousand nine hundred and five, which reads as follows: "The corporators shall fill all vacancies in their body which may occur from any cause, which vacancies shall be filled from residents of the county from which

the vacancy may occur," be and the same is hereby repealed. The terms of office of all the present trustees shall expire on May first, one thousand nine hundred twenty-one, with their successors to be appointed by the governor and confirmed by the Senate.

Successors to present trustees.

SEC. 2. The board of trustees of said Appalachian Training School may appoint some suitable person as police officer for the premises of said training school and the highways passing through it, and he shall have the same power and authority therein as a police officer of an incorporated town.

Trustees authorized to appoint policeman.

SEC. 3. This act shall be in force from and after its ratification. Ratified this 10th day of March, A.D. 1919.

CHAPTER 232

AN ACT TO PROVIDE FOR THE CREATION OF A ROAD ELECTORATE, A BOARD OF ROAD COMMISSIONERS, AND FOR THE IMPROVEMENT OF THE PUBLIC ROADS IN THE SEVERAL COUNTIES OF THE STATE, TO BECOME APPLICABLE TO ANY COUNTY ONLY WHEN RATIFIED BY THE BOARD OF COUNTY COMMISSIONERS FOR SUCH COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That, subject to the provisions hereinafter made for the ratification of this act, there is hereby created for each county in this State a road electorate, to be composed of one member from each township in such county and one member at large for such county.

Road electorate created.

SEC. 2. That, subject to the provisions hereinafter made for the ratification of this act, there is hereby created for each county in this State a road commission, to be composed of three members of the road electorate of such county, which said road commission shall be appointed or elected as hereinafter provided.

Road Commission created.

SEC. 3. That before this act shall become applicable to any county in the State it shall first be ratified by a resolution adopted by a majority of the board of county commissioners for such county, which resolution shall be spread upon the minutes of said board.

Act to be ratified by commissioners of counties.

SEC. 4. That the General Assembly may appoint the members of the road electorate at this session for any county, which persons so appointed shall compose the road electorate for such county, provided the county commissioners of such county shall hereafter ratify this act and make it applicable to such county.

General Assembly may appoint electorate.

SEC. 5. That in event the General Assembly shall not make such appointments for any county and the board of county commissioners of such county shall ratify this act and make it appli-

Appointment by commissioners.

cable thereto, as hereinbefore provided, such board of county commissioners shall appoint a road electorate as is hereinbefore provided for such county.

Electorate's term of office. SEC. 6. That the members of such road electorate, whether appointed by the General Assembly or by the board of county commissioners as herein provided, shall hold their respective offices until the next general election and until their successors are elected and qualified.

First meeting of electorate. SEC. 7. That the members of a road electorate of any county shall, within thirty days after their appointment, meet at the courthouse of such county upon notice given by the chairman of the board of county commissioners, giving the hour and place of meeting, and before entering upon their respective duties each

Oath to be taken. member shall take and subscribe an oath that he will faithfully, fearlessly, and impartially, at all times discharge the duties of his office to the best of his ability. Such board shall then organize by electing one member chairman and another secretary.

Organization. SEC. 8. That in the event any member shall refuse to qualify or in the event there should become a vacancy in the road electorate, the board of county commissioners of such county is hereby authorized to fill such vacancy.

Vacancies. SEC. 9. That at such first meeting such road electorate shall elect three of its members as members of a road commission for such county, which said members so elected shall within ten days

Election of road commission take the oath prescribed to be taken by the members of the road electorate and shall immediately enter upon the discharge of the duties of their respective offices, and shall hold the same until the first Monday of December after the next general election for such county.

Oath. SEC. 10. That at next general election after a road electorate has been appointed for any county by the county, one to reside in each township and one at large in county, the successors of such electorate shall be elected at such election, and their term of office shall begin as other county officers, and they shall qualify as herein provided and proceed to organize and elect a board of road commissioners as hereinbefore provided.

Term of office. SEC. 11. That the members of a road electorate shall meet regularly at the courthouse in such county on the first Mondays in January, April, July, and October of each year.

Successors of electorate. SEC. 12. That it shall be the duty of such road electorate to keep themselves advised as to the condition of all the roads of such county, and they may look over them, either in a body or by committee, at any time they may deem best, and it shall be the duty of said road electorate to make such recommendations as it may deem advisable to the road commissioners of such county.

Of commissioners. SEC. 13. That the members of the road electorate of any county other than the members composing the road commission shall receive three dollars per day for each day they may be engaged

Quarterly meetings.

Duties of electorate.

Compensation of electorate.

wholly and exclusively as a member of such electorate in the performance of the duties herein provided, including the attendance at the first meeting and all regular meetings. The members of the road commission shall receive for their services the same pay as provided for the county commissioners of such county for each day they may be engaged wholly and exclusively in the performance of their duties.

Of road
commission.

SEC. 14. That the road commissioners for any county shall, in addition to attending the regular meeting of the road electorate, may hold call meetings not exceeding three days in each month, and they may examine the roads at any time they may deem advisable, either in a body or by committee, and the chairman may be required by said commission to do any other work which in its opinion may be to the best interests of the road service in its county.

Meetings of
Commission.

General
powers.

SEC. 15. That the said county road commission and its successors in office be and they are hereby constituted a body corporate under and by virtue of the laws of North Carolina and by this act, under the name and style of County Road Commission, and shall have all powers and authority granted to corporations of like nature by the laws of North Carolina, and by that name may sue and be sued, make contracts, acquire real and personal property by gift or devise, hold, exchange, and sell the same, and exercise such other rights and privileges as are incident to other municipal corporations of like nature, such as the condemnation of land for the construction, widening or changing of any roads in the county, and such other powers as are necessary to carry out any and all the provisions of this act. The said county road commission shall use the funds derived from the sale of bonds or by levy of special tax, or whatever way derived, as authorized by any act, to locate, construct, reconstruct, surface, repair, improve, and maintain the public highways and bridges in the county, township, or road district under their jurisdiction: shall purchase such materials and purchase and hold, or contract for the use of, such tools, machinery, implements, and teams as they may deem necessary for carrying on the road work of said county or township, and perform such other duties as are hereinafter provided for by this act.

Commission a
body corporate.

Special powers.

Shall use funds
to build improve
and maintain
roads.

SEC. 16. That it shall be the duty of the said county road commission to take charge of laying out, opening, altering, maintaining, or discontinuing of any and all roads of said county, that are now maintained or may be maintained by the county as public roads; and it is hereby vested with all powers, rights, and authority now vested in the board of county commissioners and other commissions or boards or other road officials of said county for the general supervision of such roads of said county, and for the construction and repair thereof, by contract or otherwise, as may be deemed best.

Vested with full
powers to super-
vise all roads.

Organization of
commission.

SEC. 17. The county road commission so elected at a general election shall biennially from the date of its organization elect a chairman and a secretary, who shall hold office for two years and until their successors shall be elected and qualified. All moneys expended by said commission shall be by draft upon the bank or banks which are depositories for the said road fund, and said draft shall be signed by the secretary and countersigned by the chairman, and shall show upon their face the purpose for which the money is expended: *Provided*, all compensation to any member of the board of the road electorate or road commission shall be passed on and allowed by the board of county commissioners, for such county.

Record of
moneys
expended.

Proviso: com-
pensation
allowed by
county
commissioners.

Vacancies on
commission.

SEC. 18. In case of any vacancy caused by the death, resignation, or otherwise, of any member of the county road commission such vacancy shall be filled by the county road electorate for the unexpired term.

Counties
having boards or
commissions may
retain them.

SEC. 19. Those counties coming under the provisions of this act which already have a county road commission, or other commission or board which has charge of the road work in such county, or in which the board of county commissioners have charge of the road work, shall retain such commission or board to have charge of the road work in such county, then such desire shall be respected and no road electorate shall be appointed for such county.

Commission
authorized to
employ engineer
and superin-
tendent.

SEC. 20. The said county road commission is authorized to employ an expert road engineer at such compensation as may be fixed by said county road commission, and shall also be authorized to employ a county road superintendent at such compensation as may be agreed upon. The road commission or such road commission shall have the authority to place the superintendency of the road work in such county in the hands of the road engineer. The county road engineer, however appointed, may request, at any time, the advice of the State highway engineer in solving any problem that may arise, either technical, economical, or otherwise, and such advice shall be without any expense to such county. It shall be the duty of the engineer of the county, township, or road district coming under the provisions of this act to keep or have kept the necessary books and accounts showing in detail the expenditures for all work done through any moneys derived by bonds issued, special tax or otherwise levied or collected for road work in such county, township or road district. The engineer shall keep or have kept in suitable way a cost accounting system showing the unit cost of various items entering into the construction of the roads, showing when and where the various elements of cost entering into the said work were used, giving the name of the road and the nearest station number to culverts, bridges, etc. It shall be his duty to keep approximate yardage, costs, and approximate classification

Engineer may be
advised by State
highway engi-
neer.

Duties of
engineer.

To keep cost
accounting
system.

of the materials moved in all excavations made for the purpose of building such roads: *Provided*, the superintendent is not the same person as the road engineer, he shall be required to keep such accounts.

SEC. 21. In opening new highways, widening and straightening old roads and repairing same, the county road commission created by this act or any other road commission or board, or the board of county commissioners, having charge of the road work in any county, or the State Highway Commission, is hereby authorized through its agents to enter upon any land and locate and build such highways. If the said commission or board and the owner or owners of said land cannot agree as to the damages, if any, the said commission or board shall, after sixty days after said highway is completed, cause to be summoned three disinterested freeholders of said county, who shall go upon the land and assess the damages and benefits under the general law as it now exists: *Provided, however*, that before entering upon lands as authorized by this section, it shall be the duty of said commission or board to serve notice upon the owner or owners of said land, notifying them that the highway is to be located upon said land under authority of this act; and *Provided further*, that in assessing the damages sustained by any landowner, the jury shall take into consideration the special benefits, if any, accruing to the landowner, and in determining such benefits, consideration shall be given to the benefits the landowner has derived from the fact that any old right of way has reverted back to said landowner by reason of the relocation and construction of the new road; and if such benefits shall exceed the damages, then the amount of such excess of benefits shall be assessed against the landowner and shall constitute a lien upon the land adjoining the road, and shall be collected by the sheriff in the same way as public taxes; and it is *Provided further*, that no suit shall be instituted by the landowner for damages on account of location of the road under this act or the taking of timber or material until after sixty days after the completion of the roads across the lands of such landowner; and no suit shall be brought by any landowner unless the same is commenced within six months after the completion of the road by or across the lands of the claimant; and *Provided further*, that either party may appeal to the Superior Court for the assessment of damages and benefits where the matter shall be heard by the court and jury *de novo*. No costs shall be awarded against any county or township upon appeal when the recovery awarded through such appeal is not more favorable to appellant than the award of the referee.

SEC. 22. The county road commission created by this act, or any other road commission or board, or the board of county commissioners, having charge of the work in any county, township, or road district, or the State Highway Commission is hereby author-

Location or relocation of highways.

Assessment of damages.

Proviso: notice to landowners.

Proviso: special benefits to be considered.

Excess of benefits when assessed a lien on land.

Proviso: time for institution of suit.

Proviso: appeal.

Commission authorized to secure material from lands adjoining roads.

Obstruction of ditches a misdemeanor. Proviso: notice to be served.

ized, through its agents, to enter upon any land in said county adjoining the road under construction or repair, to cut and carry away any timber except trees or groves on improved land planted or left for shade or ornament, dig or cause to be dug and carry away any gravel, sand, clay, dirt, or stone which may be necessary for the proper repair and construction of roads in said county, and make or cause to be made such drains or ditches upon any land adjoining a line near any road in said county that the said commission or board may deem necessary for the better condition of the road; and the drains and ditches so made shall not be obstructed by the occupants of such lands or any other person: and that any person obstructing such drains or ditches shall be guilty of a misdemeanor: *Provided, however,* that before entering upon land as authorized by this section it shall be the duty of said commission or board, through its representative, to serve notice upon the owner or owners of said land, notifying them that certain material authorized to be taken by this section is required for the road work.

Right of way may be cleared of shade.

Proviso: necessity. Proviso: restrictions.

Proviso: compensation for damage.

SEC. 23. That the county road commission, or other commission or board having charge of the road work in any county, township, or road district, or the State Highway Commission, through its agents, is hereby authorized to enter upon any land adjoining or bordering on any county road and cut the trees on such land for a distance in width of not over thirty feet from the edge of the right of way of said road: *Provided,* that this is necessary for the maintenance of said road; and *Provided further,* that they shall not cut trees or groves on improved land planted or left for shade or ornament, or in any grove or yard left around or near any house left or used for a grove or shade trees: *Provided,* due compensation be made for any damage sustained by the landowner, to be ascertained under the same rules and regulations provided in section twenty-one of this act.

Claim for damages.

Hearing.

Appeal.

SEC. 24. The owner of any land from which any timber or other material has been removed may present to the authorities his claim therefor in writing, and upon such presentment it shall be the duty of the said authorities to set a day not later than thirty days thereafter for the purpose of hearing and determining such claim. Upon the hearing and determination thereof, the claimant may appeal to the Superior Court of said county to have his case tried as in other civil cases.

Right of way prescribed.

Alignment and grades.

SEC. 25. The highways in any county constructed or improved under this act shall have a right of way of not less than forty feet, except where the road authorities or State Highway Commission deem it impracticable to require such widths, and in such cases shall be as determined by such authority. The alignment of the road shall be as straight as practicable and with no grade over four and one-half per cent, except as such grade is considered impracticable by the road engineer. All bridges shall be well

constructed, iron being recommended where the stream is of any appreciable size, and all approaches shall be well constructed.

SEC. 26. That any moneys in hand in any county treasury, or in the hands of any county treasurer, or in any township or road district treasury, or in the hands of any township treasurer to the credit of the road funds of such county or township or road district of any county ratifying this act, shall be turned over to the bank or banks designated as a depository for the road fund of such county or other authority having charge of such funds, and shall become part of such county road fund and shall be expended for the construction of the roads in such township or road district having turned the same over: *Provided, however*, such county, through its road commission, shall carry out any contract previously made by such township or road district and shall, out of any funds or proceeds of any property, received from such township or road district, pay off any liabilities existing against such township or road district. That in any county which shall ratify this act and make the same applicable thereto, any township in such county owning equipment and property used in the construction or maintenance of public roads, or which shall be working convicts under any local, special, or private act shall turn the same over to the road commission of such county upon demand made by it: *Provided, however*, such road commission shall carry out any contracts made by such township authorities and shall pay off and discharge any obligations made by such township authorities out of any funds taken over from such township, which it is hereby authorized to take over, or the proceeds of any property received from such township authorities: *Provided further*, such road commission may proceed to work such convicts on the public roads of such county or such road commission may, if it shall find that working convicts is unprofitable, turn such convicts over to the county or counties from which such convicts were received and discontinue convict labor on the public roads.

SEC. 27. That all funds, whether collected by direct tax, sale of bonds, or otherwise in such county shall be expended by and under the authority of the road commission for such county, and such road commission is hereby authorized and empowered to appropriate such sum or sums as it may deem expedient and wise to be used by the State Highway Commission in securing Federal aid to be used in the construction of any State or National highway leading through such county, and such road commission is further authorized and empowered to enter into any contract providing for the construction of a State highway: *Provided, however*, Federal funds shall be secured to aid in the construction of such highway.

SEC. 28. When the proper location of any public road is such as to cause it to run along the dividing line between two counties,

Construction of bridges.

Township or district road moneys to become part of county road fund.

Expended for district.

Proviso: previously made contracts.

Township equipment or property.

Proviso: discharge of townships' obligations.

Proviso: convict labor.

All road funds expended by commission.

Appropriations to secure Federal aid.

County-line roads.

- Determination of cost of maintenance.
- Division of expense.
- Maintenance of county-line roads by State Highway Commission.
- Construction of county-line road by officials of one county.
- Maintenance.
- Construction of connecting roads by authorities of one county within the territory of another.
- or to traverse first a part of one county and then a part of the other county, thus making a road a county line road, then a representative or representation of the county road commission of each county, or, in case the county has no road commission, then of the board of county commissioners, shall together with representation of the State Highway Commission, meet on the first Wednesday in March, or as soon thereafter as practicable, of each year and determine the amount necessary to maintain for the succeeding year the said county-line road in a proper manner, and also determine the best method of expending such sum in the most economical manner to accomplish the desired result; and each county commission shall then provide from the road funds at its disposal an amount equal to one-half of that previously determined as necessary to maintain said road in a proper manner, and shall use such sum in the maintenance of said road in such manner as may have been determined by the representatives of said commission. In case the county commission desires and requests in writing that the State Highway Commission supervise and take charge of the maintenance of said county-line road, then the said sum provided for the maintenance of said road by the said county commissions shall be placed by the said commissions at the disposal of the State Highway Commission, to be used for the maintenance of said road.
- SEC. 29. When the survey for the location of a road is complete and it is found that the road when constructed will follow the dividing line between two counties or traverse first a part of one county and then a part of the other county, and thus making such a road a county-line road, and satisfactory arrangements cannot be made between the road officials of the two interested counties for the construction of said county-line road, then the road officials of the county desiring the construction of said road are hereby authorized to build said road, including that portion wholly within the other county, and pay for same out of the road funds of their county, and the road thus constructed shall become a public road of both counties and shall be maintained as provided in section thirty-nine for county-line roads.
- SEC. 30. When the county road commission, or any other commission or board that has charge of the road work of any county, have built a road to a county line of an adjoining county, which does not contain any connecting road, or if such connecting road is one that is in poor condition, and thus there is a gap between the said county line to a good road in the adjoining county, and satisfactory arrangements cannot be made between the road officials of the two interested counties for the construction of a road connecting the two roads mentioned above, then the county road commission or other commission or board having charge of the road work of the county desiring the construction of said road to make said connection, and, when necessary, the road commis-

sioners are herewith authorized to build said connecting road in the adjoining county and pay the cost of such construction out of the road or other funds of the county desiring the construction of said road, and the road thus constructed shall become a public road of the county in which it is located, and shall be maintained by said county in which it is located in a manner to be approved by the State Highway Commission.

SEC. 31. That county road commission provided for in this act, and any other commission or board having in charge the road work in any county or township of said county, or in any road district, is herewith authorized to expend a portion of the funds available for road work in said county, township, or road district upon the public roads of any incorporated town within said county, township, or road district having a population, as shown by the latest available Federal census, of less than twenty-five hundred, and that portion of any street or road in an incorporated city or town having a population of twenty-five hundred or more, along which the houses average more than two hundred feet apart, whenever in their judgment the construction of such road within said incorporated city or town is to the interest of the county, township, or road district: *Provided*, that the board of aldermen or other governing body of said city or town agrees with the county road commission or other commission or board having charge of the road work for the county, township, or road district, that it shall have full charge of the road work in said city or town as authorized by this section.

SEC. 32. Any person in any county that has a county road commission appointed under the provisions of this act, who shall be convicted in any of the courts of said county, superior, justice's, or mayor's courts, and sentenced to work on the public roads, shall be assigned into the custody and control of the county road commission by the board of county commissioners, when said board is so requested by the county road commission. Said prisoners, while in the custody and under the control of the said county commission, shall be employed on such road work as may be deemed best by the county road commission. The county road commission shall have direct supervision of the care, feeding, and clothing of said prisoners, and shall provide the necessary sleeping quarters and camps necessary for the proper care of said prisoners. All prisoners' camps shall be maintained in a sanitary manner approved by the State Board of Health. The county road commission is also authorized, in their care and working of convicts, to divide the prisoners into classes or groups according to the character of the prisoner, and work any and all such prisoners as they deem best without guards and without stripes. Prisoners worked in this manner, without guards and stripes, shall be known as honor prisoners, and shall be entitled to receive a reduction of at least twenty-five per cent and not more than

Maintenance.

County road officials authorized to spend part of funds within towns of less than 2,500.

Provide: municipal authorities to concede control to county.

Convict labor to be supervised by commission.

Care of prisoners and camps.

Classification of prisoners.

Honor prisoners to receive reduction in time.

fifty per cent of the time they are sentenced for satisfactory work and good behavior.

SEC. 33. As it is necessary for the State Highway Commission to know as accurately as possible the number of miles and type of construction of the roads in each county in order to enable the State Highway Commission to supply the Secretary of Agriculture of the United States with the information he desires in connection with the operation of the Federal Aid Road Act; and to enable the State Highway Commission to carry on its work most efficiently and effectively, the chairman of the county road commission, or the chairman of whatever board or commission that has charge of the road work in such county or township of each and all of the counties and townships of the State, is herewith authorized and directed to furnish to the State Highway Commission, upon blanks to be provided by said State Highway Commission, the number of miles of each type of road constructed, number of bonds issued, and amount of tax levied, and such other information and statistics regarding the work of the county or township under his jurisdiction as the State Highway Commission may deem necessary.

Chairman of commission directed to furnish statement of miles of roads, amount of bonds and tax, etc., to State Highway Commission.

Protection of traveling public.

SEC. 34. That the county road commission of any county, or whatever board has charge of the roads and road work of any county or township or road district in said county, are herewith authorized and directed to provide suitable means to insure the safety of the public traveling over the roads of such county, township, or road district, by erecting, whenever it is considered necessary, substantial railings, walls, or other suitable structures for this purpose. If road officials of said county or township or road district fail to provide such satisfactory measures of insuring the safety of those traveling the roads of such county, township, or other road district, then upon petition of twenty freeholders of the county, township, or other road district who are frequent patrons of the road in question, the said county road commission, or whatever commission or board has charge of the road work of said county, township, or road district, shall, within ten days after receipt of said petition, begin erecting such satisfactory railing, wall, or other suitable structure for this purpose: *Provided*, that if in the judgment of the county road commission, or whatever commission or board has charge of the road work of said county, such railings, walls, or other suitable structures are not needed, then they shall advise with the State Highway Commission, and if such commission deems such railings, walls, or other suitable structure necessary for the protection of the patrons of the said road, the county road commission or other said commission or board shall erect such railings or other suitable structures as called for in the petition.

Petition for safeguards.

Proviso: consultation with State Highway Commission as to necessity therefor.

Members of commission authorized to attend road institute.

SEC. 35. The members of the county road commission of any county, or the members of whatever commission or board who

have charge of the road work in any county, township, or other road district, are herewith authorized to attend the road institute held annually at the University of North Carolina, and the county road commission of any county, or whatever commission or board has charge of the road work in any county, township, or road district, are herewith authorized to detail any and all persons employed by said county in connection with the road work of said county, township, or road district to attend said institute, when in their judgment such attendance will inure to the benefit of the road work in said county, township, or road district; and the said road commission, or other commission or board is herewith authorized to pay the expenses of the members of said county road commission or board, and other persons detailed to attend said road institute, out of the funds of the said county, township, or road district.

Payment of expenses.

SEC. 36. All roads laid out, constructed, or reconstructed or improved under the provisions of this act, shall, after their construction, be maintained by the county road commission, or other commission or board having charge of the public roads of said county.

Maintenance of roads built under act.

SEC. 37. That the road funds for such county shall be expended in each township in such county, as nearly as may be, in proportion to the taxes paid by such township in said fund so as to make an equitable apportionment in the course of one year.

Apportionment of road funds.

SEC. 38. That no member of the road electorate shall receive more than fifty dollars in any one year as compensation for his services: *Provided*, that this shall not apply to those members being members of the road commission.

Compensation of electorate.

SEC. 39. That no member of the road commission shall receive in excess of one hundred dollars as compensation for his services: *Provided*, this shall not apply to the chairman and secretary.

Compensation of commission.

SEC. 39a. That this act shall not apply to Lenoir, Beaufort, Robeson, Rowan, Cabarrus, Bertie, Davie, Watauga, Stanly, Buncombe, Anson, Sampson, Harnett, Johnston, Lee, Polk, Catawba, Cherokee, Clay, Graham, Macon, Orange, Edgecombe, Yancey, Alexander, Duplin, Rockingham, Columbus, Pitt, Wilson, Chatham, Gates, Forsyth, Caswell, Granville, Washington, Person, Iredell, Cleveland, Nash, Durham, Surry, Montgomery, Randolph, Davidson, Ashe, Halifax, Alamance, Moore, Scotland, Richmond, Hyde, Dare, Yadkin, Pasquotank, Wilkes, Warren, Mecklenburg, Gates, Hertford, Chowan, Lincoln, Northampton, Rutherford, Hoke, and Tyrrell counties.

Counties exempted from provisions of act.

SEC. 40. That all laws and clauses of laws in conflict with this act are hereby repealed in those counties which may ratify this act.

SEC. 41. This act shall be in force from and after its ratification. Ratified this 10th day of March, A.D. 1919.

CHAPTER 233

AN ACT TO AMEND CHAPTER 161, PUBLIC LAWS OF 1917,
RELATING TO THE FIXING OF SALARIES IN THE
TREASURER'S OFFICE.

The General Assembly of North Carolina do enact:

Chapter 161,
Public Laws
1917, amended.

SECTION 1. That section one of chapter one hundred and sixty-one, Public Laws of one thousand nine hundred and seventeen, be and the same is hereby amended by striking out in line five the comma after the word "two," and inserting a period in lieu thereof; and that said line five of section one be amended by striking out the words "and fix and adjust salaries therein."

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

Ratified this 10th day of March, A.D. 1919.

CHAPTER 234

AN ACT TO PROVIDE PUNISHMENT FOR PERSONS OP-
ERATING AUTOMOBILES WHILE INTOXICATED.

The General Assembly of North Carolina do enact:

Penalty pre-
scribed for
operation of
automobile by
intoxicated
person.

SECTION 1. That any person who shall, while intoxicated or under the influence of intoxicating liquors or bitters, morphine or other opiates, operate an automobile upon the public highways of any county or the streets of any city or town in the State of North Carolina shall be guilty of a misdemeanor, and upon conviction shall be fined not less than fifty dollars or imprisoned not less than thirty days, or both, at the discretion of the court.

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

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

Ratified this 10th day of March, A.D. 1919.

CHAPTER 235

AN ACT FOR THE RELIEF OF MRS. ROSA SMITH AND
RICHARD P. SMITH OF AVERY COUNTY.

Preamble.

Whereas, following the death from glanders of one Drew Edward Smith on July 5, 1917, the State Board of Agriculture, in order to protect the public from the said dangerous disease, did order and cause the destruction of a horse, barn, dwelling house

and household goods of value three hundred dollars, belonging to Mrs. Rosa Smith, and of a horse, barn and two sheds of value two hundred dollars belonging to Richard P. Smith; and,

Whereas, it is equitable that the pecuniary loss thus necessitated for the protection of the public should be borne by the State rather than by an individual:

Preamble.

The General Assembly of North Carolina do enact:

SECTION 1. That the Treasurer of the State of North Carolina is hereby authorized and directed forthwith to pay out of the public funds of the State to Mrs. Rosa Smith of Avery County the sum of three hundred dollars and to pay out of the public funds of the State of North Carolina to Richard P. Smith of Avery County the sum of two hundred dollars.

Treasurer directed to pay Mrs. Smith \$300. Richard P. Smith \$200.

SEC. 2. This act shall be in force from and after its ratification. Ratified this 10th day of March, A.D. 1919.

CHAPTER 236

AN ACT TO AMEND CHAPTER 90, PUBLIC LAWS OF 1913, BEING "AN ACT TO PROVIDE FOR THE ASSURANCE AND REGISTRATION OF LAND TITLES," RATIFIED MARCH 8, 1913.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter ninety of the Public Laws of one thousand nine hundred and thirteen, being an act entitled "An act to provide for the assurance and registration of land titles," ratified the eighth day of March, one thousand nine hundred and thirteen, be and the same hereby is amended by adding thereto the following:

Chapter 90, Public Laws 1913, amended.

"Sec. 41. *Statutes of Limitation.* No decree of registration heretofore entered, and no certificate of title heretofore issued pursuant thereto, shall be adjudged invalid, revoked, or set aside, unless the action or proceeding in which the validity of such decree of registration or certificate of title issued pursuant thereto is attacked or called in question be commenced or the defense alleging the invalidity thereof be interposed within twelve months from the date when this law (amendment) takes effect.

No title already registered to be invalidated unless questioned within 12 months.

"No decree of registration hereafter entered and no certificate of title hereafter issued pursuant thereto shall be adjudged invalid or revoked or set aside, unless the action or proceeding in which the validity of such decree or of the certificate of title issued pursuant thereto is attacked or called in question be commenced or the defense alleging the invalidity thereof be interposed within twelve months from the date of such decree.

Titles registered hereafter valid unless attacked within 12 months after decree.

No actions against titles already registered to be maintained unless commenced within 12 months.

"No action or proceeding for the recovery of any right, title, interest, or estate in registered land adverse to the title established and adjudicated by any decree of registration heretofore entered shall be maintained unless such action or proceeding be commenced within twelve months from the date when this law (amendment) takes effect; and no action or proceeding for the recovery of any right, title, interest, estate in registered land, adverse to the right established by any decree of registration hereafter shall be maintained unless such action or proceeding be commenced within twelve months from the date of such decree.

No action for foreclosure maintainable unless started within 12 months.

"No action or proceeding for the enforcement or foreclosure of any lien upon or charge against registered land which existed at the date when any decree of registration was heretofore entered, and which was not recognized or established by such decree, shall be maintained, unless such action or proceeding be commenced within twelve months from the date when this law (amendment) takes effect; and no action or proceeding for the enforcement or foreclosure of any lien upon or charge against registered land in existence at the date of any decree of registration hereafter entered, and which is not recognized and established by such decree shall be maintained, unless such action or proceeding be commenced within twelve months from the date of such decree.

Claimants against registered title to file written statement of claims.

"Sec. 42. Any person claiming any right, title, or interest in registered land adverse to the registered owner thereof, arising subsequent to the date of the original decree of registration, may, if no other provision is made for registering the same, file with the register of deeds of the county in which such decree was rendered or certificate of title thereon was issued, a verified statement in writing, setting forth fully the right, title, or interest so claimed, how or from whom it was acquired, and a reference to the number, book, and page of the certificate of title of the registered owner, together with a description of the land by metes and bounds, the adverse claimant's place of residence and his postoffice address, and, if a nonresident, he shall designate or appoint the said register of deeds to receive all notices directed to or to be served upon such adverse claimant in connection with the claim by him made, and such statement shall be noted and filed by said register of deeds as an adverse claim; but no action or proceeding to enforce such adverse claim shall be maintained unless the same be commenced within six months of the filing of the statement thereof.

Nonresident claimant.

Statement filed.

No action maintained unless begun within six months.

Notice to register of deeds.

"Upon the institution of any action or proceeding to enforce such adverse claim, statement of which has been filed as above provided, notice thereof shall be served upon the register of deeds, who shall enter upon the registry a minute or memorandum that suit has been brought or proceeding instituted to determine the validity of such adverse claim; and, in addition to the notice to

the register of deeds as aforesaid, summons or notice shall be served upon the holder or claimant of the registered title or certificate or other person against whom such adverse claim is alleged, as provided by law for the institution of suits or proceedings in the courts of this State.

Notice to holder of title.

"If no notice of the institution of an action or proceeding to enforce an adverse claim, statement of which has been filed as above provided, be served upon the register of deeds and upon the holder of the registered title or certificate, or other person, as aforesaid, within seven months from the date of filing such statement of adverse claim as above authorized and provided for, the register of deeds shall cancel upon the registry the adverse claim so filed, together with a minute or memorandum setting out that no notice of suit or proceeding to enforce the same had been served upon him within seven months as herein required, and that such adverse claim was therefore canceled; and thereafter no action or proceeding shall be begun or maintained to enforce such adverse claim in any of the courts of this State.

Cancellation of adverse claim.

"If such adverse claim is held invalid in any action or proceeding brought to enforce the same the court declaring or adjudging such invalidity shall certify or direct its clerk to certify the judgment or decree to that effect to the register of deeds, who shall thereupon cancel such adverse claim upon the registry, noting thereon that the same was done by judgment or order of the court, or he may file and record the judgment or order of the court of a certified copy thereof, with like effect.

Certification of invalidity of adverse claim.

"If such adverse claim be held by a court of competent jurisdiction to be valid the register of deeds shall make such entry upon the registry and upon the owner's certificate of title as may be directed by the court, or he may file and record a certified copy of the judgment or order of the court thereon, with like effect.

Certification of validity of adverse claim.

"Sec. 43. No erasure, alteration or amendment shall be made upon the registry after entry and issuance of a certificate of title except by order of a court of competent jurisdiction.

Alteration of registry.

"Any registered owner or other claimant under the registered title may at any time apply to the court in which the original decree was entered, by petition, setting out that registered interests of any description, whether vested, contingent, expectant or inchoate, have terminated and ceased, or that new interests have arisen or been created which do not appear upon the certificate, or that any error or omission was made in entering or issuing the certificate or any duplicate thereof, or that the name of any person on the certificate has been changed, or that the registered owner had married or, if registered as married, that the marriage has been terminated, or that a corporation which owned registered lands has been dissolved, without conveying the same or transferring its certificate within three years after the dissolution, or any other reasonable and proper ground of correction or relief;

Appeal for relief by registered owner.

Hearing of petition and decree by court.
No authorization for opening of original decree.

Proviso: actions adverse to petitioner to be instituted within six months.

and such court may hear and determine the petition after notice to all parties in interest, and may make such order or decree as may be appropriate and lawful in the premises; but nothing in this section shall be construed to authorize any such court to open any original decree of registration which was entered more than twelve months prior to the filing of such petition, and nothing shall be done or ordered by the court to divest or impair the title or other interest of a purchaser who holds a transfer or certificate of title for value and in good faith: *Provided*, that no action or proceeding shall be commenced or maintained to set up or establish any right, claim, interest or estate adverse to the order or decree or certificate of title issued thereon made or entered upon any petition or other proceeding authorized by this section, unless the same shall be brought and instituted within six months from the date of such order or decree authorized by this section."

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

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

Ratified this 10th day of March, A.D. 1919.

CHAPTER 237

AN ACT TO AMEND CHAPTER 136, PUBLIC LAWS OF 1917, RELATING TO THE ORGANIZATION AND GOVERNMENT OF CITIES, TOWNS, AND INCORPORATED VILLAGES.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and thirty-six of the Public Laws of one thousand nine hundred and seventeen, entitled "An act to provide for the organization and government of cities, towns, and incorporated villages," be amended by adding at the end of section one of subchapter five, of said chapter one hundred and thirty-six, the following:

"(kk) In cities or towns having a population of not less than twenty thousand inhabitants, the governing bodies shall have power, in their discretion, to create and establish a civil service with reference to any and all of the employees of such municipalities, and to prescribe rules and regulations for the conduct and government of such civil service."

SEC. 2. That all laws and parts of laws, public, local, or private in conflict with this act, are hereby repealed.

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

Ratified this 10th day of March, A.D. 1919.

Civil service authorized in cities of 20,000 population.

CHAPTER 238

AN ACT TO PROVIDE FOR THE COMPLETION, PUBLICATION, AND DISTRIBUTION OF THE CONSOLIDATED STATUTES OF NORTH CAROLINA, AND TO FIX A DATE WHEN THEY ARE IN FORCE.

The General Assembly of North Carolina do enact:

SECTION 1. That the members of the Legislative Revision Commission, which commission and its members are hereinafter called simply the commission and the commissioners, appointed under chapter two hundred and fifty-two of the Public Laws of one thousand nine hundred and seventeen, namely, Harry W. Stubbs, Chairman; Lindsay C. Warren, Stalle Linn, Carter Dalton and H. P. Grier, shall be continued in office until the duties prescribed in this act are duly performed, and they shall be vested with the powers conferred by the said act so far as the same shall be necessary or convenient for the performance of such duties, and until the completion of such duties they shall receive the compensation and expenses as provided in the said act except as hereinafter stated.

Legislative Revision Commission continued in office until duties under act are performed.

SEC. 2. That the commissioners shall complete and perfect the Consolidated Statutes, as enacted by the present General Assembly, by causing to be inserted therein all such general public statutes as may be enacted at the present session of the General Assembly and all amendments, in their proper places in sections under the appropriate chapters and subdivisions of chapters; and they are hereby authorized to change the number of sections, transfer sections, chapters and subdivisions of chapters and make such other corrections which do not change the law, as may be deemed expedient. The commission shall number the sections consecutively as in the Revisal.

Commissioners to incorporate Public Laws of 1919 in Consolidated Statutes.

SEC. 3. That the commissioners shall, as soon as possible after the adjournment of the present General Assembly, cause to be prepared and published for distribution to the justices of the peace of the State of North Carolina an edition of that part of the consolidated statutes contained in the first volume of the legislative edition of said Consolidated Statutes, said justices of peace to pay therefor the sum of two dollars and fifty cents per volume. Said commissioners shall further cause to be prepared and published an edition of the Consolidated Statutes, said edition to contain the text of the Consolidated Statutes as finally completed and approved under this act, with a full index, together with the Constitution of the United States and the Constitution of North Carolina, with indexes of the same, and shall include also the statutes of the United States providing for the authentication of records, naturalization of aliens, and the re-

Distribution to justices of peace.

Payment for.

Publication of indexed edition including constitutions of State and United States.

- removal of causes from the State courts to the Federal courts. This edition shall contain also annotations of the decisions of the Supreme Court of North Carolina, arranged under the respective sections which they interpret and explain. In annotating said Consolidated Statutes the commission shall have the power, if in their opinion it is in the interest of economy of money and time to do so, to purchase any annotations of any existing North Carolina statute law books.
- SEC. 4.** There shall be printed of said annotated edition six thousand copies, the copyright of which edition shall be secured to the State by the commissioners. The copies when printed shall be deposited with the Secretary of State to be distributed and sold as hereinafter provided.
- SEC. 5.** That the expenses of the Legislative Revision Commission herein provided for, including the compiling, collating, revising and annotating the public statutes of North Carolina, the purchase of annotations, and of the supervising, printing, publishing, binding, and delivering the said compiled and collated statutes, such clerical assistance as may be necessary; and all assistance as may be deemed necessary in the performance of the duties provided for in this act shall be paid by the State Treasurer out of the general fund on the warrant of the Auditor founded on vouchers approved by the chairman of the said commission.
- SEC. 6.** That there shall be appointed at this session of the General Assembly a committee composed of three members, of whom two shall be members of the House of Representatives, to be appointed by the Speaker of the House of Representatives, and one shall be a member of the Senate, to be appointed by the President of the Senate. This committee shall be authorized to inspect and examine the Consolidated Statutes when the commission shall report to them that the work of the commission has been completely performed, and they shall approve the same, if found to be in accordance with this act. The committee, in conjunction with the members of the commission, shall make the necessary contracts for the publication of the Consolidated Statutes. The members of the committee shall each receive one hundred and fifty dollars and expenses in full compensation for all their services, to be paid by the State Treasurer upon warrant drawn by the Auditor based upon vouchers approved by the chairman of the committee.
- SEC. 7.** That when the commission has finished its work and has notified the committee as aforesaid of the completion of the same, and when the work has been approved by the committee, the members of the commission shall each receive the sum of three hundred and fifty dollars in addition to compensation and expenses already received, and this shall be in full compensation for all work done by them in the compilation and revision thereof
- Edition annotated.
- May purchase annotations.
- Annotated edition to number 6,000.
- Expenses of commission, of publication and delivery of statutes paid from general fund.
- Committee appointed to examine and inspect work of commission.
- Compensation of committee.
- Additional compensation of Revision Commission.

and shall be paid by the State Treasurer upon the warrant of the Auditor, based upon vouchers approved by the chairman of the commission.

SEC. 8. That all provisions, chapters, subdivisions of chapters and sections contained in the Consolidated Statutes shall be in force from and after the first day of August, one thousand nine hundred and nineteen.

Consolidated
statutes effective
August 1, 1919.

SEC. 9. That the Secretary of State shall immediately, upon the receipt by him of the Consolidated Statutes duly published and bound, distribute one set each to those to whom the public laws are now distributed, and to each member of this General Assembly: *Provided, however,* that sets shall not be distributed to sheriffs and registers of deeds, and shall only be sent to the state and court librarians outside the State of North Carolina that request same. The Secretary of State is authorized to sell copies of the Consolidated Statutes at twenty dollars a set, and to sell to book dealers at a discount to be fixed by him.

Distribution
of statutes.

Sale of
statutes.

SEC. 10. That this act take effect from and after its ratification. Ratified this 10th day of March, A.D. 1919.

CHAPTER 239

AN ACT TO PROVIDE FOR THE FINISHING OF TWO STORIES OF THE STATE WAREHOUSE BUILDING.

Whereas, the appropriation made by the General Assembly of one thousand nine hundred and seventeen was insufficient to build the warehouse, as proposed, it being found that on account of the scarcity and high price of labor and material due to the war, only two stories could be built within the amount appropriated; and,

Preamble.

Whereas, it was impossible to finish the interior of the two stories erected; therefore,

Preamble.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Public Buildings and Grounds is authorized and directed to have the two stories finished and furnished for use.

Completion of
two stories
ordered.

SEC. 2. That the sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated, and all moneys expended by the Board of Public Buildings and Grounds shall be paid by the State Treasurer, upon warrant drawn by the State Auditor.

Appropriation
for purpose.

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

Ratified this 10th day of March, A.D. 1919.

CHAPTER 240

AN ACT TO AMEND CHAPTER 59, PUBLIC LAWS OF 1917,
BEING ENTITLED AN ACT TO PROTECT VERY YOUNG
CHILDREN.

The General Assembly of North Carolina do enact:

Law amended.

SECTION 1. That section one of chapter fifty-nine, Public Laws of one thousand nine hundred and seventeen, be and the same is hereby amended by inserting between the word "resides" and the semicolon which follows it in line seven of section one of said act, the words "or of the county in which the child was born."

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

Ratified this 10th day of March, A.D. 1919.

CHAPTER 241

AN ACT TO AUTHORIZE MINISTERS OF THE GOSPEL TO
RECEIVE VINOUS LIQUORS FOR SACRAMENTAL PUR-
POSES.

The General Assembly of North Carolina do enact:

Lawful for
minister to
receive vinous
liquors for
sacramental
purposes.

SECTION 1. That it shall be lawful for any duly ordained minister of the gospel who is in charge of a church and at the head of a congregation in this State, to receive in the space of ninety consecutive days a quantity of vinous liquors not greater than three gallons for use in sacramental purposes only, and it shall be lawful for him to receive same in one or more packages or one or more receptacles.

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

Ratified this 10th day of March, A.D. 1919.

CHAPTER 242

AN ACT TO AUTHORIZE PUBLIC SCHOOL DISTRICTS TO
RETAIN IN THEIR TREASURIES SURPLUS FUNDS FROM
SHORTENED SCHOOL TERMS.

The General Assembly of North Carolina do enact:

Schools
authorized to
retain surplus.

SECTION 1. That any county, township or school district of the State, whose schools have lost or may lose during the school year one thousand nine hundred and eighteen-one thousand nine hun-

dred and nineteen, as much as sixty days from their regular term, is hereby authorized and directed to retain in the treasury of said unit, for the use of the public school of the said unit in such manner as the school trustees of school committeemen may direct, all funds, from whatever source derived, which may be and remain in the treasury of the said unit by reason of the shortened term of the public schools of the said unit.

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

Ratified this 10th day of March, A.D. 1919.

CHAPTER 243

AN ACT TO PROVIDE FOR THE LOCATION OF THE STATE PRISON AND TO ISSUE BONDS THEREFOR.

Whereas, by an act of the present General Assembly (H. B. two hundred and twelve; S. B. four hundred and seven) ratified February --, one thousand nine hundred and nineteen, the land and buildings of the State Prison at Raleigh were transferred to the State Hospital at Raleigh, and thus became a part of the same; and

Whereas, the prisoners therein confined were, so soon as the directors of the State Prison could make the necessary arrangements, to be transferred to the Caledonia Farm "or such other place as the General Assembly may hereafter provide": now, therefore, to make such provision,

The General Assembly of North Carolina do enact:

SECTION 1. The directors of the State Prison are hereby authorized and empowered, by the unanimous vote of the board of directors, together with the approval of the Governor, to choose some place other than the Caledonia Farm for the location of the State Prison.

SEC. 2. The board of directors shall use the sum of one hundred thousand dollars provided by the sale of bonds or notes in the purchase of a site and the erection of buildings thereon if the said board shall choose another location in the way and manner provided in section one of this act.

SEC. 3. If a place, other than the Caledonia Farm, shall be selected for the State Prison as herein provided, then the new State Prison shall be complete and ready for occupation and use as such, within two years from the ratification of this act.

SEC. 4. The board of directors of the State Prison are authorized and empowered in their discretion to tear down the granite

Preamble.

Preamble.

State Prison to be located by directors.

Purchase of site.

Date of completion of new prison.

Material in old prison wall may be used.

wall south of the present State Prison at Raleigh, and remove the material for use in the erection of a new building or buildings on the site selected as herein provided.

SEC. 5. If the board of directors of the State Prison should fail to choose some place other than the Caledonia Farm as the location of the State Prison, then the said Caledonia Farm shall be its location, as provided in the act ratified February twenty-first, one thousand nine hundred and nineteen.

Bonds or notes to be repaid from proceeds of sale of farm.

SEC. 6. That in the event the said board of directors shall sell the Caledonia Farm in the way and manner provided by law, the said board shall first pay into the State Treasury the sum of one hundred thousand dollars, or such sum as may be necessary to refund the amount received from the sale of State bonds or notes. Said board shall have the right to use the funds derived from the sale of said farm to an amount not to exceed four hundred thousand dollars for the purpose of providing a State Prison on the new site.

Limit of money to be expended on new prison.

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

Ratified this 10th day of March, A.D. 1919.

CHAPTER 244

AN ACT TO AMEND SUBCHAPTER 8, CHAPTER 136, PUBLIC LAWS OF 1917, RELATING TO PROTECTING AGAINST FIRE OF PROPERTY OUTSIDE CITY LIMITS.

The General Assembly of North Carolina do enact:

SECTION 1. That subchapter eight of chapter one hundred and thirty-six of the Public Laws of one thousand nine hundred and seventeen, be and the same is hereby amended by adding after section three of said subchapter eight, a new section to be known as section four, as follows:

Municipalities may furnish protection outside of city limits.

"Section 4. That the governing body may provide, install, and maintain water mains, pipes, hydrants, and buildings and equipment, either inside or outside of the city limits, for protection against fire of property outside of the city limits, and within such area as the governing body may determine, not exceeding a boundary of two miles from the city limits, under such terms and conditions as the governing body may prescribe."

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

Ratified this 10th day of March, A.D. 1919.

CHAPTER 245

AN ACT RELATING TO CEMETERIES.

The General Assembly of North Carolina do enact:

SECTION 1. That, in those cases where any church authorities desire to enlarge a church building and where it becomes necessary or expedient to remove certain graves in order to secure the necessary room for such enlargement, it shall be lawful for such church authorities after thirty days notice to the relatives of deceased, if any are known, and if none are known, then after notice posted at the church door for a like time, to remove such graves to a suitable plot in the church or in another cemetery, due care being taken to protect tombstones and replace them properly, so as to leave the graves in as good condition as before removal.

Removal of graves in order to enlarge churches authorized.

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

Tombstones to be protected.

Ratified this 10th day of March, A.D. 1919.

CHAPTER 246

AN ACT TO EXPEDITE ALL ACTIONS AND SPECIAL PROCEEDINGS WHENEVER ANY OF THE DEFENDANTS ARE INFANTS, IDIOTS, LUNATICS, OR PERSONS NON COMPOS MENTIS, BY PERMITTING A MOTION FOR THE APPOINTMENT OF A GUARDIAN AD LITEM SIMULTANEOUSLY WITH THE BEGINNING OF THE SERVICE BY PUBLICATION.

The General Assembly of North Carolina do enact:

SECTION 1. That the Revisal of one thousand nine hundred and five of North Carolina be and the same is hereby amended by inserting therein a new section to be known as section four hundred and six-a, as follows: In all actions and special proceedings wherever any of the defendants are infants, idiots, lunatics, or persons *non compos mentis*, and it shall become necessary to serve the summons on said infants, idiots, lunatics, or persons *non compos mentis* by publication, it shall not be necessary to await the completion of the service of summons by publication before moving for the appointment of a guardian *ad litem* for said infants, idiots, lunatics, or persons *non compos mentis*, but a guardian *ad litem* may be appointed on motion at the time of the issuance of the order of publication; and the service of a summons, with a copy of the complaint or petition, can be made on the guardian *ad litem* returnable on the same date as the infant defendants are required to appear in the notice of publication;

Guardians may be appointed at time of issuance of order of publication.

Summons on guardian returnable on date fixed by publication.

Judgment
and decree.

and after ten days notice of said summons and complaint in special proceedings and after answer filed as prescribed in section four hundred six of the Revisal of one thousand nine hundred and five, the court may proceed in the same cause to final judgment and decree therein, in the same manner as if there had been personal service upon the said infant, idiot, lunatic, or persons *non compos mentis*, defendants, and any decree or judgment in the cause shall conclude the infant, idiot, lunatic, or persons *non compos mentis*, defendants, as effectually as if he, or they had been personally summoned.

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

Ratified this 10th day of March, A.D. 1919.

CHAPTER 247

AN ACT TO AUTHORIZE THE GOVERNOR AND COUNCIL OF STATE TO FIX THE SALARIES OF THE CLERKS AND STENOGRAPHERS IN THE SEVERAL DEPARTMENTS OF THE STATE.

The General Assembly of North Carolina do enact:

Authorization
subject to
restrictions.

SECTION 1. The Governor and Council of State are hereby authorized to fix the salaries of the clerks and stenographers in the several departments of the State hereinafter named, but in no case shall said salaries exceed the amount herein specified, and in no case shall said clerks or stenographers receive any additional compensation from the State or any department thereof.

SEC. 2. The salaries in the Department of the Secretary of State shall not exceed the following sums:

Limit of salaries in De- partment of State.	Corporation Clerk.....\$2,500 per year
	Grant Clerk.....\$2,250 per year
	Special Clerk and stenographer.....\$1,200 per year

Contingent fund.

The Secretary of State shall also be allowed a contingent sum for other clerical expenses not exceeding fifteen hundred dollars per annum.

SEC. 3. The salaries in the Department of the State Treasury shall not exceed the following sums:

Department of Treasury.	Chief Clerk.....\$2,500 per annum
	Teller.....\$2,500 per annum
	Institutional Clerk.....\$1,800 per annum
	Bond Clerk.....\$1,700 per annum
	Stenographer.....\$1,200 per annum
	Corporation Clerk.....\$1,200 per annum

SEC. 4. The salaries in the Insurance Department, now fixed by law, shall not exceed the following sums:

Chief Deputy-----	\$2,500 per annum	Insurance Department.
Chief Clerk-----	\$2,500 per annum	
Actuary -----	\$2,500 per annum	
Cashier -----	\$1,500 per annum	
License Clerk-----	\$1,250 per annum	

SEC. 5. The salaries in the Department of Education, now fixed by law, shall not exceed the following sums:

Chief Clerk -----	\$2,500 per annum	Department of Education.
(to be paid out of the general fund.)		
Statistical Clerk -----	\$2,500 per annum	
(to be paid out of the Loan fund.)		

Board of Examiners and Institute Conductors. The salary of each institute conductor and examiner shall be fixed by the State Board of Education upon the recommendation of the executive committee of the North Carolina Teachers Assembly at a sum not to exceed three thousand dollars per annum exclusive of expenses.

SEC. 6. The stenographer in the Department of the Attorney General shall receive a salary not exceeding twelve hundred dollars per annum. The Assistant Attorney General shall be paid twenty-two hundred and fifty dollars per year.

SEC. 7. The salaries in the Department of State Auditor shall not exceed the following sums:

Chief Clerk -----	\$2,500 per annum	Department of Auditor.
Tax Clerk -----	\$2,250 per annum	

The stenographer in the Auditor's office shall also act as Pension Clerk and as Bookkeeper for the Old Soldiers' Home. The said stenographer shall do all the stenographic work incident to and necessary to be done in the Department of the State Auditor and shall receive a total compensation of twelve hundred dollars per annum.

SEC. 8. The salaries in the Department of Labor and Printing shall not exceed the following sums:

Assistant Commissioner -----	\$2,500 per annum	Department of Labor and Printing.
Bookkeeper and stock man-----	\$1,800 per annum	
Stenographer -----	\$1,200 per annum	

SEC. 9. The Governor and his Council of State are authorized and empowered to increase the salary of the chief clerk or chief deputy not exceeding twenty per cent of the amounts hereinbefore prescribed, in any of the departments above named whenever it shall appear to the satisfaction of the Governor and his

Salary increases
in recognition
of length and
quality of service.

Council of State that such chief clerk or deputy has served as such chief clerk or chief deputy for a period of ten years or more and has rendered faithful and efficient service.

Treasurer
authorized to
pay.

SEC. 10. The Treasurer of the State is authorized upon proper warrant to pay the salaries above named in equal monthly amounts.

Compensation of
Board of
Agriculture.

SEC. 10½. Each member of the Board of Agriculture shall receive five dollars for each day he attends a session of the board and for each day necessarily spent in traveling from and to his place of residence, and he shall receive also six cents a mile for the distance to and from Raleigh, by the usual direct route, for each meeting of the board which he attends, the same to be paid from the funds of the department. When attending any committee meeting each member of the committee, other than the chairman, shall receive the same per diem and mileage as is fixed for attending meetings of the board.

SEC. 11. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 12. This act shall be in full force and effect from and after its ratification.

Ratified this 10th day of March, A.D. 1919.

CHAPTER 248

AN ACT TO VALIDATE PROBATES AND REGISTRATIONS IN CASES OF DEFECTIVE CERTIFICATES OF OFFICERS ADMITTING INSTRUMENTS TO REGISTRATION.

The General Assembly of North Carolina do enact:

Probates
ordered regis-
tered by quali-
fied officer prior
to January 1,
1919, validated.

SECTION 1. In all cases where, prior to January first, nineteen hundred and nineteen, instruments by law required or authorized to be registered, with certificates showing the acknowledgment or proof of execution thereof as required by the laws of the State of North Carolina, have been ordered registered by the clerk of the Superior Court or other officer qualified to pass upon probates and admit instruments to registration, and actually put upon the books in the office of the register of deeds as if properly proven and ordered to be registered; all such probates and registrations are hereby validated and made as good and sufficient as though such instruments had been in all respects properly proved and recorded, notwithstanding the failure of clerks or other officers qualified to pass upon the proofs or acknowledgments of instruments and to admit such instruments to registration to adjudge or certify that said instruments were duly proven, and notwithstanding the failure of such officers to adjudge or certify

that the certificates of proof or acknowledgment of said instruments were correct or in due form: *Provided*, this act shall not affect any suit, action, or proceeding now pending in the courts of this State, and shall not impair vested rights.

Proviso: pending suits and vested rights not affected.

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

Ratified this 10th day of March, A.D. 1919.

CHAPTER 249

AN ACT TO AUTHORIZE BUILDING AND LOAN ASSOCIATIONS TO ACCEPT LIBERTY LOAN BONDS AS SECURITY FOR LOANS.

The General Assembly of North Carolina do enact:

SECTION 1. That section three thousand eight hundred and ninety of the Revisal of one thousand nine hundred and five be amended by adding at the end thereof the following words: *Provided further*, that Liberty Loan Bonds issued by the United States Government may be received as security to an amount not exceeding ninety per cent of the face value of such bonds, and not exceeding the par value of the shares of stock held by the borrower: *Provided further*, that any loans heretofore made by any such association upon the security of such Liberty Loan Bonds, within said limits, be and are in all respects validated.

Liberty bonds security to 90 per cent of value.

Proviso: loans made validated.

SEC. 2. This act shall be in force from and after its ratification. Ratified this 10th day of March, A.D. 1919.

CHAPTER 250

AN ACT TO VALIDATE THE PROBATE OF CERTAIN OLD WILLS.

Whereas, many wills were made prior to the first day of January, one thousand eight hundred and ninety-nine, with two or more subscribing witnesses thereto, but the execution of such wills was proven by only one of the subscribing witnesses thereto; and, upon such proof, were admitted to probate in jurisdictions outside of North Carolina, and in many cases where the testator owned property in this State, a considerable number of such wills, upon exemplified copies thereof, were admitted to probate and recorded in the several counties of this State, while many such wills are not yet recorded in the State; and said wills in many cases, affect the title to real estate in North Carolina; and

Preamble.

Whereas, in many cases the subscribing witnesses to such wills are dead, and by reason of long lapse of time the parties interested are unable to obtain proof of their handwriting, or to otherwise prove or establish the execution of such wills and testaments in the manner provided by the laws of this State; now, therefore,

The General Assembly of North Carolina do enact:

Wills executed prior to January 1, 1899, having two subscribing witnesses, and probated outside of State on proof of one witness, if duly recorded, shall have effect to pass title.

SECTION 1. That in all cases where wills and testaments were executed prior to the first day of January, one thousand eight hundred and ninety-nine, and which appear to have two or more subscribing witnesses thereto, and such wills and testaments were admitted to probate in jurisdictions outside of North Carolina upon the proof of one witness, as aforesaid, and such wills, or exemplified copies thereof, were presented to the clerk of the Superior Court in any county in this State where the makers thereof owned property, and by such clerk recorded in the records of wills for his county, said wills, and testaments, or exemplified copies thereof, so recorded, if otherwise sufficient shall have the effect to pass the title to the real and personal property therein devised and bequeathed, to the same extent and as completely as if the execution of such wills had been proven by two subscribing witnesses thereto in the manner provided by the laws of this State. And where such wills and testaments were duly admitted to probate in jurisdictions outside of North Carolina, upon proof of one witness, as aforesaid, and in cases where parties interested desire to have them recorded in this State, where they have not already been so recorded, the clerk of the Superior Court of any county in North Carolina, when such wills or exemplified copies thereof are duly authenticated and presented to him by parties interested, shall receive and record the same; and if same are otherwise sufficient such wills shall have the effect to pass the title to all real and personal property therein devised and bequeathed, to the same extent and as completely as if the execution of such wills had been proven by two subscribing witnesses thereto in the manner provided by the laws of this State: *Provided*, that this act shall not have the effect to invalidate the title of any person owning any land embraced in the provisions of any such will, which was valid prior to the ratification of this act.

Such wills probated outside of State to be recorded by clerk of court upon presentation.

Proviso: no title valid before ratification of act invalidated thereby.

Does not apply to pending suits.

SEC. 2. That this act shall not apply to pending suits, and nothing herein shall be construed to prevent such wills from being impeached for fraud.

SEC. 2½. This act shall only apply to Henderson and Transylvania and Wake counties.

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

Ratified this 10th day of March, A.D. 1919.

CHAPTER 251

AN ACT FOR THE RELIEF OF CHARLES V. YORK, FOR LOSSES SUSTAINED BY HIM IN THE ERECTION OF THE STATE WAREHOUSE ON EAST MORGAN STREET, RALEIGH.

The General Assembly of North Carolina do enact:

SECTION 1. That the State Treasurer be and he is hereby authorized and directed to pay to Charles V. York the sum of one thousand one hundred and ninety-seven dollars and forty-five cents (\$1,197.45), from the general fund of the State of North Carolina, being the amount now due him for the erection of the State Warehouse on East Morgan Street, Raleigh, North Carolina, upon furnishing certificate from the Council of State that contract has been complied with.

State Treasurer authorized to pay Charles V. York balance due.

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

Certificate from Council of State.

Ratified this 10th day of March, A.D. 1919.

CHAPTER 252

AN ACT TO ENABLE STATE INSTITUTIONS TO JOIN THE FEDERAL RESERVE SYSTEM.

The General Assembly of North Carolina do enact:

SECTION 1. The words, "Federal Reserve Act," as herein used shall be held to mean and to include the act of Congress of the United States, approved December twenty-third, nineteen hundred and thirteen, as heretofore and hereafter amended. The words, "Federal Reserve Board," shall be held to mean the Federal Reserve Board created and described in the Federal Reserve Act. The words, "Federal Reserve Bank," shall be held to mean the Federal reserve banks created and organized under authority of the Federal Reserve Act. The words, "Member bank," shall be held to mean any National bank, State bank or bank and trust company which has become or which becomes a member of one of the Federal Reserve banks created by the Federal Reserve Act.

"Federal Reserve Act" defined, also "Federal Reserve Board" and "Federal Reserve Bank."

SEC. 2. That any bank or trust company incorporated under the laws of this State shall have the power to subscribe to the capital stock and become a member of a Federal Reserve bank.

Any State bank may become member Reserve bank.

SEC. 2. That any bank or trust company incorporated under the laws of this State which is, or which becomes a member of a Federal Reserve bank is by this act vested with all powers conferred upon member banks of the Federal Reserve banks by the terms of the Federal Reserve Act as fully and completely as if

Such "member banks" vested with powers conferred by Federal Reserve Act.

Right to
revoke powers
reserved.

such powers were specifically enumerated and described herein, and all such powers shall be exercised subject to all restrictions and limitations imposed by the Federal Reserve Act or by regulations of the Federal Reserve Board made pursuant thereto. The right, however, is expressly reserved to revoke or to amend the powers herein conferred.

Compliance
with Federal
requirements
held to be
compliance with
State laws.

SEC. 4. A compliance on the part of any such bank or trust company with the reserve requirements of the Federal Reserve Act shall be held to be a full compliance with those provisions of the laws of this State which require banks or trust companies to maintain cash balances in their vaults or with other banks, and no such bank or trust company shall be required to carry or maintain reserve other than such as is required under the terms of the Federal Reserve Act.

State banks
still under
State supervi-
sion.

SEC. 5. Any such bank or trust company shall continue to be subject to the supervision and examinations required by the laws of this State, except that the Federal Reserve Board shall have the right, if it deems necessary, to make examinations; and the authorities of this State having supervision over such bank or trust company may disclose to the Federal Reserve Board, or to examiners duly appointed by it, all information in reference to the affairs of any bank or trust company which has become, or desires to become, a member of a Federal Reserve bank.

SEC. 6. All laws or clauses of laws in conflict with this act are hereby repealed.

SEC. 7. This act shall be in force from and after its ratification. Ratified this 10th day of March, A.D. 1919.

CHAPTER 253

AN ACT AFFECTING BANK TRANSACTIONS AFTER TWELVE O'CLOCK NOON ON SATURDAYS AND ON LEGAL HOLIDAYS.

The General Assembly of North Carolina do enact:

Bank transac-
tions between
noon and mid-
night Saturdays
not invalidated
by time of
transaction.

SECTION 1. Nothing in any law of this State shall in any manner whatsoever affect the validity of, or render void or voidable, the payment, certification, or acceptance of a check or other negotiable instrument or any other transaction by a bank in this State, because done or performed on any Saturday between twelve o'clock noon and midnight, provided such payment, certification, acceptance, or other transaction would be valid if done or performed before twelve o'clock noon on such Saturday: *Provided further*, that nothing herein shall be construed to compel any bank in this State, which by law or custom is entitled to close at twelve o'clock noon on any Saturday, to keep open for the transaction of business or to

Banks not
required to
keep open after
hours.

perform any of the acts or transactions aforesaid on any Saturday after such hour, except at its own option.

SEC. 2. Nothing in any law of this State shall in any manner whatsoever affect the validity of, or render void or voidable, the payment, certification, or acceptance of a check or other negotiable instrument or any other transaction by a bank in this State, because done or performed on any legal holiday: *Provided*, such payment, certification, acceptance, or other transaction would be valid if done or performed on any business day other than a legal holiday: *Provided further*, that nothing herein shall be construed to compel any bank in this State, which by law or custom is entitled to close on legal holidays, to keep open for the transaction of business or to perform any of the acts or transactions aforesaid, on any legal holiday, except at its own option.

Transactions not invalidated because completed on legal holidays.

Banks not to be required to keep open on holidays.

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

SEC. 4. This act shall be in force from and after its ratification. Ratified this 10th day of March, A.D. 1919.

CHAPTER 254

AN ACT TO AMEND CERTAIN SECTIONS OF THE REVISAL OF 1905, AND CERTAIN CHAPTERS OF THE PUBLIC LAWS OF 1907, 1911, 1913, 1915, AND 1917, ALL BEING PARTS OF THE PUBLIC SCHOOL LAW.

The General Assembly of North Carolina do enact:

SECTION 1. That section four thousand and fifty-three of the Revisal of one thousand nine hundred and five be and the same is hereby amended by adding after the word "schoolhouse" and before the word "in" in line five thereof, the following: "Teach-erages and buildings for county farm-life schools."

State Board of Education authorized to loan money for farm-life school buildings.

SEC. 2. That section four thousand and eighty-seven of the Revisal of one thousand nine hundred and five be and the same is hereby repealed, and that the following be substituted in lieu thereof: "The branches to be taught in all the public schools shall be spelling, reading, writing, arithmetic, drawing, language lessons and composition, English grammar, geography, the history of North Carolina and the United States, elements of agriculture, and oral and text-book instruction in elementary physiology and hygiene, including the nature and effect of alcoholic drinks and narcotics: *Provided*, that in public schools employ- ing more than one teacher the elements of civil government, con- taining the constitution of North Carolina and the United States,

Subjects which must be taught in all public schools.

Proviso: in schools having more than one teacher civil government must also be taught.

and such other subjects of study as the State Board of Education may direct, shall be taught after adequate provision shall have first been made for the thorough teaching of the branches before named."

Sheriff to furnish statement to county board of education.

SEC. 3. That section four thousand one hundred and eleven be and the same is hereby amended by adding after the word "commissioners" and before the word "in" in line eleven thereof, the following: "The sheriff shall furnish to the county board of education at the time of the settlement with the county treasurer as provided in this section a complete itemized copy of said settlement, which shall contain a list of all insolvent polls, releases, errors, and rebates allowed him by the county board of commissioners."

Section of Revisal governing apportionment of funds repealed.

SEC. 4. That section four thousand one hundred and sixteen of the Revisal of one thousand nine hundred and five, as amended by the Public Laws of one thousand nine hundred and nine, one thousand nine hundred and eleven, one thousand nine hundred and fifteen, and one thousand nine hundred and seventeen, be and the same is hereby repealed.

County superintendent to receive certificate from board of examiners.

SEC. 5. That section four thousand one hundred and thirty-five of the Revisal of one thousand nine hundred and five be and the same is hereby amended by striking out in line five thereof the words "or who shall have had at least two years experience in teaching school," and inserting in lieu thereof the following: "and who shall have secured or does secure before assuming the duties of the office a superintendent's certificate under the rules and regulations of the State Board of Examiners, as provided for in chapter one hundred and forty-six of the Public Laws of one thousand nine hundred and seventeen." That section four of chapter one hundred and forty-nine of the Public Laws of one thousand nine hundred and thirteen be and the same is hereby repealed.

Section 4, chapter 149, Public Laws 1913, repealed.

SEC. 6. That section four thousand one hundred forty of the Revisal of one thousand nine hundred and five be and the same is hereby amended by striking out in line four thereof the words "one school day must," and inserting in lieu thereof "not exceeding three school days may."

No school committeeman eligible as teacher.

SEC. 7. That section four thousand one hundred sixty-one of the Revisal of one thousand nine hundred and five be and the same is hereby amended by adding after the word "teacher" and before the word "the" in line three thereof the following: "No person while serving as a member of any township or district committee or county board of education shall be eligible to be elected as a teacher of any school, and should such person be elected said election is hereby declared null and void."

SEC. 8. That section four thousand one hundred fifty-one of the Revisal of one thousand nine hundred and five be and the

same is hereby amended by striking out in line thirteen thereof the words "first grade certificate," and inserting in lieu thereof the words "certificate from the State Board of Examiners covering the class of work to be done."

Teachers public school branches in private schools to be licensed by board of examiners.

SEC. 9. That section two thousand seven hundred seventy-eight of the Revisal of one thousand nine hundred and five be and the same is hereby amended by adding after the word "disbursements" in line eight thereof and before the word "provided" in line eight thereof, the following: "and the said commissions shall be paid only upon the order of the county board of education, signed by the chairman and secretary, and the county board of education is hereby forbidden to sign any such order until the treasurer shall have made all reports and kept all such accounts required by law in the form and manner prescribed."

County treasurer's commissions on school fund to be paid only on order board of education.

SEC. 10. That section four thousand one hundred fifty-seven of the Revisal of one thousand nine hundred and five be and the same is hereby amended by striking out all the words beginning with the word "with" in line four thereof and ending with the word "account" in line six thereof; and further by striking out the words "township and" in line ten of said section.

Treasurer to keep accounts with school districts—no township accounts.

SEC. 11. That section five of chapter one hundred and two of the Public Laws of one thousand nine hundred and seventeen be and the same is hereby amended by striking out the word "estate," the same being the first word in line seventeen thereof, and inserting in lieu thereof the following: "and personal property."

Special tax may be levied on personal as well as real property.

SEC. 12. That section one of chapter eight hundred and fifty-six of the Public Laws of one thousand nine hundred and nine be and the same is hereby amended by adding at the end of said section the following: "And in no case shall any new district or school be established under this section if the number of schools or districts existing January first, one thousand nine hundred and nineteen, is increased thereby."

Number of public schools not to be increased.

SEC. 13. That subsection (*f*) of section one of chapter two hundred and thirty-six of the Public Laws of one thousand nine hundred and fifteen be and the same is hereby amended by adding after the word "age" and before the word "sex" in line four thereof, the words "date of birth," and after the word "age" and before the word "and" in line twenty-four thereof, the words "date of birth," and after the word "age" and before the word "race" in line twenty-nine thereof the words "date of birth."

Date of birth to be shown by school census.

SEC. 14. That subsection (*m*) of section one of chapter one hundred and forty-nine of the Public Laws of one thousand nine hundred and thirteen be and the same is hereby repealed, and that subsection (*a*) of section six of chapter two hundred and eighty-five of the Public Laws of one thousand nine hundred and seventeen, amending chapter one hundred and forty-nine of the

1913 law relating to assistant teachers repealed.

Public Laws of one thousand nine hundred and thirteen, be and the same is hereby repealed.

Pay of
second-grade
teachers.

SEC. 15. That subsection (c) of section one of chapter one hundred and thirty-five of the Public Laws of one thousand nine hundred and eleven be and the same is hereby amended by striking out the words "thirty-five" in line three thereof, and inserting in lieu thereof the words "forty-five."

Manner of
reducing existing
special tax
prescribed.

SEC. 16. That sections four and five of chapter seventy-one of the Public Laws of one thousand nine hundred and eleven be and the same are hereby repealed, and that the following be substituted in lieu of section five: "Section 5. That in case a majority of the qualified voters at said election in the county shall vote in favor of said special tax the board of county commissioners shall ascertain the sentiment of the voters in any existing special tax district as to whether or not they desire to retain all or any part of the existing special tax in any special tax district, and the said county commissioners shall reduce the annual special levy of said district by an amount not exceeding the special levy provided for the county under this act."

Removal of
persons into
special tax
districts.

SEC. 17. That chapter one hundred and four of the Public Laws of one thousand nine hundred and seventeen be and the same is hereby amended by adding the following: "Section 5. That upon written petition of one or more inhabitants whose property is contiguous to said special chartered or local tax-district, the county board of education may transfer such individual or individuals to said district, and there shall be levied upon the property and poll of each individual so transferred the same tax as is levied upon other property and polls of said district." That sections five, six, seven and eight of said chapter be and the same are hereby amended so as to read sections six, seven, eight and nine respectively.

Teachers elected
after conference
with county
superintendent.

SEC. 18. That subsection (f) of section one of chapter one hundred and forty-nine of the Public Laws of one thousand nine hundred and thirteen be and the same is hereby amended by striking out the word "in" in line seven and inserting in lieu thereof the word "after."

Enlargement of
special tax
districts.

SEC. 19. That subsection (f) of section one of chapter eight hundred and thirty-five of the Public Laws of one thousand nine hundred and seven be and the same is hereby amended by adding after the word "district" and before the word "and" in line twenty thereof the following: "and the term 'special tax of the same rate' herein used shall include in addition to the usual special tax, any tax levied to meet the interest and sinking fund of any bonds theretofore issued by the district proposed to be enlarged."

Sections
repealed.

SEC. 20. That sections one, two, three, four, five, six, seven, eight, nine and ten of chapter eight hundred and twenty of the Public Laws of one thousand nine hundred and seven, as subse-

quently amended, be and the same are hereby repealed: *Provided*, that the sum of five hundred dollars appropriated in section ten of said chapter, as amended by the General Assembly of one thousand nine hundred and seventeen hereafter, be paid out of the fifty thousand dollar appropriation provided in section twelve of "An act to provide a six months school term in every public school district of the State in compliance with section three of the Constitution of North Carolina," enacted by the General Assembly of one thousand nine hundred and nineteen.

SEC. 21. That section four thousand and fifty-three of the Revisal of one thousand nine hundred and five be and the same is hereby amended by adding at the end of said section the following: "The State Board of Education may annually set aside and use out of the funds accruing to the interest of said State Loan Fund a sum not exceeding two thousand dollars, to be used for providing plans for modern school buildings to be furnished free of charge to districts, for providing proper inspection of school buildings and the use of State funds, and for such other purposes as said board may determine, to secure the erection of a better type of school buildings and the better administration of said State Loan Fund."

Annual appropriation of \$2,000 for providing plans and for inspection of school buildings.

SEC. 22. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 23. That this act shall be in full force and effect from and after its ratification.

Ratified this 10th day of March, A.D. 1919.

CHAPTER 255

AN ACT TO PROVIDE FOR THE TEACHING OF AGRICULTURE, HOME ECONOMICS, AND MANUAL TRAINING IN THE PUBLIC SCHOOLS OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That the State Superintendent of Public Instruction of North Carolina shall prepare or have prepared courses of study in agriculture, manual training, and home economics for use in the public schools of the State, and shall have the same printed in bulletin form, said bulletins to be used as supplementary texts and guides in teaching these subjects in all public schools of North Carolina.

State Superintendent to furnish courses of study in bulletin form.

These bulletins shall contain courses of study and readily usable outlines in agriculture, including crop production and management, gardening and fruit growing, livestock farming, including simple lessons in home dairying and poultry raising, manual

Contents of bulletins.

training and home economics, and any other subjects as may be considered necessary in the teaching of the above named courses.

System of credits for outside work.

SEC. 2. For the purpose of encouraging the practical application of the principles taught in the classroom, the State Superintendent of Public Instruction shall prepare a system of credits, whereby the boys and girls shall receive credit for work done outside of the school hours, upon the farm and in the home, in conformity with the present system of credits obtaining in our public schools.

Superintendent to fix minimum time for instruction.

SEC. 3. The State Superintendent of Public Instruction shall fix the minimum time to be given to the teaching of agriculture, manual training, and home economics in the respective grades, having in mind in the preparing of these regulations, the conditions existing in the one-teacher school, the two-teacher school, and three-teacher school, and all of the regularly organized schools as distinctive types for which this material is to be provided.

Schools in municipalities of 2,000 exempt. Proviso: must offer courses of similar nature.

SEC. 4. Schools operating in towns of a population of two thousand or more may be exempt from the provisions of this act by permission granted such schools by their local boards: *Provided* that courses of study in home gardening, school gardening, manual training and home economics, suited to the needs of such schools, shall be prepared.

Lands for demonstration may be acquired.

SEC. 5. The board of education of any county, or the board of control in any school of North Carolina, may secure by donation, purchase, condemnation proceedings, or through lease, one or more acres of land adjacent to or near any school site for the purpose of conducting practical demonstrations of the principles taught in the classroom.

Bulletins printed by State.

SEC. 6. The bulletins provided for in this act shall be published by the State Board of Education and printed by the State Printer, as State printing, and shall be furnished to the teachers and public school children of the State, without cost. These bulletins shall be distributed from the office of the State Superintendent of Public Instruction as are other publications of the department.

Teachers to be examined in specified subjects.

SEC. 7. All teachers of the State offering to teach any grade in which the subjects herein specified are required in any of the rural schools shall be required to pass an examination on the subjects of agriculture, manual training, and home economics, in so far as the teaching of these subjects applies to their respective grades, and upon the bulletins provided for in this act, provided this act does not apply to teachers entering the profession prior to July first, one thousand nine hundred and nineteen.

Proviso: does not apply to teachers entering profession before July 1, 1919. Bulletins part teacher-training courses.

SEC. 8. Furthermore, the bulletins herein provided for shall be made a part of the course of study in agriculture, manual training, and home economics in summer schools for teachers,

conducted by the various State institutions and in other courses for the improvement of teachers.

SEC. 9. Each and every county superintendent in the State, together with State Board of Examiners and Institute Conductors, is hereby empowered to require satisfactory evidence, by examination or otherwise of the ability of every teacher in the respective counties to teach the subject-matter contained in the bulletins herein provided for.

All teachers
may be
examined.

SEC. 10. That each and every public school in North Carolina shall be required to give courses in agriculture, manual training, and home economics, as prescribed herein, to the students of the public schools, unless exempted from the provisions of this act by meeting the requirements of section four.

All schools
required to give
courses.

SEC. 11. Each and every county superintendent of public instruction in North Carolina shall report to the State Superintendent of Public Instruction within sixty days after the beginning of the school term in his county, as to whether or not such courses as are provided for herein are being taught.

Reports by
county superin-
tendents.

SEC. 12. Chapter one hundred and ninety, Public Laws of one thousand nine hundred and seventeen, is hereby repealed, and all other laws and clauses of laws in conflict with this act are hereby repealed.

Repealing
clause.

SEC. 13. That this act shall be in full force on and after its ratification.

Ratified this 10th day of March, A.D. 1919.

CHAPTER 256

AN ACT TO AUTHORIZE THE BOARD OF DIRECTORS OF THE STATE NORMAL AND INDUSTRIAL COLLEGE TO PURCHASE LAND.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of directors of the State Normal and Industrial College is hereby authorized and directed to purchase for the use of said institution the lot of land lying south of the college campus and between said campus and the Southern Railroad, better known as the Teague property, described in a bond for title now held by the State Normal and Industrial College Alumne Association, Incorporated, or holders of title to said property, or both, and to receive such conveyance as may be necessary to acquire the title.

Purchase of
"Teague prop-
erty" authorized.

SEC. 2. That the said board of directors is hereby authorized, in their discretion, to take from the permanent building fund arising from the sale of bonds provided for in chapter one hun-

Payment may
be made from
permanent build-
ing fund.

dred and fifty-four of the Public Laws of North Carolina, session of one thousand nine hundred and seventeen, and expend the sum that in the judgment of said board of directors may be necessary in payment of the purchase price of the property described in section one hereof: *Provided*, the total amount expended for this purpose shall not exceed the sum of fifty thousand dollars.

Proviso:
limit of amount
expended.

SEC. 3. This act shall be in force from and after its ratification. Ratified this 10th day of March, A.D. 1919.

CHAPTER 257

AN ACT TO AMEND CHAPTER 84, PUBLIC LAWS OF 1911, FOR THE ESTABLISHMENT AND MAINTENANCE OF COUNTY FARM-LIFE SCHOOLS AND FOR THE PROMO- TION OF AGRICULTURE AND HOME ECONOMICS.

The General Assembly of North Carolina do enact:

Board of voca-
tional educa-
tion to super-
vise farm-life
schools.

SECTION 1. Amend section two of chapter eighty-four of Public Laws of nineteen hundred and eleven, by striking out in line four after the word "State" the words "Superintendent of Public Instruction and an advisory board on farm-life schools to be appointed by him," and insert in lieu thereof the words "Board for Vocational Education."

Trustees to be
farmers.

SEC. 2. Amend section three of said chapter by inserting after the word "trustee" in line two, the words "of practical farmers."

Farm not less
than
fifty acres.

SEC. 3. Amend section six by striking out in line eleven the words "twenty-five," and inserting in lieu thereof the word "fifty," and further amending said section by striking out all of said section after the word "thereof" in line twenty-two.

Limit of bonds
increased to
\$50,000.

SEC. 4. Strike out in line six of section eight of said chapter the word "twenty-five," and insert in lieu thereof the word "fifty."

SEC. 5. Amend section nine by striking out in line thirteen the word "twenty-five," and inserting in lieu thereof the word "fifty."

Board to
approve course
of study.

SEC. 6. Amend section eleven by striking out in line three the following: "as is prescribed under the public high school law of the State for first grade public high schools," and insert in lieu thereof the words "as may be approved by the State Board for Vocational Education." And further amend said section by striking out in line eight the words "public high school law of the State," and insert in lieu thereof the words "act to provide a six months school term in every public school district, nineteen hundred and nineteen." And further amend said section by striking out all words between "State" in line nine and the word "if" in line fifteen. And further amend said section by striking out after the word "county" in line sixteen, the words, "established and

Brought under
provisions 1919
school law.

maintained under the public high school law of the State." Further amend said section by striking out after the word "school" in line twenty-two, the words "under the provisions of the high school law of the State."

SEC. 7. Amend section twelve by striking out in line four after the word "languages" the words "including an additional certificate from the State Board of Examiners and the president of the North Carolina College of Agriculture and Mechanic Arts, stating that he has furnished satisfactory evidence to them of his qualifications by special training and practical training for said position," and insert in lieu thereof "endorsed by the State Board for Vocational Education." And further amend said section by striking out all of said section after the word "languages" in line thirteen, and inserting in lieu thereof "endorsed by the State Board for Vocational Education." And further amend said section by adding at the end thereof "all teachers in farm-life schools shall be elected by the board of trustees on the recommendation of the principal of said schools," and all teachers of vocational subjects in schools receiving funds from the Vocational Education Fund shall be approved by the State Board for Vocational Education.

Board to pass on principals of schools.

Teachers recommended by principals.

SEC. 8. Amend section seventeen by inserting after the word "furnished" in line one the words "by the State Board for Vocational Education." Further amend said section by striking out in lines thirteen and fourteen the words "of any funds in the hands of the State Treasurer not otherwise appropriated," and insert in lieu thereof the words "of the State Public School Fund if the amount of said fund after providing for all provisions of said act creating said fund is sufficient, otherwise the appropriation shall be made from the State funds not otherwise appropriated."

Appropriation to come from public school fund.

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

Ratified this 10th day of March, A.D. 1919.

CHAPTER 258

AN ACT TO AMEND CHAPTER 140, PUBLIC LAWS OF 1917, REGULATING THE USE OF AUTOMOBILES.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and forty of the Public Laws of the session of one thousand nine hundred and seventeen be and is hereby amended by requiring the Secretary of State to furnish one display number with a certificate of registration to

One display number instead of two.

Number to be placed on rear of vehicle.

the owner of an automobile, upon payment of proper fees, instead of two numbers as provided in said act, and that the one display number issued shall be conspicuously displayed by such owner on the rear of the registered motor vehicle for which the said display number is issued.

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

SEC. 3. This act shall be in force from and after July first, nineteen hundred and twenty.

Ratified this 10th day of March, A.D. 1919.

CHAPTER 259

AN ACT TO REQUIRE THE CUSTODIAN OF MONEY ARISING FROM THE SALE OF REAL ESTATE AND TO BE HELD SUBJECT TO THE ORDERS OF THE COURT TO GIVE BOND FOR AN ACCOUNTING FOR SUCH MONEY.

The General Assembly of North Carolina do enact:

SECTION 1. That in all causes and special proceedings in which there shall be a sale of real estate for the purpose of a reinvestment of the money arising from such sale or for any other purpose, and in which the proceeds from such sale shall be held by a commissioner or other officer designated by the court to receive such money, for purposes of reinvestment (or otherwise), the commissioner or officer so receiving same shall execute a good and sufficient bond, to be approved by the court, in an amount at least equal to the corpus of the fund, and payable to the State of North Carolina for the protection of the fund and the parties interested therein, and conditioned that such custodian of the money shall faithfully comply with all the orders of the court made or to be thereafter made concerning the handling or reinvestment of said funds and for the faithful and final accounting of the same to the parties interested: *Provided*, the court in its discretion may not require such bond in cases in which under the law it shall not be contemplated that the money will be ultimately reinvested under the direction of the court. The premium for any such bond shall be paid from the corpus of the fund intended to be thereby protected.

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

Ratified this 10th day of March, A.D. 1919.

Person receiving funds required to execute bond in amount equal to money in his charge.

Proviso: cases in which bond need not be required.

Payment of premium.

CHAPTER 260

AN ACT TO FIX THE SALARY OF THE MARSHAL OF THE SUPREME COURT, WHO IS ALSO THE LIBRARIAN OF SAID COURT.

The General Assembly of North Carolina do enact:

SECTION 1. That the salary of the marshal of the Supreme Court, who is also the librarian of said court, shall be twenty hundred dollars per annum, to be paid monthly by the State Treasurer upon the warrant of the State Auditor. Salary fixed.

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

Ratified this 10th day of March, A.D. 1919.

CHAPTER 261

AN ACT TO CREATE A STATE RECONSTRUCTION COMMISSION AND DEFINE ITS POWERS AND DUTIES.

The General Assembly of North Carolina do enact:

SECTION 1. That a commission is hereby created to be known as the State Reconstruction Commission, consisting of twenty-five men from the State at large, and representing as far as practicable all the various industries and employments of the State. The members of the said commission shall be appointed by the Governor, who shall be ex officio chairman of the commission; and the said commission shall have the power to elect an executive chairman or secretary to carry on the details of its work. Commission created. Appointment. Executive to be elected.

SEC. 2. It shall be the duty of such commission to make investigations and to report in reference to the industrial, commercial, economic, sociological, and military needs and requirements of the State, which have been produced by the world war and the readjustment of the State to conditions of peace; to take such advisory measures as it may deem fit in reference to such matters; to consult with the several State and Federal departments and such civic organizations as may offer information or recommendations in reference to such matters; to make investigation and suggest plans for the coördination and coöperation of the resources of the State during the period of adjustment after such war, and to make investigations and recommendations on all matters requiring the coöperation of Federal and State governments, and to plan methods of coöperating with the Federal authorities in devising and carrying out National policies during the period of war reconstruction. Duties of Commission.

Reports.

SEC. 3. That this commission shall make written reports to the Governor at such times and upon such subjects as in its discretion it may deem proper, and publish same in the newspapers of the State.

Appropriation for clerical assistance and incidental expense.

SEC. 4. That the members of the said commission shall serve without compensation; but that a sum of not exceeding five hundred dollars per annum for the years one thousand nine hundred and nineteen, and one thousand nine hundred and twenty be and the same is hereby appropriated out of the public funds of the State to be used for the payment of postage and clerical assistance in the carrying out of the work of the said commission; the said sum to be paid upon warrant of the State Auditor by the State Treasurer, upon request of the executive chairman or secretary of the said commission.

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

Ratified this 10th day of March, A.D. 1919.

CHAPTER 262

AN ACT TO AMEND CHAPTER 136, PUBLIC LAWS OF 1917, RELATING TO THE ORGANIZATION AND GOVERNMENT OF CITIES, TOWNS, AND INCORPORATED VILLAGES.

The General Assembly of North Carolina do enact:

Governing bodies of municipalities authorized to purchase control of power plants.

SECTION 1. That chapter one hundred and thirty-six of the Public Laws of one thousand nine hundred and seventeen be and the same is hereby amended as follows: After the word "light" and before the word "gas" in line five of section one of subchapter four of said chapter, insert the word "power"; after the word "light" and before the word "gas" in line fourteen of said section insert the word "power." Strike out all after the word "same" and beginning with the word "rules" in line twenty-five of section one of subchapter four, and insert in lieu thereof the following: "Procedure as is provided for the condemnation of land in sections two thousand five hundred eighty to two thousand five hundred ninety-six inclusive, of the Revisal of one thousand nine hundred and five and acts supplemental thereto and amendatory thereof; and the determination by such governing body, board, commission, or department of government of such city of the land necessary for such purposes shall be conclusive."

Procedure in condemnation that of sections 2580-2596 of Revisal of 1905.

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

Ratified this 10th day of March, A.D. 1919.

CHAPTER 263

AN ACT TO EXEMPT BOYS UNDER TWENTY-ONE YEARS OF AGE FROM WORKING PUBLIC ROADS WHILE ATTENDING SCHOOL.

The General Assembly of North Carolina do enact:

SECTION 1. That all boys in the State of North Carolina under twenty-one years of age are hereby exempt from working the public roads during the time they may be attending school. Exempt while attending school.

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

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

Ratified this 10th day of March, A.D. 1919.

CHAPTER 264

AN ACT TO REGULATE THE CONFERRING OF DEGREES BY EDUCATIONAL INSTITUTIONS.

The General Assembly of North Carolina do enact:

SECTION 1. That no educational institution hereafter created or established by any person, firm or corporation in this State shall have power or authority to confer degrees upon any person or persons except as herein provided. Right to confer degrees restricted.

SEC. 2. A college commission is hereby created consisting of the State Superintendent of Public Instruction, ex officio chairman, and four others to be appointed by the Governor, to hold office for a term of five years or until their successors are appointed. The persons so appointed shall meet upon the call of the Governor and adopt rules of procedure for the commission. Institutions described in section one of this act shall not have power to confer degrees until the merits of the application from an educational standpoint shall have been passed upon by said commission. College Commission created. Merits of private institutions investigated.

SEC. 3. The commission herein created is authorized and empowered to issue its license to confer degrees in such form as it may prescribe to any educational institution hereafter created or established by any person, firm, or corporation in this State: *Provided*, that no educational institution that shall hereafter be created or established in the State shall be empowered to confer degrees unless it has income sufficient to maintain adequate faculty and equipment sufficient to provide adequate means of instruction in the arts and sciences; and unless its baccalaureate License to confer degrees. Proviso: income, faculty, course of instruction prerequisite for degree.

degree is conferred only upon students who have completed a four-year college course, preceded by the usual four-year high school course, or their equivalent.

Inspection of applicant.

SEC. 4. All institutions chartered under this act shall file such information with the State Superintendent of Public Instruction as the commission may direct, and said commission shall have full authority to send an expert to visit any institution applying for a license to confer degrees under this act. And if any one of them shall fail to keep up the required standard the commission shall revoke the license to confer degrees, subject to a right of review of this decision by the judge of the Superior Court upon action instituted by the educational institution whose license had been revoked.

Revocation of license.

SEC. 5. This act shall be in force from and after its ratification. Ratified this 10th day of March, A.D. 1919.

CHAPTER 265

AN ACT TO AUTHORIZE THE GOVERNOR TO ISSUE COMMISSIONS TO COMMANDANTS OR DIRECTORS OF MILITARY TRAINING AT THE UNIVERSITY AND OTHER INSTITUTIONS, COLLEGES, AND SCHOOLS OF THE STATE AND TO THE STUDENT OFFICERS OF SUCH INSTITUTIONS.

The General Assembly of North Carolina do enact:

Commissions not to exceed rank of major in reserve militia.

SECTION 1. The Governor of the State is hereby authorized to issue to the commandants or directors of military training at the University of North Carolina, Agricultural and Engineering College, North Carolina School for the Deaf, at Morgantou, and other colleges and schools of the State giving a military course, commissions with rank not to exceed major, in the North Carolina Reserve Militia.

Commissions of student officers.

SEC. 2. The Governor of the State is hereby authorized to issue to the student officers of the institutions named in section one hereof, commissions with rank not to exceed captain in the North Carolina Reserve Militia.

Such officers not connected with State's military forces.

SEC. 3. The persons to whom commissions are issued under the provisions of this act shall be known as cadet officers, and they shall have no connection with the National Guard or other military forces of the State, nor shall they, or any of them, exercise any military authority other than in the discharge of their duties in their respective institutions.

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

Ratified this 10th day of March, A.D. 1919.

CHAPTER 266

AN ACT PROVIDING FOR COOPERATION BETWEEN THE STATE AND THE UNITED STATES IN THE SETTLEMENT OF SOLDIERS, SAILORS, MARINES, AND OTHERS UPON STATE LANDS AND LANDS ACQUIRED UNDER THIS ACT; CREATING A SOLDIER SETTLEMENT BOARD, DEFINING ITS POWERS AND DUTIES.

The General Assembly of North Carolina do enact:

SECTION 1. The object of this act is, in recognition of military services, to provide useful employment and rural homes for soldiers, sailors, marines, and others who have served with the armed forces of the United States in the European war or other wars of the United States, including former American citizens who served in allied armies against Central Powers and have been repatriated, and who have been honorably discharged: and to accomplish such purpose by coöperation with the agencies of the United States engaged in work of a similar character. This act may be cited as "The North Carolina Soldier Settlement Act."

Object of act.

SEC. 2. For the purposes of this act a Soldier Settlement Board is hereby created, composed of three members to be appointed by the Governor, one of whom shall be chairman, and whose terms of service shall be as follows: one for two years, one for four years, and one for six years; and thereafter, on the expiration of their terms, for a period of six years, and until their successors have been appointed and qualified. The Attorney-General shall be the legal adviser of the board and represent the board in any suits or actions which may arise out of the discharge of his duties.

Soldier settlement board created.

Terms of office.

Attorney-General adviser.

SEC. 3. The board shall satisfy itself of the practicability of each project to be undertaken hereunder, utilizing all State agencies to such end. Projects may be undertaken in coöperation with the United States, involving the reclamation of the lands within this State by drainage, irrigation, and removal of trees and stumps, the building of levees, sea walls, necessary roads, land leveling, fertilization, sanitation, or involving such other means as may be found practicable and desirable to make the land suitable for agricultural purposes and rural homes. The board may acquire, in the name of the State, by purchase, gift, all lands and other property needed for the purposes hereof, and may take title in trust. With the consent of the coöperating Federal agencies the board may sell any land or other property acquired hereunder found not to be required for any project. The board may also utilize all lands of the State for the purposes of this act: *Provided*, that nothing in this section contained shall be construed to repeal any law relating to the price of State lands: *Provided further*, that the periods during which payment

Projects which may be undertaken.

Board may acquire property.

Proviso: no law relating to price State lands repealed.

Proviso:
periods of pay-
ment may be
modified.

Board authorized
to contract with
United States.

Powers
of board, under
contract, with
Federal
Government.

Additional
powers in dis-
position of
lands.

Proceeds go to
Soldier Settle-
ment Fund.

Security by
lien.

Reimbursement
of State.

State lands
utilized or
lands acquired
under act
subject to
taxation.

for State lands may be made and the rates of interest under existing statutory law may be modified by the board, if deemed advisable in order properly to cooperate with Federal agencies.

SEC. 4. The board is authorized to contract with the United States pursuant to acts of Congress and the rules and regulations thereunder for soldier settlement and related purposes. For the purposes of general cooperation with the Federal Government hereunder, the board may also contract with other states, and with municipal, quasi-municipal, and public corporations and private corporations and individuals.

SEC. 5. For the purposes of this act the board may also, under contract with the United States, undertake any work of farm improvement, subdivision of the land, supervision of settlement, the selection of settlers, the agricultural training of prospective settlers, the supervision of short-term loans, the rejection of applicants for allotments, the collection of moneys, the operation and maintenance of the projects undertaken, and may perform such other acts as may be necessary to effectuate full cooperation with Federal agencies.

SEC. 6. The board may also lease or assent to the lease of any lands pending receipt of application for the purchase thereof, may dedicate lands for schools, churches, roads, cemeteries, and other public purposes, may establish, develop and open for sale such town-sites as may be desirable and provided by contract with the United States. The proceeds of all operations under this act shall be covered into the North Carolina Soldier Settlement Fund.

SEC. 7. The board, in cooperation with the United States, is authorized to obtain suitable security by lien, by cooperation with public corporations or otherwise for the reimbursement of moneys expended hereunder by the United States, or by the State or by both jointly, or otherwise. All moneys expended by the State upon any project undertaken shall be reimbursable to the State in manner similar and to the same extent that moneys disbursed by the United States for cooperation with the State shall be reimbursable, and with the same interest, if any, upon such plan of amortization or other method or reimbursement as may be agreed upon pursuant to such acts of Congress.

SEC. 8. State lands utilized hereunder and lands acquired pursuant to this act shall be subject to State and local taxation and assessment for improvement purposes from the date of the execution of the contract for the purchase thereof by settlers upon any project undertaken hereunder. If the contracting purchaser shall fail to pay such taxes and assessments, the same may be paid from the fund hereby provided and charged to the purchaser with interest at the rate of ten per cent per annum from the date of payment.

Sec. 9. The board shall make annual report to the Governor with a full statement of its operations and the results of its investigations and experience resulting from operations under this act, together with recommendations for legislation, and shall furnish a copy of its report to the Secretary of the Interior.

Board to make annual report to Governor.

Sec. 10. The board is hereby authorized to perform such acts and make such rules and regulations as it may deem necessary and proper to carry this act into full force and effect.

Board authorized to enforce act.

Sec. 11. This act shall be in force from and after its ratification.

Ratified this 10th day of March, A.D. 1919.

CHAPTER 267

AN ACT TO PROVIDE FOR LICENSING THRESHERS OF GRAIN IN NORTH CAROLINA AND SECURING REPORTS ON THE AMOUNT OF GRAIN THRESHED.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be the duty of any person, firm, or corporation who shall engage in the threshing of wheat for others in any county in North Carolina, to first secure a license from the county in which the threshing occurs: *Provided*, that securing of a license in one county shall be sufficient to allow the person, firm, or corporation to operate in any county of the State.

Wheat threshers to secure license.

License good in all counties.

Sec. 2. It shall be the duty of the register of deeds of each of the several counties of the State to issue a license to engage in the threshing of wheat in that county to any person, firm, or corporation applying for same. Every license issued under the provisions of this act shall expire on the first day of November succeeding the date of the issue of such license.

License issued by register of deeds.

Sec. 3. It shall be the duty of every person, firm, or corporation who shall engage in the threshing of wheat for others or themselves in any county of the State to keep a complete and accurate record of the amount of wheat threshed by such person, firm, or corporation, and to make, upon blanks to be furnished by the register of deeds of the county, report on or before the first day of November of each year, showing the amount of wheat threshed by said person, firm, or corporation in said county during the preceding year. A violation of the provisions of this section shall be deemed a misdemeanor and shall be punished by a fine of not exceeding twenty-five dollars: *Provided*, the register of deeds shall give thirty days notice to the licensee before indictment is made, and if licensee makes said report within said time no indictment shall be made.

Threshers to keep complete record.

To make report.

Violation a misdemeanor. Penalty. Proviso: notice to be given and time for report extended.

Register of
deeds to enforce
act.

SEC. 4. It shall be the duty of the register of deeds of each of the several counties of the State to make diligent inquiry as to whether the provisions of section three of this act have been complied with, and, upon the failure of any person, firm, or corporation to comply with same, to swear out a warrant before some justice of the peace of the county and the procedure thereon shall be as in other criminal cases.

Registers of
deeds to
report to
Commissioner
of Agriculture.

SEC. 5. It shall be the duty of the register of deeds of each of the several counties in the State, on or before the fifteenth day of November of each year, to submit, upon blanks to be furnished by the Commissioner of Agriculture, a report to the Commissioner of Agriculture showing the amount of wheat that has been threshed in the said county in the preceding year.

Commissioner to
furnish blanks.

SEC. 6. It shall be the duty of the Commissioner of Agriculture to furnish to the register of deeds of the several counties of the State, on or before the first day of May in each year, a sufficient number of blank forms for threshers' licenses, threshers' grain reports, and registers' of deeds grain reports.

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

Ratified this 10th day of March, A.D. 1919.

CHAPTER 268

AN ACT TO COMPENSATE CERTAIN JANITORS FOR EXTRA SERVICES DURING THE MEETING OF THE GENERAL ASSEMBLY.

The General Assembly of North Carolina do enact:

Janitors
enumerated.

SECTION 1. That Emanuel Jones, janitor for the Corporation Commission, Parks Summerville, janitor for the Insurance Commissioner, Julius Riddick, janitor for the Superintendent of Public Instruction, and Edgar Prather, janitor for the Commissioner of Labor and Printing, be paid the sum of seventy-five cents a day each for extra services in waiting on, providing for, and cleaning up after various committees of the General Assembly during its present session of sixty days.

Paid from
general funds.

SEC. 2. That the Auditor is authorized to draw his warrant for same upon the Treasurer, who shall pay such warrant out of the general fund.

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

Ratified this 10th day of March, A.D. 1919.

CHAPTER 269

AN ACT TO ALLOW EXTRA COMPENSATION FOR THE NIGHT WATCHMAN AND NIGHT LIBRARIAN OF THE SUPREME COURT BUILDING.

The General Assembly of North Carolina do enact:

SECTION 1. That the night watchman and night librarian of the Supreme Court building be and he is hereby allowed the sum of one dollar per day during the session of the General Assembly of one thousand nine hundred and nineteen in addition to other compensation now allowed by law.

Night watchman allowed extra compensation.

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

Ratified this 10th day of March, A.D. 1919.

CHAPTER 270

AN ACT TO AMEND CHAPTER 136, PUBLIC LAWS OF 1917, RELATING TO THE ORGANIZATION AND GOVERNMENT OF CITIES, TOWNS AND INCORPORATED VILLAGES.

The General Assembly of North Carolina do enact:

SECTION 1. That section five of Part Five (Plan D), of chapter one hundred and thirty-six of the Public Laws of one thousand nine hundred and seventeen, entitled "An act to provide for the organization and government of cities, towns, and incorporated villages, ratified March sixth, one thousand nine hundred and seventeen, is hereby amended by inserting after the word "mayor" and before the words "pro tem" in line eight of said section five the words "who shall hold his office during the term for which he was elected a member of the city council, and a mayor."

Mayor's term of office.

SEC. 2. That section nine of said Part Five of said act is hereby amended by striking out the first two sentences of said section nine, which sentences read as follows: "The mayor shall be that member of the city council who, at the regular municipal election at which the members of the council were elected, received the highest number of votes. In case two councilors receive the same number of votes, one of them shall be chosen by the remaining members of the council."

Requirement that mayor shall have received highest number of votes annulled.

SEC. 3. All acts and parts of acts in conflict with this act are hereby repealed.

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

Ratified this 10th day of March, A.D. 1919.

CHAPTER 271

AN ACT TO PROVIDE FOR THE TAKING OF SAMPLES OF COTTONSEED MEAL FOR ANALYSIS.

The General Assembly of North Carolina do enact:

SECTION 1. That section six of chapter two hundred and forty-two, Public Laws of one thousand nine hundred and seventeen, be and it is hereby repealed, and the following is enacted instead thereof: That the Department of Agriculture shall have the same authority and powers for taking and analyzing samples of cottonseed meal as are provided in case of commercial fertilizers and fertilizer materials; and the same procedure as to law and regulations shall be followed in taking such samples of cottonseed meal as are prescribed and followed for taking samples of fertilizer and fertilizer materials.

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

SEC. 3. This act shall be in force from and after its ratification. Ratified this 10th day of March, A.D. 1919.

Department of Agriculture empowered to take samples of cottonseed meal.

CHAPTER 272

AN ACT TO PREVENT THE USE OF NARROW-TIRED WAGONS ON THE PUBLIC HIGHWAYS OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person, firm, or corporation to sell or offer for sale for use upon any of the public roads of this State any cart, wagon or wagons with tires narrower than two inches for one-horse wagons, three inches for two-horse wagons, and four inches for four-horse wagons: *Provided*, that the provisions of this section shall not apply to sales of wagons now in the hands of dealers in this State and when such sale shall be made on or before May first, one thousand nine hundred and twenty-one.

SEC. 2. That it shall be unlawful for any person, firm, or corporation to buy for use or use within this State after May first, one thousand nine hundred and twenty-one, any cart, wagon, or wagons with tires narrower than those specified in section one of this act: *Provided, however*, that the provisions of this act shall not apply to the use of carts and wagons now owned and operated in this State or any such cart, wagon, or wagons purchased on or before May first, one thousand nine hundred and twenty-one, from any dealer or dealers in this State from the stock of such dealer or dealers now on hand.

Unlawful to sell wagon with tires of less than specified widths.

Proviso: act does not apply until May 1, 1921.

Unlawful to buy wagons with tires narrower than those specified.

Proviso: Act does not apply until after May 1, 1921.

SEC. 3. That any person, firm, or corporation violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars or be imprisoned not exceeding thirty days. Violation of act.

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

SEC. 5. That this act shall be in force from and after its ratification: *Provided*, that this act shall only apply to the counties of Pasquotank and Vance, Chowan, Perquimans, Camden, Currituck and Durham. Limited to certain counties.

Ratified this 10th day of March, A.D. 1919.

CHAPTER 273

AN ACT TO AMEND CHAPTER 24, REVISAL OF 1905.

The General Assembly of North Carolina do enact:

SECTION 1. That section one thousand three hundred and sixty of the Revisal of one thousand nine hundred and five be amended by adding thereto after the word "houses" in the last line thereof the following:

Provided, that wherever the words "house of correction," "houses of correction," or "work-house" appear in this, and also the following sections of this chapter, the words "training school," "municipal farm," or "juvenile farm" may, within the discretion of the board of county commissioners, be substituted therefor, and adopted in lieu thereof as the name, style, and designation of such institution or establishment; and it shall be the duty of the judges of the criminal courts and other committing magistrates of such county or counties, to sentence or commit thereto all youthful offenders of the age of sixteen years and under, convicted of any crime or misdemeanor whereof the punishment by statute prescribes a fine or sentence of imprisonment or working the roads. Said judges and committing magistrates may also sentence thereto any female prisoners and such other offenders convicted of misdemeanors, who by reason of physical infirmities, or mental deficiencies, ought not to be imprisoned in the county jail or worked on the public roads: *Provided*, that nothing herein shall be construed to prevent the working at light labor, of any partially disabled or infirm convict, or female prisoner, on or about any of the public works, buildings, or grounds in any such county, at and upon the request of the board of county commissioners, with the approval of the court or committing magistrate.

SEC. 2. That section one thousand three hundred and seventy of said chapter be amended by striking out the words "by fetters

"Training School," "municipal farm," or "juvenile farm," may be used in lieu of "house of correction."

Juvenile offenders to be imprisoned therein.

Women prisoners and infirm offenders may also be committed thereto.

Proviso: does not prevent working at light labor of females or partially disabled offenders.

No fetters or shackles for recaptured prisoners while at work.

or shackles, or" beginning after the word "work" in line five, and concluding immediately before the word "in" in line six.

Directors of
"houses of cor-
rection" to
number three
to five.

SEC. 3. That section one thousand three hundred and seventy-four of said chapter be amended by adding thereto, after the word "appoint" and before the word "five" in line four, the words "not less than three nor more than."

SEC. 4. That all laws and parts of laws in conflict herewith are hereby repealed.

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

Ratified this 10th day of March, A.D. 1919.

CHAPTER 274

AN ACT TO AMEND SECTION 3374, REVISAL OF 1905, RELATING TO "ENTICING LABOR" AND MAKE SAME APPLY TO TENANTS.

The General Assembly of North Carolina do enact:

Tenants
included under
law against
enticing labor.

SECTION 1. That section three thousand three hundred and seventy-four of the Revisal of one thousand nine hundred and five be amended by adding thereto in line three after the word "employee," the word "tenant."

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

Ratified this 10th day of March, A.D. 1919.

CHAPTER 275

AN ACT TO AMEND CHAPTER 6, PUBLIC LAWS OF 1913, RELATING TO LIABILITY FOR DAMAGES.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter six of the Public Laws of one thousand nine hundred and thirteen be and the same is hereby amended by adding after section five and before section six, the following:

Logging and
tram-roads
liable.

"Sec. 5a. That the provisions in this act relating to liability for damages shall also apply to logging roads and tram-roads."

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

Ratified this 10th day of March, A.D. 1919.

CHAPTER 276

AN ACT TO EQUALIZE THE EXPENSES OF THE SUPREME COURT REPORTER WITH THE OTHER EMPLOYEES OF THE STATE AS TO OFFICES.

The General Assembly of North Carolina do enact:

SECTION 1. The Council of State is hereby empowered and directed, at a cost not to exceed five hundred dollars a year, to furnish suitable offices to the Supreme Court reporter for the work required of him by his position as such, and for the practice of his profession.

Offices to be furnished Supreme Court reporter.

SEC. 2. That whatever moneys shall be necessary for this purpose shall be issued direct to the owner or lessor of such offices upon the warrant of the State Auditor drawn upon the State Treasurer.

Moneys paid direct to owner or lessor.

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

Ratified this 10th day of March, A.D. 1919.

CHAPTER 277

AN ACT TO ESTABLISH A UNIFORM SYSTEM OF RECORDERS' COURTS FOR MUNICIPALITIES AND COUNTIES IN THE STATE OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That there may be established in each city and town in North Carolina, as and when the same may have acquired a bona fide population of five thousand by last Federal census or over, a recorder's court for such municipality, which recorder's court shall be maintained pursuant to the provisions of this act.

Recorder's Court may be established in cities of 5,000.

SEC. 2. That said court shall be a court of record, and shall be presided over by a recorder, who may be a licensed attorney at law and shall be of good moral character, and who shall be at the time of his appointment or election a qualified elector of such municipality. The first recorder, upon the establishment of such court herein, shall be elected by the board of aldermen, board of commissioners, or other chief governing body of such municipality, either at the time of the establishment of the court or within thirty days thereafter, and shall hold the office until the next municipal election and until his successor shall be duly elected and qualified; and should a vacancy occur in said office at any time the same shall be filled by the election of a successor for the unexpired term by said board of aldermen, board of commissioners,

Qualifications of recorder.

Election of first recorder.

Term of office.

Vacancy.

Successor.	or other chief governing body of said municipality, at regular or special meeting called for that purpose. The successor of such first elected recorder and each succeeding recorder shall be nominated and elected in such municipality in the same manner and at the same time as is now provided by law in said municipality for the elective officers of such municipality, and in the general election for such officers of said municipality. Before entering upon the duties of his office the said recorder shall take and subscribe an oath of office, as is now provided by law for a justice of the peace, and shall file the same with the clerk of the board of such city or town.
Recorder to take oath.	The salary of the recorder shall be determined and fixed in advance by the board of aldermen, board of commissioners, or other chief governing body, and shall not be increased or decreased during the term of his office, and shall be paid out of the funds of the municipality.
Salary of recorder.	Sec. 3. The said court shall be opened for the trial of criminal cases at least one day of each week, to be fixed by the board of aldermen, board of commissioners, or chief governing body of the municipality, and to continue its session from day to day until all business is transacted, continued, or otherwise legally disposed of.
Criminal cases tried at least one day a week.	The said court shall be held in the city or town hall, or other places provided therefor, and other sessions of the said court may be called by the recorder, as the necessities may require: <i>Provided, however</i> , that when any case has been finally disposed of by said recorder and judgment pronounced therein, the case shall not thereafter be reopened or judgment or sentence rendered therein changed, modified, or stricken out by said recorder after the adjournment of the regular weekly term herein provided for or the adjournment of any special term called by the recorder hereunder.
Place of holding court.	Sec. 4. The said court shall have the following jurisdiction within the following named territory:
Proviso: no reopening or revision of judgment after adjournment of term.	(a) Original, exclusive, and concurrent jurisdiction, as the case may be, of all offenses committed within the corporate limits of such municipality which are now or may hereafter be given to justices of the peace under the Constitution and general laws of the State, including all offenses of which the mayor or other municipal court now has jurisdiction.
Jurisdiction.	(b) Original and concurrent jurisdiction with justices of the peace of all offenses committed outside the corporate limits of said municipality and within a radius of two miles thereof, which is now or may hereafter be given to justices of the peace under the Constitution and general laws of the State.
Offenses committed within corporate limits of which justices of peace have jurisdiction.	(c) Exclusive, original jurisdiction of all other criminal offenses committed within the corporate limits of such municipality and outside, but within a radius of two miles thereof, which are below the grade of a felony as now defined by law, and the same are hereby declared to be petty misdemeanors.
Offenses committed within radius of two miles of which justices of peace have jurisdiction. Exclusive jurisdiction criminal offenses within prescribed territory below grade of felony.	

(d) Concurrent jurisdiction with justices of the peace to hear and bind over to the Superior Court all persons charged with any crime committed within the territory above mentioned, of which said recorder's court is not herein given final jurisdiction.

Concurrent jurisdiction with justices of peace.

(e) All jurisdiction given by the general laws of the State to justices of the peace, or to the Superior Court, to punish for contempt, to issue writs *ad testificandum*, and other processes to require the attendance of witnesses and to enforce the orders and judgments of said court.

All jurisdiction given justices of peace and Superior Courts to enforce orders.

SEC. 5. In all cases heard by the recorder of such court against any person or persons for any offenses whereof said court has not final jurisdiction, in which probable cause of guilt is found, such person or persons shall be bound in a bond or recognizance with sufficient surety, to appear at the next succeeding term of the Superior Court of said county for the trial of criminal cases, and in default of said bond or recognizance such person or persons shall be committed to the common jail of said county to await trial as aforesaid: *Provided*, in all capital offenses such person or persons shall be committed to the common jail of said county without bail.

Where jurisdiction is not final accused persons shall be bound to Superior Court.

Any person convicted of any offense of which such recorder shall have final jurisdiction under this act may appeal to the Superior Court of the county from any judgment or sentence of such recorder, in the same manner as is now provided for appeals from the courts of justices of the peace, by giving satisfactory bond or recognizance for his appearance at the next succeeding term of said Superior Court for said county.

Proviso: no bond in capital offenses.

Appeal in cases wherein recorder has final jurisdiction.

SEC. 6. All costs incurred in issuing warrants and serving the same in cases where the recorder has not final jurisdiction, as aforesaid, and for the service of processes arising in such cases when such process is served by the officer of the municipality, except as hereinafter provided, shall be paid to said municipality; and officers serving processes issued from said court shall be allowed the same fees as are now allowed sheriffs in like cases, the same, when collected, to be paid over as herein provided. Where such officer is not an officer of a municipality such court shall be dealt with as is now provided by law.

Costs paid to municipality.

Fees of officers serving processes.

SEC. 7. All persons pleading guilty or convicted in said court of any offense of which said court shall have final jurisdiction shall be fined or imprisoned, according to law, and any person entering said plea of guilty, or who may be convicted of any such offense, will also pay the costs of the prosecution.

Conclusion of cases within final jurisdiction.

SEC. 8. When any person shall be convicted, or plead guilty, of any offense of which said court shall have final jurisdiction, the recorder may sentence such person to the common jail of the county in which said court is held, and assign such person to work on the public roads or highways of such county as provided by

Convicted offenders may be sentenced to county jails or roads.

Sentence to
workhouse or
reformatory.

May sentence to
chain-gang of
another county.

Procedure of
court.

Given jurisdic-
tion over actions
for recovery of
penalties.

Seal of
court and
its use.

Proviso:
no process to
require seal in
county.

Process of
court attested
runs anywhere
in State, and
shall be
executed by all
public officers.

Proviso:
clerk of said
court may issue
process.

law; or when such person shall be a woman or an infant of immature years said recorder may sentence him or her to the city or county workhouse or State reformatory, or other penal institution provided by law for such purposes. In case there shall be no chain-gang in the county in which such court is held, then the recorder may sentence such person to work upon the public roads or highways of any other county provided with a chain-gang for the working of public roads or highways, as authorized by the general laws of the State.

SEC. 9. The recorder herein provided for shall preside over said court and try and determine all criminal actions coming before him, the jurisdiction of which is conferred by this act, and the proceedings of said court shall be the same as are now prescribed for courts of justices of the peace and of the Superior Court so far as the same may be reasonably applicable to the recorders' courts; and in case of an appeal to the Superior Court, as herein provided, every defendant shall be required to give bond, with sufficient surety to insure his appearance at the next succeeding term of said Superior Court; and in default thereof the recorder shall commit such defendant to the common jail of the county in which said court shall be held until he shall give bond or be otherwise discharged by law.

SEC. 10. Said recorder's court shall also have jurisdiction to try all actions for the recovery of any penalties imposed by law, or by any ordinance of the municipality in which said court shall be located, for any offense committed within the corporate limits of said municipality or outside thereof within two miles of said corporate limits, and all such penalties shall be recovered in the name of such municipality.

SEC. 11. Said recorder's court shall have a seal with the impression, "The Recorder's Court of the City of _____," which seal shall be used in the attestation of writs, warrants, or other processes, acts, judgments, or decrees of said court, in the same manner and to the same effect as the seal of other courts in the State of North Carolina: *Provided*, that no process issuing from said court to be executed within the county in which court is held shall require its attestation by such seal.

SEC. 12. The recorder of said court may issue his process to the chief of police of the municipality in which said court is held, or to the sheriff, constable, or other lawful officer of the county in which such municipality is located, or to any other county in the State of North Carolina; and such process, when attested by the seal of said court, shall run anywhere in the State of North Carolina, and shall be executed by all public officers authorized to serve and execute processes, and be returned by them according to law: *Provided, however*, that the process issued by the clerk of said court shall in all respects be as valid as if such process had been issued by the recorder.

SEC. 13. That the board of aldermen, board of commissioners, or other chief governing body of said municipality, shall, at the same time and in the same manner as is provided herein for the election of the first recorder hereunder, elect a vice recorder who shall have the jurisdiction, power and authority hereby conferred upon the duly elected recorder of such municipality when such recorder shall be prevented from attending to his duties on account of sickness or other temporary disability or by reason of the recorder's temporary absence from the said municipality, and such vice recorder shall receive the compensation allowed to the recorder for such services for such length of time or period or periods of time that he may render such service, the said compensation of such vice recorder to be deducted from the salary of such recorder, and such vice recorder shall be thereafter elected by the board of aldermen, board of commissioners, or other chief governing body of such municipality for the same term as such recorder is elected hereunder, and any vacancy occurring in the office of vice recorder shall be filled in the same manner as is provided for the filling of vacancies in the office of recorder.

Election of
vice recorder.

Power of vice
recorder.

Compensation.

Successor.

Vacancy.

SEC. 14. In each case disposed of by the recorder where the defendant is convicted or pleads guilty, there shall, in addition to other lawful costs, be allowed the following fees, to be taxed as a part of the costs against the defendant, viz.: For recorder, one dollar in each case involving the breach of a municipal ordinance and any crime or offense of which a justice of the peace now has or hereafter may have final jurisdiction, and a fee of two dollars in all other cases; for the prosecuting attorney, one dollar in all cases of violation of municipal ordinances and of any crime or offense of which a justice of the peace now has or may hereafter have final jurisdiction, and in all other cases a fee as now provided for by law to be paid to solicitors prosecuting in the Superior Courts of the State, and for the clerk of such court the same fees as are now allowed to clerks of the Superior Court in similar cases: *Provided, however,* that in all cases of the breach of municipal ordinances and cases of which a justice of the peace now has or may hereafter have final jurisdiction and in which the defendant pleads guilty, the fee herein allowed a prosecuting attorney may be remitted by the recorder in his discretion. All costs recovered and collected in said court, except as herein otherwise provided, shall belong to the said municipality, and accordingly be paid into the treasury thereof. All fines and penalties collected shall be paid by the clerk of said court to the county treasury as provided by law, and all fees allowed by law for an arrest or serving other process in a criminal action, when the same shall have been made by the chief of police or other officer who shall be on a salary, shall be paid over to the treasurer of such municipality for the use of the same, and to reimburse it for the expense of maintaining and supporting said court.

Fees to be
taxed against
defendant
when guilty.

Proviso:
in cases of
which justice has
final jurisdiction
fee allowed
prosecuting
officer may
be remitted.

Fees paid to
municipal
treasury.

Clerk of recorder's court.
Election.

Bond required.

Payable to State.

Clerk to make monthly settlements.
Proviso: municipal clerk may serve.

Prosecuting attorney.

Duties.

Compensation.

Proviso: may be city attorney.

Duty of clerk to keep record.

Contents of record.

Permanent docket.

Record of cases.

Powers of clerk, in regard to issue of warrants.

SEC. 15. The clerk of the recorder's court shall be elected by the board of aldermen, at the same time and for the same term as the vice recorder, and all vacancies in the office of the clerk of said court shall be likewise filled in the manner provided for filling vacancies in the office of vice recorder. Before entering upon the duties of said office, the clerk shall enter into a bond, with sufficient surety, in a sum to be fixed by the chief governing body of such municipality, not to exceed five thousand dollars, payable to the State of North Carolina, conditioned upon the true and faithful performance of his duties as such clerk and for the faithful accounting for and paying over of all moneys which may come into his hands by virtue of his office. Said bond shall be approved by the chief governing body and shall be filed with the clerk of the Superior Court of said county. Said clerk shall make monthly settlements with the county and city treasurers for all moneys which shall have come into his hands belonging to either: *Provided*, that the clerk of the chief governing body of said municipality shall ex officio discharge the duties of the clerk of said court, unless such chief governing body shall elect some other person to discharge said duties.

SEC. 16. There shall be a prosecuting attorney in said court, who shall appear for the prosecution in all cases therein and, when specially requested by the chief governing body of such municipality and the recorder, shall assist in the prosecution of all cases which may be bound over or appealed from said court to the Superior Court, and for all such services he shall be paid such an amount per annum as may be fixed by such chief governing body, at the same time and in the same manner as is herein provided for the fixing of the salary of the recorder: *Provided, however*, that the prosecuting attorney herein provided for may, or may not, perform the duties of city attorney in the discretion of the chief governing body of the municipality.

SEC. 17. It shall be the duty of the clerk of said court to keep an accurate and true record of all costs, fines, penalties, forfeitures, and punishments by said court imposed under the provisions of this act, and the said record shall show the name and residence of such offender, and the nature of the offense, the date of the hearing of the trial, and the punishment imposed, which said record shall at all times be open and subject to inspection by any of the city authorities, or other person having business relating to said court. The clerk shall keep a permanent docket for recording all the processes issued by the said court, which shall conform to the dockets kept by the clerk of the Superior Court. He shall also keep in proper files, to be provided by the city, a record of all cases which shall be disposed of in said court and the disposition made thereof.

SEC. 18. The clerk of said court shall be clothed with all the power and authority now conferred upon justices of the peace to

issue warrants for the arrest of all persons charged with the commission of offenses within the territory hereinbefore fixed, which warrants, however, shall be made returnable before the recorder of said court at the next sitting thereof, and shall be issued only upon affidavit made as now required by law to support warrants issued by justices of the peace. The said clerk shall also be clothed with all power and authority of justices of the peace or clerks of the Superior Court to issue subpoenas or other processes, to run anywhere within the State of North Carolina: *Provided*, that when such subpoenas or other processes shall run beyond the county in which such court shall be located the same shall be attested by the seal of said court, and shall also be signed by the recorder. The chief governing body of such municipality shall at any time have the right to remove the clerk of said court, either for incapacity or neglect of the duties of his office; and in the event of a vacancy for any cause it shall be filled in the manner hereinbefore provided.

Clerk may issue subpoenas.

Proviso: processes running beyond county to be attested and signed by recorder. Removal of clerk.

Sec. 19. That whenever, under any judgment of the said court, any defendant shall be sentenced to work upon the public roads or highways or other public works in said county, or to pay a fine and the costs of the prosecution, or costs only, as provided in this act, and such defendant shall in fact work out said sentence or fine and costs, or either, upon said public roads or highways or other public works, as aforesaid, then said county shall be liable for and shall pay to the treasurer of said municipality one-half the amount of the costs taxed in said cause: *Provided*, the sentence imposed shall be of sufficient length to reimburse the county for one-half of said costs.

Payment by county of half the costs of offender serving road sentence.

Proviso: length of sentence.

Sec. 20. Said recorder shall have full power, in any case in which he shall adjudge that the prosecution was not required by the public interests, to tax the prosecutor with the costs of such action; and in the event said recorder shall adjudge that such prosecution is frivolous or malicious, he may imprison the prosecutor for the nonpayment of such costs, as provided in section one thousand two hundred and ninety-seven of the Revisal of one thousand nine hundred five, until such costs are paid, which, when paid, shall belong to the city.

When prosecutor shall pay costs.

Prosecutor may be imprisoned for nonpayment.

Sec. 21. That the courts created by this act shall have the same authority to grant continuances, take bonds, recognizances, render judgments on forfeited bonds and recognizances as is now vested by law in the Superior Courts of the State, and the rules of law and procedure regulating the issuing and service of notices against defendants and their sureties upon such bonds and recognizances and all other proceedings, by taking and enforcing judgments in such cases, shall be the same as is now provided for the procedure of the Superior Courts in like cases. Transcripts of any judgment rendered in any case may be docketed in the Superior Court of the county in which such court is held, in the same man-

Continuances, bonds, recognizances and forfeitures.

Transcripts of judgment.

ner and with like effect as judgments of other courts docketed as provided by law in said court.

Cases in which justice of peace may bind defendants over to recorder's court.

SEC. 22. In case any justice of the peace residing within the territory above mentioned shall bind any person over for any offense committed within said territory, of which said justice has committing, but not final, jurisdiction, but of which the recorder's court has final jurisdiction, then such justice of the peace, instead of binding such defendant over to the Superior Court of said county, shall bind him to appear at said recorder's court on the day succeeding the trial before the justice, at ten o'clock a.m., on which said justice of the peace shall at once turn over to the clerk of said court, and the clerk shall, upon receipt of the same, enter said case upon the docket of said court, and the recorder shall try said person either upon the original warrant under which he was bound over or upon a new warrant to be issued by him for said offense. In all cases the said recorder shall have the right to amend any warrant issued by him or by the clerk of said court, or sent up by any justice of the peace as hereinbefore provided, in the same manner and to the same extent as justices of the peace are now authorized by law to make amendments to warrants in justices' courts.

Entry of case on docket.

Recorder may amend warrants.

Cases now pending in municipal courts in counties affected by act transferred to recorders' courts.

No Superior Court cases to be transferred save by judge presiding.

Proviso: no removal as in justice of peace's court.

Proviso: justice of peace may issue warrants for offenders if recorder has not prosecuted within three months.

SEC. 23. All cases which shall be pending in any recorder's, police, mayor's, or other municipal court in the counties where the courts provided for by this act shall be established shall, after the election and qualification of recorder and other officers authorized and required by this act, be transferred to the recorders' courts of the said respective municipalities, to be tried in the manner and in accordance with the procedure in this act provided; but no case pending in the Superior Court of any county at the time this act shall take effect shall be transferred to the recorder's court thereof, except by order of the presiding judge thereof: *Provided*, that no cause shall be removed from the recorder's court as is now provided for the removal of cases from one justice of the peace to another: *Provided further*, that if any criminal offense committed within the jurisdiction of any recorder's court herein provided for, of which offense said court is given original, exclusive, and final jurisdiction, shall not be prosecuted to a final termination within three months after the commission of said offense, then any justice of the peace within said territory shall acquire jurisdiction to issue his warrant, apprehend such offender, and dispose of such warrant as is now provided by law.

Jury trials conducted as in actions before justice of peace.

SEC. 24. That in all trials hereunder, upon demand for a jury by either the defendant or the prosecuting attorney representing the State, the recorder shall try same as is now provided in actions before justices of the peace wherein a jury is demanded, and the same procedure as is now provided by law for jury trials before justices of the peace shall apply: *Provided, however*, that the compensation allowed jurors in all cases wherein the Superior

Compensation of jurors.

Court has heretofore had final jurisdiction shall be the same as is allowed jurors in such Superior Courts of the county wherein the recorder's court may be established hereunder.

COUNTY RECORDERS' COURTS

SEC. 25. The board of commissioners of any county in which a municipal recorder's court may not be established by the foregoing provisions of this act, or in which such municipal recorder's court has in fact not been established under said act in the county seat town in the discretion of said board of commissioners, may establish, in the manner hereinafter provided, a recorder's court for the entire county, to be held at the county seat of such county as herein provided. Such court shall be a court of record and shall be presided over by a recorder, who shall have the same qualification as hereinbefore provided for recorders of municipalities. The first recorder, upon establishment of such court, shall be elected by the board of commissioners of such county, either at the time of the establishment of the court or within thirty days thereafter, and shall hold the office until the next regular election wherein county officers are elected, and until his successor shall be duly elected and qualified; and should a vacancy occur in said office at any time the same shall be filled by the election of a successor, with the qualification herein provided for the unexpired term, by the said board of county commissioners at a regular or special meeting called for that purpose. The successor of said first recorder herein provided for and each succeeding recorder shall be nominated and elected in such county in the same manner and at the same time as is now provided by law for the nomination and election of the elective officers of such county and in the general election for such elective officers. Before entering upon the duties of his office the said recorder shall take and subscribe an oath of office as is now provided by law for justices of the peace, and shall file the same with the clerk of the Superior Court of such county, who shall duly record the same in a book kept for that purpose. Said recorder's salary shall be fixed in advance by the board of commissioners, and paid out by the county funds upon vouchers, and shall not be increased or decreased during his term.

SEC. 26. Said court shall be open for the trial of all criminal causes of which it has jurisdiction at least one day of each week, to be fixed by the board of county commissioners, and shall continue its session from day to day until all business is transacted by trial, continuance, or otherwise. Such session of said court shall be held in the county courthouse or other place within the said county provided by the board of commissioners for that purpose. Special sessions of the said court may be called by the recorder as the necessities may require: *Provided, however,* that when any case has been finally disposed of by said recorder and

County recorder's court.

Place of sitting.

Qualifications of recorder.

Election.

Term of office.

Vacancy.

Successor.

Recorder to take oath.

Oath filed and recorded.

Compensation.

Court open at least once a week.

Sessions of court.

Proviso: no reopening of case or revision of judgment after adjournment.

judgment pronounced therein, the case shall not thereafter be reopened or judgment or sentence rendered changed, modified, or stricken out by said recorder after the adjournment of the regular weekly term herein provided for or the adjournment of any special term of court by the recorder hereunder.

Jurisdiction.
Concurrent.

SEC. 27. Said court shall have all jurisdiction and power in all criminal cases arising in said county which are now or may hereafter be given to a justice of the peace, and in addition to the jurisdiction conferred by this section, shall have exclusive original jurisdiction of all other criminal offenses committed in said county below the grade of a felony as now defined by law, and the same are hereby declared to be petty misdemeanors: *Provided, however*, that where a special court or recorder's court shall legally exist within such county by virtue of a special act of the Legislature passed before the amendments to the Constitution in reference thereto, then and in that event the county recorder's court established by virtue of this act shall not have jurisdiction of criminal cases within such territory of such existing recorder's court, so as to interfere with or conflict with such existing recorder's court, but shall only have concurrent jurisdiction with such existing recorder's court where the jurisdiction of the two courts covers the same causes or the same subject-matter, and the passage of this act and the establishment of any court thereunder shall not be construed to repeal, modify or in any wise affect any such existing special court or recorder's court by virtue of such former special acts herein referred to.

Exclusive
original.

Proviso:
no exclusive
jurisdiction
within territory
of existing
recorder's court.

Cases may be
removed from
justice's to
county court.

SEC. 28. When, upon affidavit made before entering on the trial of any cause before any justice of the peace, it shall appear proper for said cause to be removed for trial to some other justice, as is now provided by law, said cause may be removed for trial to said recorder's court of said county.

Defendants in
criminal cases
bound over by
magistrates to
county court.

SEC. 29. In all criminal cases heard by a justice of the peace or other committing magistrate of said county against any person for any offense included in section twenty-nine of this act, in which probable cause of guilt is found, such person shall be bound in a personal recognizance or surety to appear at the next succeeding session of the recorder's court of said county, for trial; and in default of such surety such persons shall be committed to the common jail of such county to await a trial.

Warrants upon
which causes
shall be tried.

SEC. 30. All trials of criminal causes in said court shall be upon warrant issued by the clerk of the Superior Court or deputy clerk herein provided for or by the recorder or by any justice of the peace of said county. In either event such warrant shall be issued upon affidavit duly made and subscribed, setting forth the complaint against the defendant.

Fees of officers
serving
processes.

SEC. 31. All justices of the peace, constables and sheriffs issuing or serving warrants or other processes returnable to said recorder's court shall have the same fees as are now prescribed by

law, which shall be collected and paid out in the same manner and by the same officers as collect and distribute said fees in the Superior Court.

SEC. 32. Whenever any person shall be convicted or plead guilty of any offense of which said court shall have final jurisdiction the recorder may sentence said person to the common jail of the county in which the court shall be held, and assign him to work on the public roads or highways of such county where provision has been made therefor; but if no such provision shall have been made for working convicts upon the public roads or highways in said county, then the recorder may sentence such person to be worked upon the public roads or highways of any other county within the judicial district which shall have made such provision: *Provided*, that in case the person so convicted or pleading guilty shall be a woman or an infant of immature years, then the recorder may assign him or her to the county workhouse, reformatory, or other penal institution located in such county; or if there be none, any similar institution that may be located outside of said county to which judges of the Superior Court are authorized to sentence such person under the general laws of North Carolina. All fines imposed by said court shall be collected by the clerk of such court or the deputy clerk thereof in the same manner as the clerk of the Superior Court collects fines imposed by the Superior Court; and, where a defendant is convicted and fails to pay the costs of such conviction, the county shall pay such costs as is allowed by law in similar cases before the Superior Court.

Sentences to jail or county roads.

Sentences to roads of other counties.

Proviso: women or juvenile offenders may be sent to workhouse or reformatory.

Collection of fines.

Payment of costs.

Appeal to Superior Court.

SEC. 33. Any person convicted of any offense of which such recorder shall have final jurisdiction under this act may appeal to the Superior Court from any judgment or sentence of said recorder's court in the same manner as is now provided for appeals from the courts of justices of the peace; and any person tried before such recorder for any offense of which said court shall not have final jurisdiction shall, upon the recorder finding probable cause of guilt, be bound over to the Superior Court of said county in the same manner as is now provided by law in similar cases before justices of the peace.

Jurisdiction and powers of county recorders.

SEC. 34. That the recorders of county courts provided for under this act shall be vested with all the jurisdiction, power, and authority which in this act have been conferred upon recorders of municipal courts, in like manner and to the same extent as if such jurisdiction, power, and authority had been specifically in this section set forth, in so far as such jurisdiction, power and authority are applicable to such courts, and the provisions of this act relative to municipal recorders' courts shall in all things apply to the county recorders' courts where same are not inconsistent and in so far as same are practically applicable: *Provided*, this section shall not take away the jurisdiction of a mayor to try breaches of ordinances when such city has no other municipal court.

Proviso: does not affect mayor's jurisdiction of ordinances.

Commissioners may discontinue county court after two years trial.

Proviso : six months notice—recorder not to lose any part of term.

Clerk of Superior Court ex officio clerk recorder's court.

Proviso : commissioners may appoint deputy to serve as clerk of recorder's court.

Bond of deputy clerk.

Salary.

Proviso : additional pay for clerk of Superior Court if no deputy be appointed.

SEC. 35. That the board of commissioners of any county which shall have established a county recorder's court under the provisions of this act are hereby authorized, after two years trial of said court, to discontinue the same at any time thereafter if in the judgment of said board the public interest shall require it: *Provided*, that in case any such court shall be so discontinued the action or resolution must be taken or adopted at least six months prior to the next general election, and shall not go into effect until the term of office of the recorder shall expire, and the chief governing body of any municipality shall have the same power, to be exercised in the same manner, subject to the same limitations, to abolish municipal recorders' courts.

SEC. 36. That the clerk of the Superior Court of any county in which such recorder's court shall be established, shall be ex officio clerk of the county recorder's court, and shall keep separate criminal dockets in his office for said court in the same manner as such clerk now keeps criminal dockets in the Superior Court, and shall otherwise possess all the powers and functions, and discharge all the duties now conferred upon or required of the clerks of the Superior Court by the general laws of the State, and shall be liable upon his official bond as clerk of the Superior Court for all of his official acts and conduct in reference thereto: *Provided, however*, that the board of commissioners of any county wherein a county recorder's court may be established hereunder shall have the power to appoint a special deputy clerk, who shall assist the clerk of the Superior Court and shall have all the power and authority in reference to the county recorder's court herein conferred upon the clerk of the Superior Court, and shall do all things in reference to said recorder's court under the direction of the clerk of the Superior Court of said county as fully as the clerk of the Superior Court is authorized by this act to do such things; and further, that the board of commissioners is authorized to require and fix the official bond of said deputy clerk for the faithful performance of the duties hereunder and to fix the salary of said deputy clerk, which salary shall be fixed before he enters upon his duties and shall not be raised or lowered during his term of office, which term of office shall be for the same time as the term of the recorder of said court, and shall cease to exist at any time that the court itself shall cease to exist: *Provided further*, that where no deputy clerk shall be appointed or elected hereunder by the board of county commissioners, then the board of county commissioners is hereby authorized to pay annually to the clerk of the Superior Court an amount fixed by such board of county commissioners, which shall be in addition to any salary or fees theretofore by law allowed to such clerk of the Superior Court, and shall be in compensation for the services rendered by such clerk of the Superior Court as clerk of the county recorder's court hereunder established; such additional compensation and salary to be paid to said clerk of the

Superior Court so long as he shall perform his duties of clerk ex officio of the county recorder's court hereunder.

SEC. 37. If any deputy clerk shall be appointed as provided in the foregoing section of this act he shall take the oath required of deputy clerks under the general law, and in addition thereto shall take and subscribe to an oath to faithfully perform all the duties required of him under this act, both of which oaths shall be recorded in the office of the clerk of the Superior Court, and such deputy clerk is further authorized to perform all duties of deputy clerk under the general law in addition to the duties set forth in this act.

Oath of deputy clerk.

SEC. 38. That the board of commissioners of any county availing itself of the provisions of this act may elect, at the same time, in the same manner, and for the same term as herein provided for the election of a deputy clerk, a prosecuting attorney for said court, and fix his compensation in such amount as said board may deem suitable for the services to be rendered by such attorney: *Provided*, that said board may require the county attorney to discharge the duties of prosecuting attorney in said court, and fix his compensation accordingly.

Prosecuting attorney.

Compensation.

Proviso: county attorney may be required to serve.

SEC. 39. There shall be taxed in such county recorder's court the same costs and fees for the benefit of the officers thereof as is provided hereinbefore for municipal recorder's court, such costs and fees to be collected by the clerk and paid over monthly to the treasurer of the county as county funds to be dealt with by the commissioners.

Fees and costs.

Collection.

SEC. 40. That in all trials in such county recorders' courts, upon demand for a jury by either the defendant or the prosecuting attorney representing the State, a jury shall be had in the same manner and under the same provisions as are set forth in section twenty-four of this act in reference to municipal courts, except that same shall apply as practically applicable to a county court.

Trial by jury.

TERRITORIAL JURISDICTION OF MUNICIPAL RECORDERS' COURTS MAY BE EXTENDED TO ENTIRE COUNTIES

SEC. 41. The chief governing body of any municipality possessing a population of two thousand or over, to be determined as hereinbefore provided, in which the county courthouse is located, and the board of commissioners of said county shall have the power and authority, at a joint meeting of the two bodies, by joint resolution in the manner hereinafter provided, so as to include and embrace the entire county, outside of other municipalities therein possessing a population of two thousand or over; and after the adoption of such joint resolution such municipal recorder's court shall possess all the powers and functions and exercise all the territorial jurisdiction in this act conferred upon both municipal and county recorder's court under the procedure herein pro-

Territorial jurisdiction of municipal recorder's court may be extended to entire counties.

vided for, and subject to the provisions in this act in reference to concurrent jurisdiction where a special or recorder's court is existing under prior special acts in any portion of said county.

In event of such extension first recorder to be elected by town governing board and county commissioners.

SEC. 42. That in the event that the territorial jurisdiction of such municipal recorder's court is extended to the entire county as set forth in the preceding section, then and in that event the first recorder shall be selected for the term, and in the manner hereinbefore set forth by a joint meeting of the chief governing body of such municipality, and the board of commissioners of said county, and such recorder shall be thereafter nominated and elected as is provided for herein for the nomination and election of a county recorder: but such recorder shall be a resident of the said municipality, and that in all other respects the said court shall be conducted under the proceedings provided by this act for municipal courts.

If no county court, then mayors continue to possess powers conferred by Revisal.

SEC. 43. In case the jurisdiction of the recorder's court of any municipality in any county shall not be extended in the manner authorized in the next preceding section hereof, and no county recorder's court shall be established therein, then the mayors of the various cities and towns in such county shall continue to have and possess all the powers and functions and exercise all the jurisdiction now conferred upon such officials by chapter seventy-three, Revisal of one thousand nine hundred five, and all acts amendatory thereof.

GENERAL PROVISIONS

Sentence of offenders to city chain-gangs.

SEC. 44. In case any municipality possessing a population of two thousand or over, as provided for herein, in which a recorder's court shall be established pursuant to the provisions of this act, shall now or hereafter establish and maintain a city chain-gang, or workhouse or other penal institutions for the imprisonment and working of city prisoners, then it shall be lawful for any recorder to sentence any person convicted of any offense punishable by imprisonment committed within said municipality to be imprisoned and worked on such city chain-gang, or in such workhouse or other penal institutions, for such time as such recorder may in his discretion fix and determine in accordance with the law.

City or county authorities may determine kind of court.

SEC. 45. Wherever there has been established in any county, city, or town a recorder's court or other special court, which, under the provisions of this act, might have been established hereunder, whether same shall possess exactly the same jurisdiction and functions or not, the board of commissioners of such county or the chief governing body of such city or town, or the chief governing body of such city or town and the board of commissioners of said county acting jointly, may abolish such existing court and adopt any one of the courts herein provided for by appropriate resolution or resolutions of such board or boards.

SEC. 46. The recorder or clerk of any and all courts authorized to be adopted by this act shall make reports to the Attorney-General of all criminal actions disposed of by such courts in the same manner and to the same extent as is now required by law of the clerks of the Superior Courts of this State.

Reports to Attorney-General.

SEC. 47. The board of county commissioners of any county in which there is a city or town with a population of not less than ten thousand nor more than twenty-five thousand inhabitants, in which city or town there has been established a recorder's court, under the provisions of this act, or in which there is a recorder's court established by law, may confer upon such recorder's court jurisdiction to try and determine civil actions, wherein the party plaintiff or defendant is a resident of such county, as hereinafter provided; or where the plaintiff or defendant is doing business in said county, such jurisdiction may be conferred upon such court by resolution by the board of county commissioners of the county, which resolution shall be entered upon the minutes of the board.

Jurisdiction in civil actions may be conferred.

nonresidents.

SEC. 48. The jurisdiction in civil actions of such court shall be as follows: (a) Jurisdiction concurrent with that of the justices of the peace within the county; (b) jurisdiction concurrent with the jurisdiction of the Superior Court in all actions founded on contract, wherein the amount involved exclusive of interest and costs does not exceed one thousand dollars; (c) jurisdiction concurrent with the Superior Court in actions other than actions founded upon contract wherein the amount involved exclusive of interest and costs does not exceed the sum of five hundred dollars.

Jurisdiction in civil actions defined.

SEC. 49. In all civil actions, both plaintiff or plaintiffs, defendant or defendants, shall be deemed to have waived a trial by jury unless demand for trial by jury is made before the trial shall have begun, which demand shall be in writing and signed by the party making it, or his, or her, or their attorney, and accompanied by a deposit of three dollars to insure the payment of the jury tax: *Provided*, such demand shall not be used to the prejudice of the party making it.

Trial by jury in civil actions.

SEC. 50. If a trial by jury is demanded as herein provided for the recorder shall continue said cause until a day to be set, and the said recorder, together with the attorneys for all parties, shall immediately proceed to the office of the register of deeds of the county and cause to be drawn a jury of eighteen, observing as nearly as may be the rule for drawing a jury for the Superior Court, and the said recorder shall then issue the proper writ to the sheriff of the county, commanding him to summon the jurors so drawn to appear at such recorder's court on the day set for the trial of the action.

Proviso: no prejudicial use of demand.
Drawing of jury.

Issue of writ or summons.

SEC. 51. The said recorder shall have the right to call in bystanders according to the procedure and rules of the Superior Court as nearly as the same are applicable, and each party shall have the same causes of challenge as in the Superior Court.

Right to call in bystanders.

Challenges.

- Jury of twelve. SEC. 52. The jury herein provided for shall be a jury of twelve as in the Superior Court, and the trial shall then be conducted as nearly as possible as if it were a trial in the Superior Court.
- Appeals. SEC. 53. Appeals may be taken by either plaintiff or defendant from such recorder's court to the Superior Court of the county in term time for errors assigned in matters of law in the same manner and under the same requirements as are now provided by law for appeals from the Superior Court to the Supreme Court, with the exception that the record may be typewritten instead of printed, and only one copy thereof shall be required; that the time for taking and perfecting appeals shall be counted from the end of the term, that, upon appeals from the recorder's court, the Superior Court may either affirm, modify and confirm the judgment of the recorder's court, or remand the cause for a new trial.
- Record may be typewritten. SEC. 54. Appeals may be taken from the judgment of the Superior Court to the Supreme Court by either party.
- Superior Court may affirm, modify or remand. SEC. 54½. And in all cases where there is an appeal from a justice of the peace such appeal shall be first heard in the said recorder's court, in the manner provided herein for hearing causes within the jurisdiction of a justice of the peace originating in said recorder's court.
- Either party may appeal. SEC. 55. Orders to stay execution shall be the same as are now required for appeals from the Superior Court to the Supreme Court; judgments of the recorder's court may be enforced by executions issued by the clerk thereof, returnable within twenty days; transcripts of such judgments may be docketed in the Superior Court and become judgments of the Superior Court, as now provided for in cases of judgments of courts of justices of the peace; and the said judgment shall in all respects be a judgment of the Superior Court to the same extent as if it had been rendered by the Superior Court, and shall be subject to the same statute of limitations and all the statutes relating to revival of executions.
- Appeal from justice's court. SEC. 56. The rules of practice in the said court shall be the same as the rules of practice in the Superior Court, as near as may be, and processes and pleadings shall be issued and filed in the same manner as processes and pleadings in the Superior Court, as near as may be: *Provided*, that processes shall be returnable directly to this court in all cases: *Provided*, no civil process issued by any recorder's court in this State shall be issued to any county other than in which such court is located.
- Executions. SEC. 57. That all laws and clauses of laws in conflict with this act are hereby repealed.
- Transcripts. SEC. 58. Courts shall be established under the provisions of this act, in the following manner:
- Statute of limitations. A. *Municipal Courts.* The chief governing body of any city or town which may, under the terms of this act, establish a court, prior to its establishment shall pass a resolution, if in their judgment such court should be established, reciting such fact and call-
- Rules of practice. Manner of establishment of courts. Municipal courts.
- Proviso: processes directly returnable. Proviso: no civil process outside of county.

ing an election at a date to be fixed, which shall be not less than thirty days nor more than sixty days from the passage of the resolution, at which election there shall be submitted to the qualified voters of the city the question of establishing such court, at which election all qualified voters favoring the establishment of such court shall vote a ballot upon which shall be printed or written the words "For Recorder's Court of the City of -----" and those opposing the establishing of such court a ballot upon which shall be printed or written "Against Recorder's Court of the City of -----."

Election to be called.

Form of ballot.

SEC. 59. Notice of such election shall be given, signed by the clerk of the city or the mayor thereof, containing in substance the resolution, the date of the election, and a reference to the chapter and laws containing this act, which notice shall be published once a week for four successive weeks prior to said election in some newspaper published in said city or town.

Notice of election.

SEC. 60. That the chief governing body of such city may in its discretion order a new registration of the voters of such city or town for any election authorized hereunder.

New registration may be ordered.

SEC. 61. That such election shall be conducted, held, reported, and recorded in said city under the general laws governing general elections as near as may be applicable to said city. That the result of said election shall be reported to said chief governing body of said city and canvassed by said body and declared by it, and the same shall be recorded upon the minutes thereof. In case the majority of the votes cast in said election are declared in favor of such court the court shall be established, and not otherwise.

Conduct of election.

SEC. 62. That in case the majority of the votes cast at such election are against said court, then and in that event another election for the same purposes herein set forth may be thereafter called in accordance with provisions hereinbefore set forth: *Provided, however*, that such election shall not be called in less than two years from the first election or any other succeeding election in reference thereto.

Other elections may be called at intervals of two years.

B. *County Recorders' Courts.* The board of county commissioners of any county may establish a recorder's court in such county under the terms of this act, in the same manner as the chief governing body of any city or town may establish a municipal court, following the same procedure as nearly as same may be applicable, the board of county commissioners to do and perform all the things and acts herein set forth to be done and performed by the chief governing body of any town or city, submitting the establishing of such court to the qualified voters of the county, the form of the ballot to be "For Recorder's Court of the County of -----" and "Against Recorder's Court of the County of -----"; the notice of election to be published in some newspaper published at the county seat.

County courts.

Submitted to voters.

Form of ballot.

Municipal courts
with county
jurisdiction.

C. Municipal Courts with Jurisdiction over the Entire County.
Courts provided for in sections forty-one, forty-two and forty-three of this act shall be provided for in the following manner: The chief governing body of the city and the board of county commissioners of the county, at a joint meeting, shall pass a joint resolution calling an election submitting to the voters of the entire county the question of the establishment of said court; the said election shall be conducted by the county commissioners as in the case of county recorders' courts, the result of said election to be recorded in the minutes of the county commissioners and certified to the chief governing body of the city, and shall also be recorded in the minutes of the chief governing body of said city. The form of the ballot shall be "For Municipal-County Court of -----County." and "Against Municipal-County Court of-----County."

Calling of
election.

Form of ballot.

Expense of
election.

SEC. 63. The expense of conducting the elections for "municipal courts" and "municipal-county courts" shall be borne by the city or municipality concerned, and the expense of conducting the election for "county recorders' courts" shall be borne by the county concerned.

Districts and
counties exempt
from provisions
of act.

SEC. 64. That this act shall be in force and effect sixty days from its ratification, but shall not apply to the courts of the tenth, fifteenth, eighteenth, nor to the eleventh district, except to the county of Caswell, and it shall not apply to the counties of the seventeenth, nineteenth, and twentieth judicial districts; nor to the counties of Pitt, New Hanover, Halifax, Hyde, Polk, Robeson, Anson, Chatham, Johnston, Columbus, and Mitchell.

Ratified this 10th day of March, A.D. 1919.

CHAPTER 278

AN ACT TO AMEND CHAPTER 101, PUBLIC LAWS OF 1915, RELATING TO PRIMARY ELECTIONS.

The General Assembly of North Carolina do enact:

Yancey brought
under provisions
of primary as
regards county
officers.

SECTION 1. That section thirty-four of chapter one hundred and one of the Public Laws of one thousand nine hundred and fifteen, the same being "An act to provide for primary elections throughout the State," be and the same is hereby amended by striking out the word "Yancey" in line twelve thereof.

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

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

Ratified this 11th day of March, A.D. 1919.

CHAPTER 279

AN ACT TO PROVIDE FOR THE PURCHASE OF SERVICE
MEDALS FOR THE SOLDIERS AND SAILORS OF NORTH
CAROLINA WHO SERVED IN THE WORLD WAR.

The General Assembly of North Carolina do enact:

SECTION 1. That to commemorate the State's appreciation of the distinguished services rendered by the soldiers and sailors from North Carolina in the World War, the Governor is authorized to appoint a commission of five to adopt and purchase an appropriate medal to be presented to each of such soldiers and sailors.

Governor authorized to appoint medal commission.

SEC. 2. That the sum of twenty thousand dollars, or so much thereof as may be necessary, is hereby appropriated from the State Treasury for the purchase of the medals provided for in section one hereof.

Appropriation for purchase of medals.

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

Ratified this 10th day of March, A.D. 1919.

CHAPTER 280

AN ACT TO MAKE EFFECTIVE CHAPTER 24, PUBLIC
LAWS OF 1917.

Whereas, chapter twenty-four of the Public Laws of one thousand nine hundred and seventeen required that the commissioners of the several counties in the State erect guide posts at the various crossings and forks of the public highways of each county, and more particularly required that this be done by August the seventh, nineteen hundred and seventeen; and,

Preamble.

Whereas, in a number of the counties in the State these posts have not been erected;

Preamble.

The General Assembly of North Carolina do enact:

SECTION 1. That in the several counties of the State wherein these posts shall not have been erected by July first, nineteen hundred and nineteen, the members of the board of county commissioners, for failing to carry out the provisions of chapter twenty-four of the Public Laws of one thousand nine hundred and seventeen, shall pay a penalty of not less than fifty dollars or more than one hundred dollars, in the discretion of the court: *Provided*, that in those counties in which road commissions have been established by law, the provisions of this act shall apply to the members of said road commission, instead of the members of the board of county commissioners.

Commissioners who do not have erected by July 1, 1919, signposts provided by chapter 24, Public Laws 1917, to pay penalty.

Proviso: applies to road commissions where these exist.

Attorney-General to give notice.

SEC. 2. That the Attorney-General shall, within ten days after the ratification of this act, notify the chairman of the board of county commissioners, or the board of road commissioners of the several counties in the State of the provisions of this act.

Duty of solicitors to prosecute.

SEC. 3. That it shall be the duty of the solicitors in the several judicial districts of the State on or after July first, nineteen hundred and nineteen, to present indictments to the grand juries of the several counties wherein the provisions of this act have not been complied with, against the commissioners in said counties.

Dare County exempted.

SEC. 4. That this act shall not apply to Dare County.

SEC. 5. This act shall be in force from and after its ratification. Ratified this 11th day of March, A.D. 1919.

CHAPTER 281

AN ACT TO BENEFIT THE MORAL, MENTAL, OR PHYSICAL CONDITIONS OF INMATES OF PENAL AND CHARITABLE INSTITUTIONS.

The General Assembly of North Carolina do enact:

Medical staffs penal or charitable institutions directed to have needed operations performed on inmates.

SECTION 1. That the medical staff of any penal or charitable hospital or institution of the State of North Carolina is hereby permitted and instructed to have any surgical operation performed by competent and skillful surgeons upon any inmate of any such penal or charitable hospital or institution when, in the judgment of the board hereby created, said operation would be for the improvement of the mental, moral, or physical condition of such inmate of any of the said institutions: *Provided*, said operation shall not be performed until same shall have been affirmed by the Governor and the Secretary of the State Board of Health.

To be affirmed by Governor and Secretary Board of Health.

Board of Consultation to carry out provisions of act.

SEC. 2. That at least one representative of the medical staff of the several charitable and penal institutions of the State, and one from the State Board of Health, such representatives to be designated by the governing bodies of the several institutions, shall constitute a board of consultation for the carrying out of the provisions of this act. Said board shall cause a permanent record to be kept by one of its members, designated as secretary, of all its actions and judgments, taken at a meeting held only after due notice has been issued to all its members.

Permanent record to be kept.

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

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

Ratified this 11th day of March, A.D. 1919.

CHAPTER 282

AN ACT EXTENDING THE TIME FOR FILING COPIES OF ASSESSMENT ROLLS BY DRAINAGE COMMISSIONERS.

The General Assembly of North Carolina do enact:

SECTION 1. That that portion of section twelve of chapter sixty-seven of the Public Laws of one thousand nine hundred and eleven, as amended by section nine of chapter one hundred and fifty-two of the Public Laws of one thousand nine hundred and seventeen, requiring drainage commissioners to prepare and file four copies of each assessment roll or drainage tax list, shall be deemed to have been complied with if said drainage commissioners who have heretofore assessed the lands of a drainage district shall file the aforesaid four copies of assessment rolls within six months from the first day of April, one thousand nine hundred and nineteen; said filing of assessment rolls to have the same legal effect as if filed strictly in accordance with said section immediately after the preparation of such assessment rolls by the drainage commissioners.

Time for filing drainage tax lists extended.

SEC. 2. That if for any cause the sheriff is unable to collect the amount of the assessment made by the drainage commissioners out of the lands assessed under the provisions of chapter four hundred and forty-two of the laws of one thousand nine hundred and nine, as amended by chapter sixty-seven of the laws of one thousand nine hundred and eleven, then the said assessment shall be collectible as taxes are collected out of any other property, real or personal, belonging to the person owning the land at the time such assessment was made.

Drainage assessment collectible out of any property belonging to person benefited.

SEC. 3. That where the land so assessed by drainage commissioners under the acts mentioned in section two hereof has been purchased since the making of the assessment by a purchaser for value without notice under a deed of general warranty and said purchaser pays to the sheriff the amount of said drainage assessment, which is a lien on the land purchased, then such purchaser who pays the said drainage assessment shall have a right of action against the warrantor of his title under the covenant of general warranty contained in his deed for the recovery of the amount paid.

Purchaser for value who has paid lien has right of action against warrantor of title.

SEC. 4. That the sheriff who executes upon property for the collection of drainage assessments under the provisions of section twelve of chapter sixty-seven of the Public Laws of one thousand nine hundred and eleven, as modified by this act, shall not be liable either civilly or criminally if he shall sell such property in good faith, even though such sale is irregular or for any cause illegal.

Sheriff executing upon property for drainage assessments not liable if acting in good faith.

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

Ratified this 11th day of March, A.D. 1919.

CHAPTER 283

AN ACT TO REPEAL CHAPTER 373, PUBLIC LOCAL LAWS OF 1917, PLACING GRAHAM COUNTY UNDER THE PRIMARY LAW.

The General Assembly of North Carolina do enact:

Act repealed.

SECTION 1. That chapter three hundred and seventy-three, Public Local Laws of one thousand nine hundred and seventeen, be and the same is hereby repealed.

SEC. 2. That the word "Graham" be and the same is hereby replaced in section thirty-four of chapter one hundred and one, Public Laws of one thousand nine hundred and fifteen.

Primary law does not apply to county offices.

SEC. 3. The Primary Law, chapter one hundred and one, Public Laws of one thousand nine hundred and fifteen, shall not apply to the county offices of Graham County.

SEC. 4. This act shall be in force from and after its ratification. Ratified this 8th day of March, A.D. 1919.

CHAPTER 284

AN ACT TO CREATE A STATE COMMISSION TO ASSOCIATE WITH THE SULGRAVE INSTITUTION AND OTHER RELATED ORGANIZATIONS IN CONJOINT CELEBRATION IN 1921 OF THE FIRST ENGLISH SETTLEMENT IN AMERICA ON ROANOKE ISLAND, NORTH CAROLINA, OF THE TERCENTENARY OF THE LANDING OF THE PILGRIM FATHERS, DECEMBER 28, 1620, THE PERMANENT SETTLEMENT OF VIRGINIA, MAGNA CHARTA, REVOLUTION OF THE BRITISH COMMONWEALTH, AMERICAN REVOLUTION, THE ADOPTION OF THE CONSTITUTION OF THE UNITED STATES, AND THOSE OTHER CORRELATED EVENTS WHICH MARK THE BEGINNINGS AND DEVELOPMENT OF THE FREE INSTITUTIONS OF THE UNITED STATES OF AMERICA, WHICH CELEBRATION IS TO BE HELD THROUGHOUT THE UNITED STATES, GREAT BRITAIN AND IRELAND, AND THE OVERSEAS DOMINIONS OF THE BRITISH COMMONWEALTH AND IN THE NETHERLANDS, AND DEFINING THE POWERS AND DUTIES OF SUCH COMMISSION.

The General Assembly of North Carolina do enact:

Commission.

SECTION 1. A State Commission is hereby created consisting of fifteen members, of whom five shall be appointed by the Governor, five by the President of the Senate, and five by the Speaker of the House of Representatives, to act for the State in connection with

a celebration in one thousand nine hundred and twenty-one in the United States, initiated by the committee of the whole of the Sulgrave Institution, Inc. (under the laws of the State of New York), of the landing on Roanoke Island, North Carolina, of the first English settlers in America, the colonists of Sir Walter Raleigh, July, 1584, of the three hundredth anniversary of the landing of the Pilgrim Fathers, conjointly with the anniversary of the permanent settlement of Virginia, Magna Charta, Revolution of the British Commonwealth, American Revolution, adoption of the Constitution of the United States, etc., and those other correlated occurrences which marked the beginnings and the developing of the free institutions of the United States of America; the commission so created to act with the Sulgrave Committee and with such committee or committees as may hereafter be established under the authority of the states and of the National Government.

Duties.

SEC. 2. Such commission shall continue for a period of two years, or until the time of the expiration of the celebration and the filing of their report within a period of ninety days after the final event of the celebration.

Term of office.

SEC. 3. Such commission shall represent the State of North Carolina in respect to the formulation of a plan of celebration, in association with other commissions and committees, as referred to in section one of this act, and shall participate in the carrying out of the program so arranged for.

Commission to assist in formulation of plan.

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

Ratified this 11th day of March, A.D. 1919.

CHAPTER 285

AN ACT TO AMEND CHAPTER 138, PUBLIC LAWS OF 1917 (KNOWN AS THE MUNICIPAL FINANCE ACT), AS AMENDED BY AN ACT (H. B. 787, S. B. 1170) RATIFIED MARCH 7, 1919.

The General Assembly of North Carolina do enact:

SECTION 1. Section two of chapter one hundred and thirty-eight of the Public Laws of one thousand nine hundred and seventeen, as amended by an act (H. B. 787, S. B. 1170) entitled "An act to amend chapter one hundred and thirty-eight of the Public Laws of one thousand nine hundred and seventeen, known as the Municipal Finance Act, one thousand nine hundred and seventeen," which amendatory act was ratified March seventh, one thousand nine hundred and nineteen, is hereby amended by striking out the word "on" between the words "improvement" and "property" in the

Section 2,
chapter 138,
Public Laws
1917, amended.

New definition
of local
improvement."

clause which reads as follows, viz.: "Local improvement' means any improvement on property the cost of which has been or is to be specially assessed in whole or in part," and inserting in lieu of said word the word "or," so that said clause shall read as follows, viz.: "Local improvement' means any improvement or property the cost of which has been or is to be specially assessed in whole or in part."

Act made
effective when
approved at
election.

SEC. 2. Section seventeen of said chapter one hundred and thirty-eight of the Public Laws of one thousand nine hundred and seventeen, as amended by said act ratified March seventh, one thousand nine hundred and nineteen, is hereby amended by striking out at the end of subsection (1) of said section the words "and that in such event it shall take effect when approved by a majority of the voters of the municipality," and inserting in lieu thereof the words "and that in such event it shall take effect when approved by the voters of the municipality at an election as provided in this act."

Restriction
removed.

SEC. 3. Section seventeen of said chapter one hundred and thirty-eight of the Public Laws of one thousand nine hundred and seventeen, as amended by said act ratified March seventh, one thousand nine hundred and nineteen, is hereby amended by striking out in subsection (4) of said section the words "In no event shall bonds for a purpose other than the payment of necessary expenses be authorized by the same bond ordinance which authorizes bonds for necessary expenses."

Statement to
show total of
bonds issued.

SEC. 4. Section nineteen of said chapter one hundred and thirty-eight of the Public Laws of one thousand nine hundred and seventeen, as amended by said act ratified March seventh, one thousand nine hundred and nineteen, is hereby amended by striking out in subsection (1), clause (f), the words "or authorized, or to be authorized by," and inserting in lieu thereof the words "or to be issued under," so that said clause (f) shall read as follows: "(f) The total amount (hereinafter referred to as the net increase) of all bonds issued on or after March seventh, one thousand nine hundred and seventeen (including those which have been paid), or to be issued under ordinances or other proceedings passed, taken, or pending, exclusive of bonds for the payment of the portion of the cost of an improvement that has been or is to be assessed upon property benefited and exclusive of funding and refunding bonds."

Requirement
that bonds be
sold by
governing body
removed.

SEC. 5. Section thirty of said chapter one hundred and thirty-eight of the Public Laws of one thousand nine hundred and seventeen, as amended by said act ratified March seventh, one thousand nine hundred and nineteen, is hereby amended by striking out the words "by the governing body" in the first sentence of said section.

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

Ratified this 11th day of March, A.D. 1919.

CHAPTER 286

AN ACT TO PLACE THE NAMES OF CERTAIN PERSONS
UPON THE PENSION ROLL OF CLAY COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That the pension board of Clay County is hereby authorized and directed to place the names of Mrs. M. E. Garrett, Mrs. Clara McClure, Mrs. F. B. Cole, Mrs. Mary A. Moore, and Mr. Sam Allison on the pension roll of said county.

Names placed on pension roll.

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

Ratified this 11th day of March, A.D. 1919.

CHAPTER 287

AN ACT TO DESIGNATE THE ELEVENTH DAY OF NOVEMBER AS A LEGAL HOLIDAY IN NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That the eleventh day of each and every November be, and the same is hereby, designated, declared, and set apart as a legal holiday for all the citizens of North Carolina.

November 11 designated as holiday.

SEC. 2. That the Governor shall annually issue his proclamation proclaiming the eleventh day of November as a legal holiday and calling upon the people to appropriately celebrate and observe the same.

Proclamation annually by Governor.

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

Ratified this 11th day of March, A.D. 1919.

CHAPTER 288

AN ACT TO AMEND CHAPTER 761, PUBLIC LOCAL LAWS OF
1913, RELATING TO THE INJUNCTION AND ABATEMENT
OF CERTAIN NUISANCES.*The General Assembly of North Carolina do enact:*

SECTION 1. That section thirty-six of chapter seven hundred and sixty-one of the Public Local Laws of one thousand nine hundred and thirteen is hereby repealed.

Act repealed.

SEC. 2. That section thirty-seven of chapter seven hundred and sixty-one of the Public Local Laws of one thousand nine hundred

Section number changed.

and thirteen is hereby designated as section thirty-six of said chapter seven hundred and sixty-one of the Public Local Laws of one thousand nine hundred and thirteen.

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

Ratified this 10th day of March, A.D. 1919.

CHAPTER 289

AN ACT EMPOWERING THE COMMISSIONERS OF CASWELL COUNTY TO ABROGATE IN ANY YEAR THE HOLDING OF THAT COURT FOR CASWELL COUNTY WHICH CONVENES ON THE SECOND MONDAY BEFORE THE FIRST MONDAY IN SEPTEMBER.

The General Assembly of North Carolina do enact:

Term may be
abrogated.

SECTION 1. That the commissioners of Caswell County, whenever in their discretion the best interests of the county demand it, may, by order, abrogate in any year the holding of that term of court for Caswell County which convenes on the second Monday before the first Monday in September, all or either of said terms, and when said term is so abrogated thirty days notice of the same shall be given by said commissioners in each instance by the publication of the same in some newspaper published in Caswell County and at the courthouse door and four other public places in said county.

Notice to be
published.

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

Ratified this 5th day of March, A.D. 1919.

CHAPTER 290

AN ACT TO CORRECT ERRORS IN HOUSE BILL 27, SENATE BILL 325, RATIFIED FEBRUARY 21, 1919, RELATING TO BILLS OF LADING.

The General Assembly of North Carolina do enact:

Amendment of
sections 32 and
41 of uniform
bills of lading
law.

SECTION 1. That section thirty-two of House Bill twenty-seven, Senate Bill three hundred and twenty-five, ratified February twenty-first, nineteen hundred and nineteen, be and the same is hereby amended by adding after the words "or transferee" in line ten, the words "of a straight bill, the title of the transferee"; and by inserting after the words "such a notification" in line nine-

teen, the words "has been notified; and no notification"; and further by substituting for the words "or publishing the same, or issuance among the several states or with foreign nations." in lines three, four and five of section forty-one, the words "to represent goods received for shipment in this State."

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

Ratified this 11th day of March, A.D. 1919.

CHAPTER 291

AN ACT TO SUPPLEMENT CHAPTER 138, PUBLIC LAWS OF 1917, KNOWN AS THE MUNICIPAL FINANCE ACT, IN RELATION TO ELECTIONS HELD UNDER SAID ACT.

The General Assembly of North Carolina do enact:

SECTION 1. Whenever an election is to be held under the provisions of section twenty-two of chapter one hundred and thirty-eight of the Public Laws of one thousand nine hundred and seventeen, known as the Municipal Finance Act, it shall be lawful for the governing body of the city or town in which the election is to be held to order a new registration of the voters of the city or town for such election. Nothing herein shall be construed as requiring such governing body to order such new registration.

New registration may be ordered in municipal bond elections.

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

Ratified this 11th day of March, A.D. 1919.

CHAPTER 292

AN ACT TO AMEND CHAPTER 140, PUBLIC LAWS OF 1917, RELATING TO THE USE OF AUTOMOBILES.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and forty of the Public Laws of one thousand nine hundred and seventeen be and the same is hereby amended by striking out the words "of over four-candle power" in line nineteen of section sixteen thereof.

Amendment to specifications for lights.

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

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

Ratified this 11th day of March, A.D. 1919.

CHAPTER 293

AN ACT TO FIX THE SALARIES OF THE OFFICERS OF THE STATE OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Salary State
Superintendent
of Public
Instruction
fixed.

SECTION 1. That the salary of the State Superintendent of Public Instruction shall be four thousand dollars per annum, payable monthly, to begin from and after the expiration of the term of office of the present incumbent.

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

Ratified this 11th day of March, A.D. 1919.

CHAPTER 294

AN ACT TO PLACE EX-CONFEDERATE VETERANS OF PERSON COUNTY ON THE PENSION ROLL.

The General Assembly of North Carolina do enact:

Veterans placed
on pension roll.

SECTION 1. That Robert W. Jones, John H. Burch, and Stephen A. Clayton, Ex-Confederate veterans of Person County, be and they are hereby placed on the roll of Confederate pensions of North Carolina.

SEC. 2. This act shall be in force from and after its ratification. Ratified this 11th day of March, A.D. 1919.

CHAPTER 295

AN ACT TO CONSOLIDATE THE BOARD OF DIRECTORS OF THE CASWELL TRAINING SCHOOL WITH THE HOSPITAL BOARD.

The General Assembly of North Carolina do enact:

Management
consolidated
with that of
State Hospitals
for Insane.

SECTION 1. The management of the Caswell Training School, located at Kinston, is hereby consolidated with the management of the State Hospitals for the Insane in accordance with provisions of chapter one hundred and fifty, Public Laws of one thousand nine hundred and seventeen.

Appointment
of three addi-
tional directors
authorized.

SEC. 2. The Governor is authorized, by and with the consent of the Senate, to appoint three additional directors on the board of directors for the management of the said consolidated institutions, and the three so appointed shall serve as an Executive Committee for said Caswell Training School; one of said directors for two years, one for four years, and one for six.

Term of office.

SEC. 3. Subject to these changes, the said Caswell Training School shall be conducted in accordance with the rules and regulations now prescribed by law.

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

Ratified this 11th day of March, A.D. 1919.

CHAPTER 296

AN ACT TO SUPPLEMENT CHAPTER 136, PUBLIC LAWS OF 1917, PROVIDING FOR THE ORGANIZATION AND GOVERNMENT OF CITIES, TOWNS, AND INCORPORATED VILLAGES.

The General Assembly of North Carolina do enact:

SECTION 1. All of the provisions of chapters IV to XII, both inclusive, of chapter one hundred and thirty-six of the Public Laws of one thousand nine hundred and seventeen, conferring powers upon cities and towns, shall apply to all cities and towns, whether such cities or towns have adopted a plan of government under said act or not.

Provisions of chapters IV to XII, inclusive, of 1917 law, made applicable to all cities and towns.

SEC. 2. The powers granted by this act are granted in addition to and not in substitution for existing powers of cities and towns.

Powers additional.

SEC. 3. All acts and parts of acts inconsistent with this act are, to the extent of such inconsistency, hereby repealed.

SEC. 4. This act shall be in force from and after its ratification.
Ratified this 11th day of March, A.D. 1919.

CHAPTER 297

AN ACT PERMITTING THE EXCHANGE OF COUNTY FUNDING BONDS FOR OUTSTANDING NOTES IN LIEU OF THE SALE OF THE BONDS.

The General Assembly of North Carolina do enact:

SECTION 1. Any county in this State which is authorized by law to sell its bonds for the purpose of funding or paying floating indebtedness now outstanding and evidenced by notes bearing interest at a higher rate than the bonds which the county proposes to issue, may, in lieu of selling such bonds, issue them in exchange for a like principal amount of such notes, provided the holders of the notes are willing to make such an exchange and to pay any interest accrued on such bonds up to the time of such exchange. When such an exchange is made, any interest accrued on such

Bonds may be exchanged for like amount of notes.

Payment of interest accrued.

notes up to the time of such exchange may be paid out of any available funds of the county.

Exchange not mandatory.

SEC. 2. The powers conferred by this act shall be exercised by the board or body authorized by law to sell the bonds herein referred to. Nothing herein shall be construed as requiring any bonds to be exchanged for notes, rather than to be sold. The powers granted by this act are granted in addition to and not in substitution for existing powers of counties, and are not subject to any limitation or restriction contained in any other law.

Powers additional.

SEC. 3. This act shall be in force from and after its ratification. Ratified this 11th day of March, A.D. 1919.

CHAPTER 298

AN ACT RELATING TO THE PURCHASING COMMITTEE.

The General Assembly of North Carolina do enact:

Presidents of four educational institutions added to committee.

SECTION 1. That section two of chapter one hundred and fifty of the laws of one thousand nine hundred and seventeen, providing for the creation of a coöperative purchasing committee, be amended by adding to line six the following: "and the presidents of the University of North Carolina, the North Carolina State College of Agriculture and Engineering, the State Normal and Industrial College for Women at Greensboro, and the East Carolina Training School at Greenville."

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

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

Ratified this 11th day of March, A.D. 1919.

CHAPTER 299

AN ACT TO RESTORE THE JURISDICTION OF SUPERIOR COURTS.

The General Assembly of North Carolina do enact:

Inferior courts to have no exclusive original jurisdiction in criminal cases.

SECTION 1. That in all cases whereby in any statute original jurisdiction of criminal actions has been taken from the Superior Courts and vested exclusively in courts of inferior jurisdiction, such exclusive jurisdiction is hereby divested, and jurisdiction of such actions shall be concurrent and exercised by the court first taking cognizance thereof.

SEC. 2. That appeals shall be, as heretofore, to the Superior Court from all judgments of such inferior courts: *Provided*, that this act shall not apply to Cabarrus, Gaston, Surry, Mecklenburg, and Forsyth Counties.

Proviso:
counties
exempted.

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

Ratified this 11th day of March, A.D. 1919.

CHAPTER 300

AN ACT TO AMEND SECTION 248, VOLUME ONE, OF THE REVISAL, RELATING TO BANK EXAMINERS.

The General Assembly of North Carolina do enact:

SECTION 1. That section two hundred and forty-eight of volume one of the Revisal of one thousand nine hundred and five be amended by adding at the end of said section the following: "Except as provided in this chapter, or as required by an order or decree of a court of competent jurisdiction, it shall be unlawful for any bank examiner or assistant bank examiner to disclose any information acquired by him in the performance of his duties as prescribed by law. An examiner or assistant examiner violating the provisions of this section shall be guilty of a misdemeanor, punishable by a fine of not exceeding five hundred dollars or imprisonment of not exceeding twelve months, or both, in the discretion of the court; and upon conviction shall forfeit his office or appointment as examiner."

Unlawful for
examiner to dis-
close official
information
except to proper
authorities.

Violation a
misdemeanor.

Punishment.

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

Ratified this 11th day of March, A.D. 1919.

CHAPTER 301

AN ACT TO PERMIT ORPHAN CHILDREN TO ATTEND THE PUBLIC SCHOOLS.

The General Assembly of North Carolina do enact:

SECTION 1. That children living in and cared for and supported by any institution established or incorporated for the purpose of rearing and caring for orphan children shall be considered legal residents of said district in which the institution is located, and a part or all of said orphan children shall be permitted to attend the public school or schools of said district, and the extra expenses of teaching said children for six months in the public school or schools of said district shall be borne as follows:

Orphans per-
mitted to attend
public school.

Expense of
extra teachers.

Three-fourths of the extra expense for a term of six months of each and every year, as a result of the attendance of said children, shall be paid out of the State Public School Fund and one-fourth out of the county fund, unless otherwise provided.

County board
of education to
provide for such
expense in
budget.

SEC. 2. The county board of education is hereby authorized to provide in the county school budget for the extra expense that may be incurred by said school as the result of the attendance of said orphan children, and the county superintendent shall set forth, in blanks prepared by the State Superintendent of Public Instruction, the number of such children that may attend, in what grades or classes they will be enrolled, and how many extra teachers will be required as the result of the operation of this act. The salary or salaries of such extra teachers for six months shall be provided for in the county budget as provided in section one of this act.

After six months
tuition fees may
be charged.

SEC. 3. That the board of trustees in special tax or special chartered districts may charge such tuition fees as may be agreed upon between the authorities of said institution and the board of trustees of said school for the attendance of said orphan children for the remainder of said school term, after the constitutional provision of six months has been complied with.

SEC. 4. This act shall be in force and effect from and after July first, one thousand nine hundred and nineteen.

Ratified this 11th day of March, A.D. 1919.

CHAPTER 302

AN ACT TO AMEND SECTION 7, CHAPTER 264, PUBLIC LAWS OF 1917, PROVIDING FOR THE ESTABLISHMENT OF REFORMATORIES OR HOMES FOR FALLEN WOMEN.

The General Assembly of North Carolina do enact:

Women con-
victed of
vagrancy may
be committed to
reformatories.

SECTION 1. That section seven of chapter two hundred and sixty-four of the Public Laws of North Carolina, session one thousand nine hundred and seventeen, be and the same is hereby amended by adding after the word "chastity" and before the colon in line nineteen of said section, the words "or vagrancy," and by striking out all of the words in said section after the word "hereof" in line thirty-one of said section and substituting a period in lieu of the colon following immediately after the word "hereof" in said line thirty-one.

Clerical error
corrected.

SEC. 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

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

Ratified this 11th day of March, A.D. 1919.

CHAPTER 303

AN ACT TO AMEND CHAPTER 151, PUBLIC LAWS OF 1917,
IN REGARD TO PUBLIC BUILDINGS, AND TO PROVIDE
FOR A STATE ARCHITECT.

The General Assembly of North Carolina do enact:

SECTION 1. That section seven of chapter one hundred and fifty-four of the Public Laws of one thousand nine hundred and seventeen be and the same is hereby repealed and the following is enacted in lieu thereof:

The Governor of the State is directed, authorized and empowered to appoint a State Building Commission, to be composed of five members, three of whom shall be members of the majority political party of the State, and the State Building Commission shall organize in the city of Raleigh by electing one of its members chairman and one of its members secretary; and the said Building Commission shall have entire supervision, direction, and control of the distribution of the proceeds of the bonds in this act directed to be issued to the several institutions and purposes hereinbefore named, and to the amount to each institution and purpose hereinbefore specified, and shall have the supervision of the buildings erected by the several institutions hereinbefore named and for the purposes hereinbefore specified, except the sum of five hundred thousand dollars (\$500,000) herein authorized to be issued to the State Board of Education for the purpose of aiding in the building of the public schools of the State, and except further, that the Committee on Public Buildings and Grounds shall select and purchase, if necessary, the site for the State's storage warehouse and shall have supervision and control of the construction of the State's storage warehouse. The said State Building Commission shall also have entire supervision, direction, and control of any and all buildings hereafter to be constructed by the State or any institution under State control or management, and entire supervision and control of any alterations, repair or improvement of a permanent nature to be made upon any building now or hereafter to be constructed; the purpose of this act being to confer upon the said State Building Commission power and authority to supervise, control, and direct all building operations of a permanent nature, which shall be done by the State or by any institutions under the control or management of the State. That in the event of any vacancy occurring in the membership of the State Building Commission the Governor of the State shall fill said vacancy from that political party represented by the retiring member of the commission; that the said commission shall meet as often as the business entrusted to them shall require, and the said meetings may be held in the city of Raleigh or any of the State's institutions; and the

State Building Commission to consist of five members.

Organization.

Duties and powers.

Exceptions: no supervision of public school buildings, or of State's storage warehouse.

Control and supervision of building and repair of State buildings.

Vacancy in membership.

Meetings of commission.

Payment of expenses.

said commission shall be paid annually its necessary expenses out of the proceeds of the sale of the bonds herein authorized, when engaged upon work connected with any of the institutions specifically referred to in this act, and when engaged upon other work of the State, out of the funds of the State Treasury, upon itemized statements duly verified by the said members and approved by the Governor of the State, who, upon said approval, is authorized and directed to draw vouchers for such expenses; and before any building shall be erected at any of the State's institutions, and before any permanent improvement shall be made to the State's institutions the said Building Commission shall employ a competent architect, to be known as the State Architect, whose duty it shall be to draw and submit plans and specifications for any public building to be erected, or, where the said commission shall deem necessary, plans and specifications for any permanent changes, additions, or improvements to State buildings; and when approved by said commission, advertisement shall be made for the contract therefor and sealed bids invited upon such terms and conditions as the State Building Commission may prescribe. The

Commission directed to employ State architect. Duties of architect.

said State Architect shall be paid a salary of five thousand dollars (\$5,000) per annum, and such amount not exceeding seven thousand five hundred dollars (\$7,500) as the said commission may think necessary for additional help and expenses incurred in work on plans and specifications for State buildings, including necessary expenses for office rent and equipment. The said salary shall be paid monthly when approved by the chairman or secretary of said commission, and be paid on a warrant of the Auditor by the State Treasurer out of such funds in the Treasury as are not otherwise appropriated: *Provided*, that where the work done is for plans and specifications on buildings to be erected, repaired, or altered under this bill, then out of funds appropriated herein; and *Provided further*, that the commission may employ inspectors on said buildings, who may be paid out of the funds appropriated for such buildings. The said person so elected as architect shall be known as the State Architect, and shall, when called upon, provide the necessary plans and specifications for State buildings to be erected, altered, or repaired, and the said salary shall be in lieu of all commissions or other compensations: *Provided*, that the architect herein authorized to be selected by the State Building Commission shall not be required to have license provided for by chapter two hundred and seventy of the Public Laws of one thousand nine hundred and fifteen and amendments thereof, regulating the practice of architecture in this State.

Salary.

Additional help and expenses.

Payment of salary.

Proviso: payment out of appropriation.

Proviso: employment of inspectors.

Salary in lieu all other compensation.

Proviso: State architect not required to have license.

SEC. 2. This act shall be in force from and after its ratification. Ratified this 11th day of March, A.D. 1919.

CHAPTER 304

AN ACT TO RESTORE THE PROVISIONS OF THE CODE OF CIVIL PROCEDURE IN REGARD TO PROCESS AND PLEADINGS, AND TO EXPEDITE AND REDUCE THE COSTS OF LITIGATION.

The General Assembly of North Carolina do enact:

SECTION 1. The summons in all civil actions in the Superior Court shall be made returnable before the clerk at a date named therein, not less than ten days nor more than twenty days from the issuance of said writ, and shall be served as now provided by law.

Summons in civil actions returnable in ten to twenty days.

SEC. 2. The complaint shall be filed on or before the return day of the summons: *Provided*, for good cause shown the clerk may extend the time to a day certain.

Complaint on or before return day.

SEC. 3. The answer or demurrer shall be filed within twenty days after the return day, or, if the time is extended for filing the complaint, then the defendant shall have twenty days after the date fixed for such extension: *Provided*, for good cause shown the clerk may extend the time for filing the answer or demurrer.

Demurrer to be filed within 20 days after return day.

Proviso: time may be extended.

SEC. 4. If a demurrer is filed the plaintiff may be allowed to amend. If he fail to amend within three days after notice, and there be no agreement between the parties as to the time and place of hearing the same before some judge of the Superior Court, then it shall be the duty of the clerk of the Superior Court forthwith to send up the complaint and demurrer to the judge holding the courts of the district or to the resident judge of the district, who shall fix time and place of hearing and notify parties or their counsel when and where he shall hear and pass upon the demurrer.

Plaintiff may amend.

Clerk to send up complaint and demurrer.

Hearing.

SEC. 5. Upon the return of the decision upon the demurrer, if either party desire to appeal, notice shall be given and the appeal perfected as is now provided in case of appeals from decisions in term time.

Appeal from decision.

SEC. 6. Within ten days after the return of the judgment upon the demurrer, if there is no appeal, or within ten days after the receipt of the certificate from the Supreme Court if there is an appeal, if the demurrer is sustained the plaintiff may move, upon three days notice, for leave to amend the complaint. If this is not granted, judgment shall be entered dismissing the action.

Procedure if demurrer is sustained.

SEC. 7. If the demurrer is overruled the answer shall be filed within ten days after the receipt of the judgment, if there is no appeal, or within ten days after receipt of the certificate of the Supreme Court if there is an appeal. Otherwise the plaintiff shall be entitled to judgment by default final or by default and inquiry according to the course and practice of the court.

Procedure if demurrer is overruled.

Pleadings and trial of cause.

SEC. 8. Pleadings shall be made up and issues joined before the clerk. After pleadings have been so made up and issues joined, the clerk shall forthwith transmit the original papers in the cause to the court at term for trial upon the issues, when the case shall be proceeded with according to the course and practice of the court, and on appeal with the same procedure as is now in force.

Judgment by default.

SEC. 9. In cases where the clerk has no jurisdiction and the plaintiff shall be entitled to have judgment by default and inquiry or judgment by default final, the clerk shall transfer the same to the court at term time to be determined by the court under existing procedure.

Judge not prevented from making orders.

SEC. 10. Nothing herein contained shall be construed to prevent the resident judge or the judge holding courts in any district from making such orders and decrees as now provided in injunctions and other provisional and extraordinary remedies.

Agreement for hearing not prevented.

SEC. 11. Nothing herein contained shall be construed as depriving the clerk of the court, or the parties by agreement, to extend the time for filing the pleadings or perfecting appeals, or agreeing upon time and place for hearing argument upon the demurrer or other matters.

SEC. 12. All laws and parts of laws in conflict with this act are hereby repealed.

SEC. 13. This act shall be in force from and after July first, one thousand nine hundred and nineteen.

Ratified this 11th day of March, A.D. 1919.

CHAPTER 305

AN ACT TO APPOINT DIRECTORS FOR CULLOWHEE NORMAL AND INDUSTRIAL SCHOOL.

The General Assembly of North Carolina do enact:

SECTION 1. That, for the purpose of filling expiring terms on the board of directors of Cullowhee Normal and Industrial School, the following named citizens of North Carolina are hereby appointed members of the board of directors of said school for a term of six years:

Directors appointed.

A. G. Barnett of Asheville, N. C.
 D. L. Boyd of Waynesville, N. C.
 W. E. Moore of Webster, N. C.
 W. C. Norton of Cullowhee, N. C.
 J. R. Bryson of Cullowhee, N. C.
 D. D. Davies, honorary member.

SEC. 3. This act shall be in force from and after its ratification. Ratified this 11th day of March, A.D. 1919.

CHAPTER 306

AN ACT TO DEFINE THE LIABILITY OF A BANK IN ERROR
AS TO NONPAYMENT OF A CHECK.

The General Assembly of North Carolina do enact:

SECTION 1. That no bank shall be liable to a depositor because of the nonpayment, through mistake or error and without malice, of a check which should have been paid had the mistake or error of nonpayment not occurred, except for the actual damage by reason of such nonpayment that the depositor shall prove, and in such event the liability shall not exceed the amount of damage so proven.

Liability for nonpayment defined.

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

SEC. 3. This act shall be in force from and after its ratification. Ratified this 11th day of March, A.D. 1919.

CHAPTER 307

AN ACT TO PROVIDE AN AUTOMOBILE FOR THE USE OF
THE EXECUTIVE MANSION.

The General Assembly of North Carolina do enact:

SECTION 1. That the State Committee on Public Buildings and Grounds is hereby authorized to provide and maintain an automobile and driver for the use of the Executive Mansion, the cost of the same to be paid out of any funds in the Treasury not otherwise appropriated.

Purchase of automobile authorized.

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

Ratified this 11th day of March, A.D. 1919.

CHAPTER 308

AN ACT RELATING TO THE INCORPORATION OF ROAD,
SCHOOL, AND OTHER DISTRICTS.

The General Assembly of North Carolina do enact:

SECTION 1. The inhabitants of every road district, special road district, school district, graded school district, or other district, in the name of which, or on behalf of which, bonds or other evidences of indebtedness are authorized by law to be issued, shall, for all purposes relating to the issuance of payment of such bonds

Inhabitants of road, school and other districts authorized to bond debts are constituted bodies politic and corporate.

or other evidences of indebtedness, constitute a body politic and corporate under the name given by law to such district; and all such bonds or other evidences of indebtedness hereafter issued shall be obligations of such corporation. The board or body authorized by law to issue such bonds or other evidences of indebtedness may adopt a seal for such corporation, and shall, except as otherwise provided by law, have and exercise all the powers and perform all the duties of such corporation relating to the issuance or payment of such bonds or other evidences of indebtedness.

SEC. 2. This act shall be in force from and after its ratification. This act shall not apply to any notes or bonds heretofore issued by such district.

Ratified this 11th day of March, A.D. 1919.

CHAPTER 309

AN ACT TO AMEND SECTION 4182, REVISAL OF 1905, RELATING TO THE NUMBER OF DIRECTORS OF THE STATE NORMAL SCHOOLS FOR THE COLORED RACE.

The General Assembly of North Carolina do enact:

Number of
directors
increased.

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

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

Ratified this 11th day of March, A.D. 1919.

CHAPTER 310

AN ACT TO PROVIDE PENSIONS FOR MRS. MARTHA LEONARD AND FOR MRS. LUCRETIA MULLIS, WIDOWS OF CONFEDERATE SOLDIERS.

Preamble.

Whereas, Mrs. Martha Leonard is a widow of a Confederate soldier and, technically applying the rules due the fact of her late marriage, she would not be entitled to a pension; and,

Preamble.

Whereas, she is old and feeble and without any property; and

Preamble.

Whereas, Mrs. Lucretia Mullis is the widow of a Confederate soldier and is now old and feeble and has not sufficient property to maintain and support her in her old age; and,

Preamble.

Whereas, under the rules governing pensions she would not be entitled to a pension: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That Mrs. Martha Leonard and Mrs. Lucretia Mullis of Union County are each hereby allowed a pension of sixty dollars per annum, to be paid in the same manner as others are entitled to be paid their pensions in the said county of Union.

Pensions
allowed.

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

Ratified this 11th day of March, A.D. 1919.

CHAPTER 311

AN ACT TO AMEND SECTION 97, CHAPTER 200, PUBLIC LAWS OF 1917, PROVIDING FOR PAYING INTO THE STATE TREASURY THE UNUSED MONEY.

The General Assembly of North Carolina do enact:

SECTION 1. That section ninety-seven of chapter two hundred of the Public Laws of one thousand nine hundred and seventeen is hereby amended by striking out all of said section after the word "appropriated" in line fifty-eight, and adding in lieu thereof the words "that all moneys not used by January first of each year shall be paid to the State Treasurer and turned into the general fund of the State.

Unused part of
annual militia
appropriation
to revert to
general fund.

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

Ratified this 11th day of March, A.D. 1919.

CHAPTER 312

AN ACT TO ENABLE ALL COUNTIES TO PROVIDE FUNDS TO PAY THE COST OF CONSTRUCTING OR IMPROVING ROADS WITH FEDERAL AID, AND TO PAY THE COST OF MAINTAINING SUCH ROADS.

The General Assembly of North Carolina do enact:

SECTION 1. The board of county commissioners of every county in this State is hereby authorized, upon the conditions and subject to the limitations and restrictions hereinafter set forth, to issue bonds of the county from time to time for the purpose of paying the county's share of the cost of constructing or improving public roads in the county at the joint expense of the Federal Government and the county, or at the joint expense of the Federal Government, the State, and the county, under agreement between the Secretary of Agriculture of the United States and the State Highway Commission of North Carolina.

Commissioners
authorized to
issue bonds to
pay county's
share of con-
structing roads.

Commissioners authorized to levy special tax to pay interest and retire such bonds.

SEC. 2. The board of county commissioners of every county in this State is hereby further authorized to levy annually a special tax ad valorem upon all taxable property in the county for the special purpose of paying the principal and interest of all bonds issued by the county under this act, as such principal and interest become due, which tax shall be in an amount sufficient for said purpose and in addition to all other taxes authorized to be levied by said board.

Bonds to mature serially within 30 years.

SEC. 3. Each issue of bonds made by a county under the provisions of this act shall so mature that the aggregate principal amount of the issue shall be payable in annual installments, beginning not more than three years after the date of the bonds of such issue and ending not more than thirty years after such date. No such installment shall be more than two and one-half times as great in amount as the smallest prior installment of the same bond issue. If all bonds of any one issue are not delivered simultaneously, the bonds of such issue outstanding at any one time shall mature as aforesaid.

Ratio of installments.

Form of bonds discretionary.

SEC. 4. Said bonds shall be issued in such form and denominations, and with such provisions as to time, place, and medium of payment of principal and interest, as the board of county commissioners of the county issuing the bonds may determine, subject to the limitations and restrictions of this act. The bonds shall bear interest at a rate not exceeding six per centum per annum, payable semiannually. They may be either coupon bonds or registered bonds; and, if issued in coupon form, may be made registerable as to principal or as to both principal and interest. They shall be signed by the chairman of the board of county commissioners of the county issuing them, and the county seal shall be affixed to the bonds and attested by the clerk of said board; and the coupons of such bonds shall bear the printed, or lithographed, or engraved facsimile signature of the chairman of said board of county commissioners who is in office at the date of the bonds. The delivery of bonds signed as aforesaid by officers in office at the time of such signing shall be valid notwithstanding any changes in officers occurring after such signing.

Interest limited.

Bonds to be signed by chairman of commissioners.

Sale of bonds.

SEC. 5. Said bonds shall be sold in the manner provided in the Municipal Finance Act (chapter 138 of the Public Laws of 1917, as amended) for the sale of bonds of cities and towns. They shall not be sold for less than par and accrued interest.

Proceeds a separate fund.

SEC. 6. The proceeds of the sale of said bonds shall be placed in a separate fund and used only for the purposes for which the bonds were issued.

Highway Commission to certify amount of county's share of road cost.

SEC. 7. Whenever a board of county commissioners proposes to issue any bonds under this act said board shall obtain from the State Highway Commission of North Carolina a certificate stating the amount of the county's share of the cost of the road improve-

ments for which the bonds are to be issued, as such share is estimated by said commission, and no bonds shall be issued under this act in an amount exceeding such share as estimated by said commission. For the purposes of this act, the cost of acquiring rights of way for roads for which bonds are hereby authorized to be issued and the amount of any incidental damages to adjoining property due to construction work, shall be treated as a part of the county's share of the cost of constructing the roads and may be paid out of the proceeds of the sale of such bonds. The term "road" as used in this act shall include bridges and culverts in all cases where bridges and culverts are to be constructed or improved as a part of a road for which bonds are hereby authorized to be issued and the Federal Government is to bear a part of the expense of constructing or improving such bridges or culverts.

SEC. 8. Whenever a board of county commissioners shall have obtained from the State Highway Commission a certificate showing the amount of bonds which may be issued by the county as provided in section seven of this act, it shall be lawful for the board of county commissioners to issue notes of the county in anticipation of the issuance of bonds under this act. Such notes may run for periods of not exceeding one year, and may be renewed from time to time by the issuance of new notes: *Provided, however,* that no such notes shall continue to be issued more than two years after the date of the Highway Commission's certificate upon which they are predicated. The board of county commissioners may, if it deems it advisable, retire such notes or any of them by means of taxation or any available funds of the county, and the board of county commissioners is hereby authorized to levy in any year a special tax ad valorem on all taxable property in the county, for the special purpose of paying such notes. In case any such notes are retired by any means other than the issuance of bonds under this act, the amount of bonds which may be issued shall be reduced by the amount of notes so retired.

SEC. 9. The board of county commissioners of every county is hereby further authorized to levy annually a special tax ad valorem upon all taxable property of the county for the special purpose of maintaining any public road constructed or improved with the aid of the Federal Government under an agreement between the Secretary of Agriculture of the United States and the State Highway Commission of North Carolina, which tax may be in an amount sufficient for said purpose and in addition to all other taxes authorized to be levied by such board of county commissioners.

SEC. 10. The board of county commissioners of every county is hereby further authorized to use for the same purposes for which bonds are hereby authorized to be issued, the proceeds of the sale of any bonds of the county issued for road purposes under any

No bonds issued in excess of this share.

Rights of way, etc., part of county's share.

Term "road" defined.

Notes may be issued in anticipation of bonds.

Term of notes.

Proviso: limit of renewal.

Bonds may be retired by taxation or available funds.

Special tax to pay notes authorized.

Reduction of bonds.

Special tax for maintenance of Government-aided roads authorized.

Proceeds of other road bonds may be used for purposes of this act.

act other than this act, and also any other funds of the county which may lawfully be used for constructing or improving public roads of the county.

Any county body having charge of roads may enter into agreement with Highway Commission

SEC. 11. The board or body in any county having charge and control of the county roads in the county (whether such board or body be the board of county commissioners or a road commission or other separate body) may enter into agreements with the State Highway Commission of North Carolina to cause the county to issue bonds or levy taxes under this act. If such an agreement is made by a board or body other than the board of county commissioners, the board of county commissioners may carry out the provisions of the agreement.

Board having charge of roads authorized to use proceeds of district or township road bonds provided district consents.

SEC. 12. The board or body having charge and control of the public roads of any county is hereby authorized, by agreement with the State Highway Commission of North Carolina, to use the proceeds of the sale of any bonds of any road district or township in the county, issued for road purposes, for the same purposes for which county bonds are hereby authorized to be issued: *Provided*, the road commissioners or other authorities issuing such road district or township bonds to join in or consent to such an agreement, which they are hereby authorized to do; and *Provided*, the road to be constructed or improved by means of said moneys is situated within such road district or township.

Additional powers.

SEC. 13. The powers granted by this act are granted in addition to and not in substitution for existing powers of counties, and are not subject to any limitation or restriction contained in any other law: *Provided, however*, that this act shall be construed as a supplement to any other act passed at the present session of the General Assembly providing a plan for meeting any offer on the part of the Federal Government to provide funds for the construction or improvement of roads in this State, and all provisions of any such other act relating to the expenditure of moneys for road purposes shall apply to the expenditure of moneys raised under this act or authorized by this act to be used for the purposes herein stated. "This section shall not be construed as authorizing the issuance of the road district or township bonds herein referred to, nor shall section eleven of this act be construed as authorizing the issuance of any bonds other than bonds of a county, payable by general tax upon the county at large. This section deals only with the application of the proceeds of the sale of road district and township bonds, the issuance of which is authorized by some other law."

Proviso: act to supplement any other act providing plan to meet Federal aid.

Issuance of township bonds not authorized.

In so far as act authorizes bonds or maintenance tax it does not apply to counties enumerated unless ratified by voters.

SEC. 13a. This act, in so far as it authorizes the issuance of county bonds or notes, or the levying of a special tax for paying county bonds or notes, or the levying of a special tax for maintaining roads, shall not be in force in the counties of Bladen, Catawba, Cherokee, Cumberland, Gates, Avery, Halifax, Hyde, Graham, Jones, Macon, Mitchell, Orange, Pitt. Anson, Rowan, Rutherford,

Stanly, Swain, Transylvania, Tyrrell, Hertford, Washington, Surry, Polk, Haywood, Alexander, Warren, Franklin, Ashe, Clay, unless and until the question of adopting the provisions of this act shall be submitted to the qualified voters of the county at an election, and a majority of the qualified voters of the county voting on said question shall vote in favor of adopting the provisions of this act. The board of county commissioners of any of said counties may cause a special election to be held for said purpose at such time as may be designated by said board. Said board shall cause a notice of said election to be posted at the courthouse door of the county at least thirty days before the election, and to be published once in each of the four successive weeks immediately preceding the election. The board of county commissioners shall name the registrars and judges of election for the voting precincts of the county for said election, and shall cause to be printed a sufficient number of ballots for use at the election. At said election the voters who are in favor of the adoption of the provisions of this act shall vote a ballot on which shall be written or printed "For the adoption of the Federal Aid Act": and the voters who are opposed to the adoption of the provisions of this act shall vote a ballot on which shall be written or printed the words "Against the adoption of the Federal Aid Act." At the close of the election the votes shall be counted and returns thereof made to the board of county commissioners, for which purpose said board shall cause blank abstracts to be printed and furnished to the registrars and judges of election. On the first Thursday following the election said board of county commissioners shall meet as a canvassing board, shall receive the returns of said election, shall judicially pass upon the returns, and shall judicially determine and declare the result of said election, all of which shall be recorded in the records of said board. The returns shall be executed in duplicate, and one copy shall be delivered to the board of county commissioners as aforesaid, and the other filed with the clerk of the Superior Court of the county. In all respects other than those herein mentioned said special election shall be held and conducted and the qualifications of voters at said election determined, as nearly as may be practicable, in accordance with the general law relating to the holding and conducting of elections for members of the General Assembly and the determination of the qualifications of voters at such elections. The expense of holding said special election shall be paid out of the general funds of the county. The board of county commissioners shall cause a notice containing a brief statement of the result of said election as determined by the board to be published at least once in a newspaper published in the county. No right of action or defense founded upon any invalidity of said election shall be asserted, nor shall the validity of said election be open to question in any court upon any ground whatever, except in an action or proceeding commenced within thirty days after the first

Commissioners in these counties may call election.

Form of ballot.

Canvass of returns.

Expense of election.

Validity of election not open to question after 30 days.

New registration may be ordered.

Act operative when ratified by voters.

Sections 12 and 13 immediately operative.

publication of said notice: *Provided, however,* that a copy of this sentence shall be incorporated in said notice. The board of county commissioners may, in its discretion, order a new registration for said special election, but such a new registration shall not be necessary unless ordered by the board. Upon the determination, made as aforesaid, by the board of county commissioners, that a majority of the qualified voters voting upon said question voted in favor of adopting the provisions of this act, then all of the provisions of this act shall be in force in the county so adopting them. Sections ten, twelve and thirteen of this act shall be operative in all counties of this State from and after the ratification of this act.

SEC. 14. All laws and parts of laws in conflict with this act are hereby repealed.

SEC. 15. This act shall be in force from and after its ratification.

Ratified this 11th day of March, A.D. 1919.

CHAPTER 313

AN ACT TO AUTHORIZE THE GOVERNOR AND THE COUNCIL OF STATE TO FIX THE WAGES PAID CERTAIN EMPLOYEES AND LABORERS IN THE CAPITOL AND STATE DEPARTMENT BUILDINGS.

The General Assembly of North Carolina do enact:

Salaries not to exceed amounts specified.

SECTION 1. The Governor and the Council of State are hereby authorized and empowered to fix the wages of the employees of the State hereinafter named, but in no case shall the wages exceed the amount herein specified.

Janitor and servants \$15 a week.

(a) The janitors or servants of the various State departments, including three servants for the Supreme Court, and the butler at the Executive Mansion, now authorized and provided by law, fifteen dollars (\$15) per week.

Gardeners \$17.50 a week.

(b) The gardeners for the Capitol grounds and Executive Mansion grounds, seventeen and a half dollars (\$17.50) per week.

Custodians \$25 a week.

(c) The custodian of the Capitol Building and of the Supreme Court Building, twenty-five dollars (\$25) per week; and the custodian of the State Departments Building, twenty-five dollars (\$25) per week.

Night watchman State buildings \$17.50; Capital watchman, \$22.50.

(d) Night watchmen for the several State buildings as now authorized by law, seventeen dollars and fifty cents (\$17.50) per week; but the night watchman and police for Capitol Building and Grounds shall receive not exceeding twenty-two dollars and fifty cents (\$22.50) per week.

The Governor and the Council of State are authorized to employ one night watchman for two or more buildings, when in their judgment the same is desirable, and in that event, pay a salary not exceeding twenty-five dollars (\$25) per week.

Night watchman for more than one building, \$25 a week.

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

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

Ratified this 11th day of March, A.D. 1919.

CHAPTER 314

AN ACT TO AMEND S. B. 136 AND H. B. 1321, PASSED AT THIS SESSION OF THE GENERAL ASSEMBLY, BEING AN ACT REVISING AND CONSOLIDATING THE PUBLIC AND GENERAL STATUTES OF THE STATE OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That Senate Bill 136 and House Bill 1321, passed at this session of the General Assembly and being an act revising and consolidating the Public and General Statutes of the State of North Carolina, be amended by inserting in chapter thirteen, section twenty-four, subsection thirty, line two, before the words "to be insane," the word "alleged."

Amendment of act consolidating code.

SEC. 2. That chapter twenty-seven, section thirty-nine of said act, referred to in section one hereof, be amended as follows:

(a) In the paragraph headed Edgecombe, under the heading, Second District (Consolidated Statutes, Vol. 1, page 358), strike out in lines three and four the words "eighth Monday after the first Monday in September." And in paragraph headed Wilson, strike out in lines eight and nine the words "tenth Monday after the first Monday in September, to continue for two weeks for civil cases only."

Second district court calendar amended.

(b) In the paragraph headed Pitt, under the heading, Fifth District (Consolidated Statutes, Vol. 1, page 360), strike out in lines five and six the words "fourth Monday after the first Monday in September"; and add citation, "1915, c. 111."

Fifth district calendar.

(c) In paragraph headed Craven, under heading, Fifth District (Consolidated Statutes, Vol. 1, pages 360, 361), strike out in lines seven and eight the words "and twelfth Monday after the first Monday in March"; and add the citation, "1917, c. 217."

(d) In paragraph headed Lenoir, under heading, Sixth District (Statutes, Vol. 1, page 361), strike out in line eight the words "two weeks."

Sixth district.

Eleventh district. (c) In paragraph headed Surry, under heading, Eleventh District (Consolidated Statutes, Vol. 1, 366), strike out in lines three and four the words "sixth Monday after the first Monday in September."

(f) In paragraph headed Forsyth, under heading, Eleventh District (Statutes, Vol. 1, pages 366, 367), strike out in line eleven the word "three," and insert in lieu thereof the word "two."

(g) In paragraph headed Rockingham, under heading, Eleventh District (Consolidated Statutes, Vol. 1, page 367), insert in line one after the word "March," the words "for criminal cases only."

Clerical error corrected.

SEC. 3. That in chapter sixty-four, section fourteen of said act, referred to in section one hereof, be amended by striking out in line four the words "514 of ch. on." and inserting in lieu thereof the words "section fourteen of the chapter entitled."

SEC. 4. That chapter one hundred and nineteen of said act, referred to in section one hereof, be amended as follows:

New section for Printing Commission.

(a) By inserting after section one and before section two a new section, as follows: "1a. *Printing Commission.* The Governor, the Council of State, the Commissioner of Labor and Printing and the Attorney-General shall constitute the Printing Commission."

(b) By striking out in section two, lines one and two, the words "The Governor and the Council of State, Commissioner of Labor and Printing, and the Attorney-General," and inserting in lieu thereof the words "The Printing Commission."

Correction to section governing printing of State laws.

(c) By striking out, in section seven, lines one and two, the words "The public and private laws shall be bound separately," and inserting in lieu thereof the words "The Public Laws shall be bound together in one volume, or in two volumes, according to the size of such volumes, in the discretion of the Printing Commission." And by inserting in line two of said section, after the word "sheep," the words "or buckram."

Binding of laws.

(d) By striking out in section ten, lines one and two, the words: "The Governor, the Council of State, the Commissioner of Labor and Printing, and the Attorney-General," and inserting in lieu thereof the words "The Printing Commission." By inserting in line three of said section, after the word "Public" the words "Public Local"; and in line six of said section by inserting after "the" and before "Private" the words "Public Local and."

(e) By inserting in section twelve, line two, after the word "sheep," the words "or buckram."

(f) By inserting in section thirteen, line three, after the word "sheep," the words "or buckram."

(g) By striking out of the heading of article 2 of said chapter the word "Bureau," and inserting in lieu thereof the word "Department." And by striking out of sections twenty-five and

twenty-six the word "Bureau" wherever it occurs, and inserting in lieu thereof the word "Department."

(h) By striking out section twenty-nine of said chapter.

SEC. 5. That chapter one hundred and twenty-four of said act, referred to in section one hereof, be amended as follows:

(a) In section nineteen, line three, strike out the words "five thousand and twenty-nine," and insert in lieu thereof the words "eleven of this chapter."

(b) In section thirty, line ten, after the words "North Carolina," insert the words "of any kind whatsoever."

(c) At the end of section sixty-one add a new paragraph to read as follows:

"The Building Commission is directed to prorate the proceeds of the sale of bonds issued each year under this article according to the amount appropriated to each institution or object. And the Building Commission shall not approve any expenditure or contract during the years one thousand nine hundred and seventeen and one thousand nine hundred and eighteen in excess of the appropriations for said years."

Add to citation at end of said section, "Joint Resolution No. 40, 1917."

SEC. 6. That chapter one hundred and twenty-eight of said act, referred to in section one hereof, be amended by striking out in sections thirty-five, thirty-six, and sixty, the words "North Carolina College of Agriculture and Mechanic Arts," and inserting in lieu thereof the words "North Carolina State College of Agriculture and Engineering." In section thirty-seven of said chapter, in the last line thereof, strike out the word "chapter," and insert in lieu thereof the word "article."

SEC. 7. That this act shall take effect at the time designated for the Consolidated Statutes to be in force.

Ratified this 11th day of March, A.D. 1919.

CHAPTER 315

AN ACT TO PROVIDE FOR APPOINTMENT OF THE COUNTY BOARDS OF EDUCATION IN THE SEVERAL COUNTIES OF THE STATE.

The General Assembly of North Carolina do enact:

SECTION 1. The county boards of education of Alamance, Burke, Chatham, Columbus, Gates, Haywood, Mecklenburg, Pamlico, Person, Richmond, Surry, Durham, Bertie, Hyde, Jackson, Macon, Cumberland, Caswell, Franklin, Camden, Union, and Rockingham counties shall each consist of five members, and in each other county of this State of three members, whose term of office shall

Boards which
are to have five
members.

Other boards
three members.

- Terms of office. begin on the first Monday of July next succeeding the date of their appointment. The General Assembly of one thousand nine hundred and nineteen shall fill all vacancies now existing or that may arise by the expiration of the terms of members of the county boards of education in the several counties of the State before the convening of the next General Assembly, and name the additional members required by the provisions of this act, to serve for such period of time as it may designate. Hereafter the General Assembly shall, at each succeeding session, appoint a member or members of the county board of education in each county of the State to succeed those whose term of office expires before the convening of the next General Assembly. In case of a vacancy in the county board of education by death, resignation, or otherwise, such vacancy shall be filled by the remaining members of such county board until the meeting of the next regular session of the General Assembly, and then for the residue of the unexpired term by that body: *Provided*, that all vacancies that are not filled by the remaining members of the board under the authority herein contained within thirty days from the occurrence of such vacancy shall be filled by appointment by the State Board of Education. Upon failure of the General Assembly to appoint one or more members of the county board of education for any county as herein provided, such failure shall constitute a vacancy which shall be filled by the State Board of Education. No person shall be eligible as a member of the county board of education who is not known to be a man of intelligence, of good moral character, of good business qualifications, and heartily in favor of public education. No person while actively engaged in teaching in a public school or in private schools where public school funds shall be used shall be eligible as a member of the county board of education.
- Succession.
- Vacancies.
- Proviso: State board to appoint after 30 days.
- State board to appoint when Assembly fails to do so.
- Qualifications of members.
- Teachers ineligible.
- Nomination of members provided for in 1920.
- Provision as to term of office repealed.
- SEC. 2. That chapter seventy-four of the Public Laws of one thousand nine hundred and seventeen, entitled "An act providing for the nomination and election of county boards of education," be and the same is hereby amended by striking out the words between the word "counties" in line one of section one and the words "and biennially" in line six of said section, to wit, the words "wherein the county board of education has heretofore been appointed by the General Assembly under the provisions of section four thousand one hundred and nineteen of the Revisal of one thousand nine hundred and five and acts amendatory thereof, there shall be nominated in the year one thousand nine hundred and eighteen," and insert in lieu thereof the following: "of the State there shall be nominated in the year one thousand nine hundred and twenty." That chapter seventy-four, Public Laws of one thousand nine hundred and seventeen, section two, be further amended by striking out the last sentence of said section, to wit: "The term of office of each member of said county board of education so elected by the General Assembly shall begin on the first Monday of

April of the year in which he is elected, and shall continue for the term of six years or until his successor is elected and qualified.

SEC. 3. In all counties where, by provisions of existing law, the term for which a member or members of the board of education of said counties have been elected or appointed, expires before the first Monday of July, nineteen hundred and twenty-one, the member or members so elected or appointed shall hold over until the first Monday of July, nineteen hundred and twenty-one.

Where terms
expire mem-
bers hold over
until first
Monday in
July, 1921.

SEC. 4. That all laws in conflict with the provisions of this act be and the same are hereby repealed.

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

Ratified this 11th day of March, A.D. 1919.

CHAPTER 316

AN ACT TO CREATE THE MOUNT MITCHELL PARK COMMISSION AND TO PRESCRIBE THE DUTIES THEREOF.

Whereas, the General Assembly of North Carolina, by chapter seventy-six of the Public Laws of one thousand nine hundred and fifteen, provided for the appointment of a commission to be known as Mitchell Peak Park Commission, to purchase and acquire for the State what is known as the summit of Mitchell Peak, and authorized the expenditure of a sum of money not exceeding twenty thousand dollars (\$20,000) for that purpose; and

Preamble.

Whereas, said act also provided for the appointment of a commission to purchase, or acquire by condemnation, deeds for said property to the State of North Carolina; and

Preamble.

Whereas, said commission has purchased and acquired deeds for said property as provided for in said act, and the State is now the owner in fee simple of the summit of said Mount Mitchell, containing approximately eighteen thousand six hundred and twenty-two dollars and forty-six cents (\$18,622.46); and

Preamble.

Whereas, it is necessary and desirable that the State exercise proper control, care and protection over the property so acquired; now, therefore,

Preamble.

The General Assembly of North Carolina do enact:

SECTION 1. That a commission is hereby created to consist of five citizens of North Carolina, interested in the preservation of Mitchell's Peak, who shall be appointed by the Governor, to be known as the Mount Mitchell Park Commission, who shall serve without compensation.

Commission
created.

Body corporate.	SEC. 2. That said commission is hereby created a body politic and corporate under the name and style of Mount Mitchell Park Commission.
Commission given control of park.	SEC. 3. That said commission shall have complete control, care, protection and charge of that part of Mitchell's Park heretofore acquired by the State under and by virtue of said chapter seventy-six of the Public Laws of one thousand nine hundred and fifteen.
Organization.	SEC. 4. The said commission shall meet soon after its appointment by the Governor, and organize by the election of one of its members as chairman and another as secretary. They shall hold their offices for such term of years as the Governor may direct, and their successors shall be appointed by the Governor. They shall keep a complete record of their proceedings and make annual report to the Governor.
Term of office.	
Successors.	
Annual report.	
Building of fence, roads and trails authorized.	SEC. 5. Said commission is authorized and empowered to enter upon the land hereinbefore referred to, and to build a fence or fences around the same, also roads, paths, and trails, and protect the said property against trespass and fire and injury of any and all kinds whatsoever; to cut wood and timber upon the same, but only for the purpose of protecting the other timber thereon and improving the property generally.
	SEC. 6. That this act shall be in force from and after its ratification.
	Ratified this 11th day of March, A.D. 1919.

CHAPTER 317

AN ACT TO PROVIDE FOR REPAIRS AT THE GOVERNOR'S MANSION.

The General Assembly of North Carolina do enact:

Repair and renovation authorized.	SECTION 1. That the Board of Public Buildings and Grounds be and they are hereby authorized to repair, renovate, equip, and properly furnish the Governor's Mansion.
Appropriation for purpose.	SEC. 2. That, in order to carry out the purposes of this act, said Board of Public Buildings and Grounds may expend a sum not to exceed two thousand dollars annually in the years of nineteen hundred and nineteen and nineteen hundred and twenty, which is hereby appropriated out of any funds in the hands of the State Treasurer not otherwise appropriated, to be paid, upon the approval of said board by warrant of the State Auditor on the State Treasurer.
	SEC. 3. All laws and clauses of laws in conflict with this act are hereby repealed.
	SEC. 4. This act shall be in force from and after its ratification.
	Ratified this 11th day of March, A.D. 1919.

CHAPTER 318

AN ACT TO AMEND SECTION 3346, REVISAL OF 1905,
RELATING TO THE BURNING OF WOODS.*The General Assembly of North Carolina do enact:*

SECTION 1. That section three thousand three hundred and forty-six of the Revisal of one thousand nine hundred and five be and the same is hereby amended by adding at the end thereof the following: "Provided, that any person who shall furnish to the State evidence sufficient for the conviction of a violation of this statute shall receive the sum of twenty dollars, to be taxed as part of the court costs."

Reward for
evidence
sufficient to
convict provided.

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

Ratified this 11th day of March, A.D. 1919.

CHAPTER 319

AN ACT TO AMEND SECTION 1253, REVISAL OF 1905,
RELATING TO JURORS TAX FEES.*The General Assembly of North Carolina do enact:*

SECTION 1. That section one thousand two hundred and fifty-three of the Revisal of one thousand nine hundred and five be and the same is hereby amended by striking out the words "two dollars" in line four, and inserting in lieu thereof the words "four dollars"; and by striking out the words "three dollars" in line six of said section, and inserting in lieu thereof the words "five dollars."

Tax in criminal
actions
increased to \$4.

Tax in civil
actions made \$5.

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

Ratified this 11th day of March, A.D. 1919.

CHAPTER 320

AN ACT TO ALLOW THE GOVERNOR HIS ACTUAL TRAVEL-
ING EXPENSES OUTSIDE THE STATE ON BUSINESS IN-
CIDENT TO HIS OFFICE.*The General Assembly of North Carolina do enact:*

SECTION 1. That section two thousand seven hundred and thirty-six of the Revisal of one thousand nine hundred and five be and the same is hereby amended by adding at the end thereof the

Expenses to be
paid from
State
Treasury.

following: "In addition to the foregoing allowance the actual expenses of the Governor while traveling outside the State on business incident to his office shall be paid by the State Treasurer on a warrant issued by the Auditor."

SEC. 2. This act shall be in effect from and after its ratification. Ratified this 11th day of March, A.D. 1919.

CHAPTER 321

AN ACT TO AMEND HOUSE BILL 1315, SENATE BILL 1295, PUBLIC LAWS OF 1919, ENTITLED "A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE CONSTRUCTION AND MAINTENANCE OF A SYSTEM OF STATE HIGHWAYS AND TO ENABLE THE STATE TO SECURE THE BENEFITS OF FEDERAL AID THEREFOR, AND FOR OTHER PURPOSES."

The General Assembly of North Carolina do enact:

Acceptance by
county
authorities.

SECTION 1. That House Bill one thousand three hundred and fifteen, Senate Bill one thousand two hundred and ninety-five, of the Public Laws of one thousand nine hundred and nineteen, entitled "An act to provide for the construction and maintenance of a system of State highways and to enable the State to secure the benefits of Federal aid therefor, and for other purposes," ratified March tenth, one thousand nine hundred and nineteen, be and the same is hereby amended by inserting in section three, line six of page three (as numbered in the typewritten original bill filed in the office of the Secretary of State), between the word "and" and the word "proceed," the following words, to wit: "if this be accepted by the proper county authorities."

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

Ratified this 11th day of March, A.D. 1919.

CHAPTER 322

AN ACT TO AMEND CHAPTER 23, PUBLIC LAWS OF 1917, IN REGARD TO ABSENT ELECTORS.

The General Assembly of North Carolina do enact:

Electors absent
through illness
permitted to
vote.

SECTION 1. That section one of chapter twenty-three of the Public Laws of one thousand nine hundred and seventeen be and the same is hereby amended by inserting after the word "vote" in line three, the words "or physically unable to attend for the purpose of voting in person, which fact shall be made to appear

by the certificate of a physician or by affidavit," and by striking out in line four, the words "by mail."

SEC. 2. That section three of chapter twenty-three of the Public Laws of one thousand nine hundred and seventeen be and the same is hereby amended by adding at the end of said section the following: "The State Board of Elections shall also furnish to the county board of elections at the same time certificates in form as follows:

State Board of Elections to furnish additional certificate to county boards.

-----State.
-----Date.

To the registrars and judges of election of-----Precinct:

I hereby cast my vote for each nominee of the----- party to be voted for at the election to be held on (give date of election).

Witness:-----

"Said certificate shall be signed by the elector, and when signed and witnessed shall be counted as a vote for each of said nominees, subject to the right of challenge."

Counted as vote subject to challenge.

SEC. 3. That section four of said act of one thousand nine hundred and seventeen be and the same is hereby amended by adding after the word "mail" in line two, the words "or send"; after the word "county" in the same line, the words "or who is physically unable to attend in person"; after the word "same" in line three, the words "by such voter or by any person for him"; and by adding at the end of said section the following, "or the certificate provided for in section two of this amendatory act."

Provision made to furnish sick elector with certificate.

SEC. 4. That section five of said act of one thousand nine hundred and seventeen be and the same is hereby amended by striking out the word "absent" wherever it appears in line three, and by adding after the word "voters" in the same line, the words "and to count the certificates provided for in section two of this act."

Absent electors held to be not "absent" voters.

SEC. 4a. In voting by the method prescribed in chapter twenty-three of the Public Laws of one thousand nine hundred and seventeen the voter may, at his election, sign or cause to be signed, his name upon the margin or back of his ballot or ballots, for the purpose of identification. The ballot or ballots so voted, together with the accompanying certificates, and also the certificates provided in section two of this act, in case the voter ballots by that form, shall be returned in a sealed envelope by the registrar and pollholders, with their certificates of the results of the election and kept for six months, or, in case of contest in the courts, until the results are finally determined.

Certificates to be counted.

Voter may sign name on ballot, which ballot with certificates shall be returned in sealed envelope and kept for six months.

SEC. 5. That section seven of said act of one thousand nine hundred and seventeen be and the same is hereby amended by striking out the word "absent" in line three.

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

Ratified this 11th day of March, A.D. 1919.

CHAPTER 323

AN ACT RELATING TO THE COMPENSATION OF THE
EMPLOYEES IN THE STATE LIBRARY.

The General Assembly of North Carolina do enact:

Janitor and
assistant.

SECTION 1. That the State Librarian is hereby authorized to employ a janitor and assistant at seventy-five dollars a month.

SEC. 2. That section two, chapter eight hundred and eighty-seven, Public Laws one thousand nine hundred and nine, is hereby repealed.

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

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

Ratified this 11th day of March, A.D. 1919.

CHAPTER 324

AN ACT TO AMEND SECTION 1645, REVISAL, IN REGARD
TO DEPOSITIONS.

The General Assembly of North Carolina do enact:

SECTION 1. That section one thousand six hundred and forty-five of the Revisal be amended by adding at the end thereof the following:

If witness is
more than
75 miles
from justice's
court deposi-
tion may be read.

Subdivision 10. "If the action is pending in a justice's court the deposition may be read on the trial of the action, provided the witness is more than seventy-five miles by the usual public modes of travel from the place where the court is sitting."

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

Ratified this 11th day of March, A.D. 1919.

CHAPTER 325

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF
STANDARD PACKAGES, GRADES, STATE BRANDS, AND
FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

Purpose of act.

SECTION 1. The purpose of this act is to give authority to investigate marketing conditions and to establish and maintain standard grades and packages and State brands for farm and horticultural crops.

SEC. 2. The Board of Agriculture is charged with the execution of the provisions of this act, and has authority to employ such agents and assistants as may be necessary, fix their compensation and define their duties, and may require bonds in such amount as they may deem advisable, conditioned upon the faithful performance of duties by any employee or agent.

Board of Agriculture to execute provisions.

SEC. 3. It shall be the duty of the Board of Agriculture to investigate the subject of marketing farm products, to diffuse useful information relating thereto, and to furnish advice and assistance to the public in order to promote efficient and economical methods of marketing farm products, and authority is hereby given to gather and diffuse timely information concerning the supply, demand, prevailing prices, and commercial movement of farm products, including quantities in common and cold storage, and may interchange such information with the United States Department of Agriculture.

Duty of board to investigate marketing farm products and furnish information.

SEC. 4. After investigation, and from time to time as may be practical and advisable, the board shall have authority to establish and promulgate standards of opened and closed receptacles for, and standards for the grade and other classification of farm products, by which their quantity, quality, and value may be determined, and prescribe and promulgate rules and regulations governing the marks, brands, and labels which may be required for receptacles for farm products, for the purpose of showing the name and address of the producer or packer; the quantity, nature and quality of the product, or any of them, and for the purpose of preventing deception in reference thereto, and for the purpose of establishing a State brand for any farm product produced in North Carolina: *Provided*, that any standard for any farm product or receptacle therefor, or any requirement for marking receptacles for farm products, now or hereafter established under authority of the Congress of the United States, shall forthwith, as far as applicable, be established or prescribed and promulgated as the official standard or requirement in this State: *Provided further*, that no standard established or requirement for marking prescribed under this act shall become effective until the expiration of thirty days after it shall have been promulgated.

Board authorized to promulgate standards for receptacles and grades of products.

May prescribe brands and labels.

Proviso: requirements established by Federal Government to be prescribed as far as applicable.

Proviso: thirty days notice.

SEC. 5. Whenever any standard for the grade or other classification of any farm product becomes effective under this act no person thereafter shall pack for sale, offer to sell, or sell within this State any such farm product to which such standard is applicable, unless it conforms to the standard, subject to such reasonable variations therefrom as may be allowed in the rules and regulations made under this act: *Provided*, that any farm product may be packed for sale, offered for sale, or sold, without conforming to the standard for grade or other classification applicable thereto, if it is especially described as not graded or plainly marked "Not graded."

Unlawful to sell standardized product that does not conform.

Proviso: products may be sold "not graded."

Receptacles of standardized class must conform to standards.

Whenever any standard for an open or closed receptacle for a farm product shall be made effective under this act no person shall pack for sale in and deliver in a receptacle, or sell in and deliver in a receptacle, any such farm product to which such standard is applicable, unless the receptacle conforms to the standard, subject to such variations therefrom as may be allowed in the rules and regulations made under this act, or unless the receptacle be of a capacity 25 per cent less than the capacity of the minimum standard receptacle for the product: *Provided*, that any receptacle for such farm product of a capacity within 25 per cent of, or larger than, the minimum standard receptacle for the product may be used if it be specifically described as not a standard size, or be conspicuously marked with the phrase, "Not standard size," in addition to any other marking which may be prescribed for such receptacles under authority given by this act.

Proviso: receptacles may be used if specifically described as "not standard size."

Receptacles must be marked.

Whenever any requirement for making a receptacle for a farm product shall have been made effective under this act no person shall sell and deliver in this State any such farm product in a receptacle to which such requirement is applicable unless the receptacle be marked according to such requirements.

Employment or licensing of inspectors or graders authorized.

SEC. 6. The board is authorized to employ, license, or designate persons to inspect and classify farm products and to certify as to the grade or other classification thereof, in accordance with the standards made effective under this act, and shall fix, assess and collect, or cause to be collected, any fees for such services. Whenever, after opportunity for a hearing is afforded to any person employed, licensed, or designated under this section, it is determined that such person has failed to classify farm products correctly in accordance with the standards established therefor under this act, or has violated any provision of this act, or of the rules and regulations made hereunder, the board may suspend or revoke the employment, license, or designation of such person. Pending investigation the person in charge of this work may suspend or revoke any such appointment, license, or designation temporarily without hearing.

Fees.

License or employment may be revoked.

Appeal from classification.

SEC. 7. The owner or person in possession of any farm product classified in accordance with the provisions of this act may appeal from such classification under such rules and regulations as he may prescribe.

Certificate of grade evidence in court.

SEC. 8. A certificate of the grade or other classification of any farm product issued under this act shall be accepted in any court of this State as prima facie evidence of the true grade or other classification of such farm product at the time of its classification.

Farm products unfit for food not to be classified, but must be reported.

SEC. 9. Any person employed, licensed, or designated shall neither classify nor certify as to the grade or other classification, of any farm product which, in his judgment, is unwholesome or unfit for food of man or other animal. If, in the performance

of his official duties, he discovers any farm product which is unwholesome or unfit for food of man or for other animal for which it is intended, he shall promptly report the fact to a health officer of the State or of any county or municipality thereof.

SEC. 10. Agents and employees are authorized from time to time to ascertain the amount of any farm product or products within this State, to inspect any farm products in the possession of any person engaged in the business of marketing the same within this State, and to take samples of such products.

Agents authorized to inspect and sample farm products.

SEC. 11. In carrying out the purposes of section ten of this act agents and employees are authorized to enter on any business day, during the usual hours of business, any storehouse, warehouse, cold storage plant, packing-house, stock-yard, railroad yard, railroad car, or any other building or place where farm products are kept or stored by any person engaged in the business of marketing farm products.

Inspection of places of business authorized.

SEC. 12. The Board of Agriculture is authorized to make and promulgate such rules and regulations as may be necessary to carry out the provisions of this act. Such rules and regulations shall be made to conform as nearly as practicable to the rules and regulations of the Secretary of Agriculture of the United States, prescribed under any act of Congress of the United States relating to the marketing of farm products.

Regulations to conform as nearly as practicable to Federal rules on marketing.

SEC. 13. Any person who violates any provision of this act, or of the rules and regulations made under the act for carrying out its provisions, or fails or refuses to comply with any requirement thereof, or who willfully interferes with agents or employees in the execution, or on account of the execution, of his or their duties, shall be guilty of a misdemeanor.

Violation of act or regulations a misdemeanor.

SEC. 14. Any person convicted of a misdemeanor under this act shall be punished by a fine of not more than one hundred dollars, or by imprisonment in the county jail for not more than thirty days, or by both such fine and imprisonment in the discretion of the court.

Punishment.

SEC. 15. All laws and parts of laws in conflict with this act are repealed. If any part of this act be declared unconstitutional by any court of competent jurisdiction the validity of the remaining parts of the act shall not thereby be affected or impaired. This act shall not be construed so as to conflict with any statute of the United States regulating commerce among the several states, or in any place under the exclusive jurisdiction of the United States.

Unconstitutionality of one part not to affect remaining.

SEC. 16. This act shall be in force from and after its ratification.

Ratified this 11th day of March, A.D. 1919.

CHAPTER 326

AN ACT TO PROVIDE FOR THE ADMISSION OF INSANE RESIDENTS OF THE STATE INTO THE STATE HOSPITALS FOR THE INSANE.

The General Assembly of North Carolina do enact:

Persons adjudged insane entitled to immediate admission into hospital.

SECTION 1. That any resident of North Carolina who has been legally adjudged to be insane by the clerk of the court or other properly authorized person, in accordance with the provisions of chapter ninety-seven, Revisal one thousand nine hundred and five, shall be entitled to immediate admission into the State Hospital at Morgantown, the State Hospital at Raleigh, or the State Hospital at Goldsboro, in accordance with the principles of division as to race and residence prescribed in section four thousand five hundred and forty-four, Revisal one thousand nine hundred and five, as amended by section one, chapter one hundred and fifty of the Public Laws of one thousand nine hundred and seventeen.

Section 1, chapter 204, Public Laws 1915, repealed.

SEC. 2. That section one, chapter two hundred and four of the Public Laws of one thousand nine hundred and fifteen, be and the same is hereby repealed and the following enacted in lieu thereof:

Officer finding person insane to notify proper hospital. Patient to be sent for.

"That whenever any insane person shall be entitled to admission into any one of the hospitals of the State as prescribed in section one of this act and the clerk of the Superior Court or other officer authorized by law to find such person insane has so found, it shall be the duty of said clerk or said other officer forthwith to notify the superintendent of the said proper hospital, giving the name, race, sex, and age of patient; and it shall be the duty of such superintendent, unless said patient has been exposed to a contagious disease as mentioned in section four thousand five hundred and ninety-one, Revisal one thousand nine hundred and five, to send an attendant to bring such insane person to the hospital. Such attendant shall have all such rights as the sheriff or other officer has heretofore, and to convey such insane person to the hospital."

County to pay costs of conveying insane person to hospital.

SEC. 3. That section two, chapter two hundred and four of the Public Laws of one thousand nine hundred and fifteen, reading as follows: "That upon the arrival of such insane person to the hospital the superintendent shall send to the board of commissioners of the county in which such insane person had a settlement, a bill covering the costs of conveying such insane person to a hospital, including any fees that would now be allowed an officer, and it shall be the duty of said board of commissioners forthwith to repay to such hospital the amount of said bill," is hereby and herewith reënacted.

Failure to send for patient.

SEC. 4. That if the superintendent of any hospital for the insane in this State shall, for ten days after receiving a notice as prescribed in section two of this act, fail and neglect to send an

attendant, as is prescribed by section two of this act, to bring such insane person to said hospital, it shall be the duty of the sheriff of the county from which aforesaid notice was sent to bring at the expense of said county such insane person to the State Hospital, whereupon it shall be the duty of the said superintendent to receive said insane person and relieve said sheriff of his care.

SEC. 5. That nothing in this act shall be considered to be in conflict with section four thousand five hundred and ninety-one, Revisal one thousand nine hundred and five.

SEC. 6. That no resident of the State who has been legally adjudged insane and who has been presented to the superintendent of the proper State hospital for the insane as has been provided in this act shall be refused admission thereto; but nothing in this act shall be construed to affect the discharge or transfer of patients as may now be provided by law.

SEC. 7. That this act shall be in force from and after June first, nineteen hundred and twenty-one.

Ratified this 11th day of March, A.D. 1919.

No resident of State adjudged insane shall be refused admission to hospital.

Act effective June 1, 1921.

CHAPTER 327

AN ACT TO CONTINUE IN FORCE THE PROVISIONS OF CHAPTER 197, PUBLIC LAWS OF 1917, UNTIL 1921, TO ENLARGE THE POWERS OF THE STATE EDUCATIONAL COMMISSION, TO MAKE AN APPROPRIATION FOR EXPENSES OF SAID COMMISSION, AND TO EXTEND THE TIME FOR SAID COMMISSION'S FINAL REPORT UNTIL 1921.

The General Assembly of North Carolina do enact:

SECTION 1. That sections five and seven of chapter one hundred and ninety-seven of the Public Laws of nineteen hundred and seventeen are hereby repealed, and that all the other provisions of said chapter are continued in force for two years from the ratification of this act.

SEC. 2. That the State Educational Commission is empowered and directed to make a thorough study of existing agencies for the preparation and training of teachers in this and other states and report to the General Assembly as herein provided its findings and recommendations.

SEC. 3. That the State Educational Commission is empowered and directed to make a thorough study of the expediency and practicability of having the State issue scholarships to graduates of all accredited high schools in the State, which scholarships shall entitle the holders to free tuition in any standard college of the State at the option of the holders.

Sections 5 and 7, chapter 197, Public Laws 1917, repealed; other sections continued in force for two years.

Educational Commission to study teacher training.

To study expediency of college scholarships.

Appropriation
for expense.

SEC. 4. That a sum of money, not to exceed one thousand dollars, is hereby appropriated out of the public funds in the hands of the State Treasurer for the expenses of said commission and its work.

Report and
recommendations
to 1921
Legislature.

SEC. 5. That the said commission shall make a report of its findings and recommendations, together with the expenses of the commission, through the Governor, to the General Assembly of one thousand nine hundred and twenty-one, within five days after the convening thereof.

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

Ratified this ---- day of March, A.D. 1919.

CHAPTER 328

AN ACT TO AUTHORIZE THE STATE TREASURER TO BORROW MONEY FOR THE PERMANENT ENLARGEMENT AND IMPROVEMENT OF CERTAIN EDUCATIONAL AND CHARITABLE INSTITUTIONS OF THE STATE, TO ERECT A BUILDING FOR THE AGRICULTURAL DEPARTMENT, AND TO AMEND CHAPTER 154, PUBLIC LAWS OF 1917.

Preamble.

Whereas, certain of the educational and charitable institutions of the State are inadequate to meet the demands of the people of the State, and it is required by the public interests that these institutions be permanently enlarged; and

Preamble.

Whereas, the institutions for whose permanent enlargement bonds were authorized to be issued by chapter one hundred and fifty-four of the Public Laws of one thousand nine hundred and seventeen, are now in great need of the amount of the bonds in said act apportioned to them; now, therefore,

The General Assembly of North Carolina do enact:

Treasurer
authorized to
borrow for two
years, \$946,000.

SECTION 1. That for the purposes recited in the preamble of this act the State Treasurer is hereby authorized, empowered, and directed, by and with the advice of the Governor and his Council of State, to borrow for a period of two years and at the lowest rate of interest obtainable, the sum of nine hundred and forty-six thousand dollars (\$946,000); and the said State Treasurer is authorized and empowered to execute in the name of the State of North Carolina and deliver notes for the money herein authorized to be borrowed, and to renew the same from time to time, if necessary, for a total period of not longer than two years from the date of the original notes.

Notes to be
given for
money.

Renewal.

SEC. 2. The proceeds derived from the sale of said notes are appropriated and set apart for the permanent enlargement and improvement of the following educational and charitable institutions of the State and in the following amounts, to wit:

For the Caswell Training School.....	\$300,000	Caswell School.
For the State Hospital at Raleigh.....	80,000	Hospital at Raleigh.
For the Agricultural and Technical College for the Negroes at Greensboro.....	6,000	A. & T. College.
For the State Normal for the Negroes at Elizabeth City....	30,000	State Negro Normals.
For the State Normal for the Negroes at Fayetteville....	30,000	
For the State Sanatorium for Tuberculosis.....	100,000	Sanatorium.
For the Orthopedic Hospital.....	20,000	Orthopedic Hospital.
For the erection and construction of a suitable and adequate building for the Agricultural Department on the lot now owned by it in the city of Raleigh.....	250,000	Agricultural building.
For the erection of suitable buildings for the State Prison on the State Farm or other place selected.....	100,000	State Prison.
For the Slater Normal and Industrial School at Winston-Salem.....	30,000	Slater Normal.

Provided, that of this amount only the sum of twenty thousand dollars (\$20,000) shall be immediately available, and the remainder, ten thousand dollars (\$10,000), shall become available only when the said Slater Normal and Industrial School shall raise from other sources and have available the sum of ten thousand dollars (\$10,000), which fact shall be certified to the State Treasurer by the president and treasurer of said school, verified before a notary public. Out of said sum the trustees are authorized to buy such additional land and buildings for said school as may, in their judgment, be deemed necessary, not exceeding fifteen thousand dollars (\$15,000).

SEC. 3. All buildings built, improved, or constructed with the proceeds of the money herein authorized to be borrowed, for and on account of the institutions named shall be constructed and built by and under the supervision of the State Building Commission, created by chapter one hundred and fifty-four of the Public Laws of one thousand nine hundred and seventeen.

SEC. 4. The State Treasurer is further authorized and directed to apply the surplus in the Treasury not otherwise appropriated at the end of the fiscal year of one thousand nine hundred and twenty to the liquidation, payment, and settlement of the notes herein in section one authorized to be issued to the amount the same will pay.

SEC. 5. The State Treasurer is further authorized, empowered, and directed to borrow by and with the advice of the Governor and his Council of State, in anticipation of the bonds authorized to be issued by chapter one hundred and fifty-four of the Public

Application of proceeds.

Proviso: conditions of appropriation to Slater school.

Buildings supervised by State Building Commission.

Surplus in treasury to be applied to notes.

Treasurer to borrow in anticipation of bonds.

Laws of one thousand nine hundred and seventeen and for the institutions therein named, but, however, not exceeding the total amount of the bonds in said act authorized, such sums of money from time to time as the trustees or directors of the said institutions therein named may need and shall be approved by the State Building Commission in said act created; the said sums of money to be borrowed at the lowest rate of interest obtainable, and the said State Treasurer is authorized and empowered to execute in the name of the State of North Carolina and deliver notes for the money in this section authorized to be borrowed and to renew the same from time to time, if necessary, until the bonds authorized to be issued by chapter one hundred and fifty-four of the Public Laws of one thousand nine hundred and seventeen are issued and sold as directed by said act; and the said Treasurer is directed to pay the notes issued pursuant to the authority conferred upon him in this section with the proceeds of the sale of said bonds as fast as and as soon as the said bonds are sold.

Notes given for money.

Notes to be paid with proceeds of bonds.

Notes exempt from taxation.

Interest nontaxable. Nontaxable when surplus of bank. Fiduciaries may invest.

Proceeds State hospital bonds may be spent in fitting up penitentiary as a hospital.

Fireproof construction not mandatory.

Buildings to be as near fireproof as practicable.

SEC. 6. Any and all notes issued by the State Treasurer under the provisions of this act shall be exempt from all State, county, and municipal taxation or assessment, direct or indirect, general or special, whether imposed for purposes of general revenue or otherwise, and the interest paid thereon shall not be subject to taxation as for income, nor shall said notes be subject to taxation when constituting a part of the surplus of any bank, trust company, or other corporation; and it shall be lawful for all executors, administrators, guardians, and fiduciaries generally to invest in said notes.

SEC. 7. The directors of the State hospitals are authorized to use and expend, under the supervision and direction of the State Building Commission, as much of the proceeds of the bonds apportioned to the State Hospital at Raleigh and the State Hospital at Morganton, in chapter one hundred and fifty-four of the Public Laws of one thousand nine hundred and seventeen as may be required to make available and suitable the property and buildings of the State Prison at Raleigh, which have been, by an act of the General Assembly of one thousand nine hundred and nineteen, directed to be turned over to and incorporated with the property of the State Hospital at Raleigh.

SEC. 8. That section ten of chapter one hundred and fifty-four of the Public Laws of one thousand nine hundred and seventeen be and the same is hereby repealed.

SEC. 9. All buildings improved, constructed, or built for any of the institutions of the State from the proceeds of the sale of bonds authorized to be issued by chapter one hundred and fifty-four of the Public Laws of one thousand nine hundred and seventeen or from the money borrowed under the provisions of this act shall be improved, built, and constructed as near fire-proof as in the judgment of the State Building Commission is practicable or possi-

ble except the buildings erected by the State Prison; and the approval by the State Building Commission of the plans furnished to it by the State institutions shall be final and conclusive.

SEC. 10. The Governor and his Council of State are hereby authorized, empowered, and directed to sell for the highest obtainable price the square and the buildings thereon now occupied in the city of Raleigh by the State Blind Institution, and the proceeds of such sale shall be paid to the State Treasurer for the use of the Blind Institution for the completion of its new buildings and equipment thereof. Until such sale can be made, the State Treasurer is authorized and empowered to borrow a sum not exceeding one hundred and fifty-thousand dollars (\$150,000), at the lowest obtainable rate of interest, and the said State Treasurer is authorized to execute in the name of the State of North Carolina and deliver notes for the money herein authorized to be borrowed, and to renew the same from time to time, if necessary, until the said square and buildings are sold and paid for, when the said notes shall be discharged and paid for from such proceeds; and the surplus of said proceeds shall be placed to the credit of said blind institution.

SEC. 11. That all laws and parts of laws in conflict with this act are hereby repealed.

SEC. 12. That this act shall be in force from and after its ratification.

Ratified this 11th day of March, A.D. 1919.

CHAPTER 329

AN ACT TO REQUIRE CLERKS TO RECEIVE WITHOUT COMMISSION THE DEPOSIT PLACED IN THEIR HANDS UNDER CHAPTER 146, PUBLIC LAWS 1915.

The General Assembly of North Carolina do enact:

SECTION 1. That the next to the last subsection of section two thousand seven hundred seventy-three, Revisal of one thousand nine hundred and five, be amended so as to read as follows: "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, executions, and deposits under chapter one hundred and forty-six, Public Laws of one thousand nine hundred fifteen; and upon the excess over five hundred dollars of such sums, one per cent."

SEC. 2. This act shall take effect from and after its ratification.
Ratified this 11th day of March, A.D. 1919.

Exception: State Prison building.

Sale old Blind School square and buildings authorized.

Proceeds go to Blind School.

Pending sale Treasurer may borrow \$150,000.

Notes for money.

Notes to be paid from proceeds of sale.

Commissions of clerks of court.

CHAPTER 330

AN ACT TO AMEND CHAPTER 150, PUBLIC LAWS OF 1917,
RELATING TO THE MANAGEMENT OF HOSPITALS FOR
THE INSANE.

The General Assembly of North Carolina do enact:

Directors
authorized to
transfer pa-
tients from one
hospital to
another.

SECTION 1. That chapter one hundred and fifty of the Public Laws of one thousand nine hundred and seventeen be and the same is amended by adding the following at the end of section four thousand five hundred and fifty-one, at the bottom of page two hundred and eighty-two:

"The board of directors are authorized to make such rules and regulations as in their discretion may seem best for the transfer of patients from one State hospital for the insane to another State hospital for the insane; and they are further authorized to transfer from one hospital for the insane to another hospital for the insane any funds appropriated for permanent improvement or maintenance if in their discretion and judgment it may become advisable or necessary."

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

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

Ratified this 11th day of March, A.D. 1919.

CHAPTER 331

AN ACT TO PLACE FLORA A. BROWN, WIDOW OF H. V.
BROWN, DECEASED CONFEDERATE SOLDIER, ON THE
PENSION ROLL.

The General Assembly of North Carolina do enact:

Flora Brown
placed on roll.

SECTION 1. That Flora A. Brown, widow of Hubbard V. Brown, deceased Confederate soldier, be placed on the pension roll of Surry County, North Carolina, to be classified under pension laws of North Carolina.

James Gore
placed on roll.

SEC. 2. That James Gore of Columbus County, Confederate soldier be placed on pension roll of North Carolina, to be classified under the pension laws of North Carolina.

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

Ratified this 11th day of March, A.D. 1919.

CHAPTER 332

AN ACT TO AMEND SECTIONS 1 AND 2 OF CHAPTER 42,
PUBLIC LAWS OF 1913, RELATIVE TO PUBLIC HOS-
PITALS.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of chapter forty-two of the Public Laws of North Carolina, session one thousand nine hundred and thirteen, be amended by striking out the blank space and the word "cents" in line twenty of said section and just before the words "on the dollar," and inserting in lieu thereof "one-fifteenth of one cent," so that the line would read "one-fifteenth of one cent on the dollar for a period of time not exceeding."

Limit of tax by counties for purpose one-fifteenth of one cent on the dollar.

SEC. 2. That section two of said chapter be amended by striking out the blank space and the word "cents" in line four of said section and just before the words "on the dollar," and inserting in lieu thereof "one-fifteenth of one cent," so that said line would read "the assessed property of such county, a tax of one-fifteenth of one cent on the."

Law further amended.

And that lines fourteen and fifteen of said section be amended by striking out both of said lines, and inserting in lieu thereof and before the words "issue for a public hospital," the words "if a majority of the qualified voters at such election on the proposition shall be in favor of a tax, as submitted, for a bond."

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

Ratified this 11th day of March, A.D. 1919.

CHAPTER 333

AN ACT TO FURTHER REGULATE THE FISHING INDUSTRY
OF THE STATE.

The General Assembly of North Carolina do enact:

SECTION 1. That all dealers and all persons who purchase, catch, or take clams, crabs, or shrimp for packing, shucking or shipping shall pay a tax of ten cents on every bushel of clams, five cents on every dozen of soft crabs, ten cents on every gallon of crab meat, one fourth of a cent on every pound of shrimp, to be collected by the Fisheries Commissioner, and credited to the Fisheries Commission Fund. That all persons who shall shuck and sell oysters or clams on local market by retail shall pay only a license tax of fifty cents per annum.

Tax levied on crabs and shrimp.

License fee for oyster shuckers.

License tax on dealers in clams.	SEC. 2. That all dealers and persons who purchase, take, or catch clams for packing, shucking, or shipping, shall pay an annual license tax of five dollars; such license shall be from January 1st to and terminate December 31st.
License tax on fishing appliances.	SEC. 3. That the following license tax is hereby levied annually upon the different fishing appliances or apparatus used in the waters or natural streams of North Carolina:
Stake gill nets.	Stake gill nets, twenty-five cents per one hundred yards, or fraction thereof.
Seines and drag nets.	Seines, drag nets and mullet nets, under one hundred yards, one dollar each.
100 to 300 yards.	Seines, drag nets, and mullet nets, over one hundred yards and under three hundred yards, one dollar per one hundred yards, or fraction thereof.
300 to 1,000 yards.	Seines, drag nets, and mullet nets, over three hundred yards and under one thousand yards, one dollar and twenty-five cents per one hundred yards, or fraction thereof.
Over 1,000 yards.	Seines, drag nets, and mullet nets, over one thousand yards, one dollar and seventy-five cents per one hundred yards, or fraction thereof.
Pound nets.	Pound nets, one dollar and twenty-five cents on each pound; the pound is construed to apply to that part of net which holds and from which the fish are taken.
Purse seines.	All boats or vessels of any kind used in operating purse seines or shirred nets shall pay a license fee of two dollars per ton on gross tonnage, custom house measurement, which shall be independent of and separate from the seine or net tax used on said boats. The tax on soft-shell crabs shall be two and one-half cents per dozen and the tax on clams shall be five cents per bushel.
Tax on soft-shell crabs. Clams.	SEC. 4. The Fisheries Commission Board shall have power and authority to make such rules regulating the shipment and transportation of fish, oysters, clams, crabs, escallops, and other water products as it may deem necessary; and any person, firm, or corporation, express company, or other common carrier failing or refusing to comply with any such rule shall be guilty of a misdemeanor.
Shipment of water products regulated by Fisheries Commission.	SEC. 5. That if any person, firm, or corporation shall use or operate any boat or vessel of any kind, in violation of any rule of the Fisheries Commission Board, or any of the fish laws, it shall be the duty of the Fisheries Commissioner to revoke any license issued and seize such boat or vessel and any apparatus or appliance so used or operated: <i>Provided</i> , that the Fisheries Commission Board shall have the authority to compromise by agreement with the owner of such boat or appliance for any such violation, and may return such boat or appliance so seized to the owner and reinstate license.
Boats operated in violation of law to be seized.	SEC. 6. That the provisions for leasing oyster and clam beds, set out in chapter eight hundred and seventy-one, Acts of one thousand nine hundred and nine, shall be applicable to New Han-
Proviso: agreement by compromise.	
Oyster bed lease law applicable to all bottoms.	

over County and to all oyster and clam bottoms in the State, and that the Fisheries Commission Board shall have authority to specify the acreage any one person may lease in the counties of Pender, New Hanover, and Brunswick.

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

SEC. 8. This act shall be in force from and after its ratification. Ratified this 11th day of March, A.D. 1919.

CHAPTER 334

AN ACT TO AMEND CHAPTER 136, PUBLIC LAWS PASSED BY THE GENERAL ASSEMBLY OF NORTH CAROLINA AT ITS SESSION IN THE YEAR 1917, SAME BEING AN ACT TO PROVIDE FOR THE ORGANIZATION AND GOVERNMENT OF CITIES, TOWNS, AND INCORPORATED VILLAGES.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and thirty-six of the Public Laws passed by the General Assembly of North Carolina at its session in the year one thousand nine hundred and seventeen, same being an act to provide for the organization and government of cities, towns, and incorporated villages, be and the same is hereby amended as follows: Add at the end of section two of part seven of said chapter one hundred and thirty-six, Public Laws of one thousand nine hundred and seventeen, the following: "The governing body of the town, if it submits the question of amending the charter of the town at a regular election so as to provide for a different number of members constituting the governing body of said town from that number provided for in the old charter, may also order an election to be held at said regular municipal election for the commissioners or members of the governing body provided for in the proposed amended charter, and at said election commissioners shall also be voted for as provided for under the old charter. If the proposed amendment is adopted then the commissioners or members of the governing body elected under the proposed amendment shall be and constitute the governing body of said town for the ensuing term. If, however, the proposed amendment is not adopted, then the commissioners or the members of the governing body of said town elected under the provisions of the old charter shall be and constitute the governing body of said town for the ensuing term."

Law amended.

Amendment of charter changing number of members governing body.

Election of officers pending adoption of amendment.

SEC. 2. This act shall be in force from and after its ratification. Ratified this 11th day of March, A.D. 1919.

CHAPTER 335

AN ACT TO PROVIDE EXTRA COMPENSATION FOR THE NIGHT WATCHMAN OF THE STATE DEPARTMENTS BUILDING.

The General Assembly of North Carolina do enact:

Auditor instructed to draw warrant.

SECTION 1. That the State Auditor be and he is hereby authorized and instructed to draw his warrant on the State Treasurer in favor of the night watchman of the State Departments building for the sum of seventy-five dollars (\$75) for extra services during the present session of the General Assembly.

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

Ratified this 11th day of March, A.D. 1919.

CHAPTER 336

AN ACT TO AMEND CHAPTER 270, PUBLIC LAWS OF 1915, BEING AN ACT TO REGULATE THE PRACTICE OF ARCHITECTURE.

The General Assembly of North Carolina do enact:

Section three, chapter 270, Public Laws 1915, amended.

SECTION 1. That section three of chapter two hundred and seventy of the Public Laws of North Carolina, session of one thousand nine hundred and fifteen, be and the same is hereby amended by striking out all of said section beginning with the words "any person" in line fifteen thereof.

Renewal of certificates by architects.

SEC. 2. That section four of said chapter be amended by adding to said section the following: "Every architect continuing his practice in the State of North Carolina shall, on or before the first day of July in each year, obtain from the Board of Architectural Examination and Registration a renewal of his certificate for the ensuing year upon the payment of a fee of five dollars, and upon failure to do so shall have his certificate of admission to practice revoked, but such certificate may be renewed at any time within one year upon the payment of a fee of ten dollars."

Fee.

Examiners may suspend or revoke certificates after trial and conviction.

SEC. 3. That section five of said chapter be amended by adding to said section the following: "The Board of Architectural Examination and Registration may suspend for a period or revoke the certificate of admission to practice, and forbid practice by any architect upon conviction, after a fair and impartial trial, of any dishonest practice, unprofessional conduct, or incompetence. For the purpose of such trial, the board shall have full power to subpoena and examine witnesses under oath as to the facts of the case. Any architect against whom charges are preferred shall have not

Power to subpoena.

less than sixty days notice before the trial of his case, and shall have the right to have witnesses subpoenaed in his behalf, and of being heard in person and by counsel. Any such trial shall be open to the public: *Provided*, that a notice and copy of this act shall be mailed by the secretary of the State Board of Architectural Examination and Registration to each architect in and out of the State to whom a certificate has been issued under this act."

Notice to be given.

Trial open.

Board and architects to be notified.

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

Ratified this 11th day of March, A.D. 1919.

CHAPTER 337

AN ACT TO AMEND CHAPTER 101, PUBLIC LAWS OF 1915.

The General Assembly of North Carolina do enact:

SECTION 1. That section thirty-four of chapter one hundred and one of the Public Laws of one thousand nine hundred and fifteen, it being "An act to provide for the primary election throughout the State," be and the same is hereby amended by striking out the word "Currituck" in said section.

Amended by striking out Currituck.

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

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

Ratified this 10th day of March, A.D. 1919.

CHAPTER 338

AN ACT TO BUILD A BRIDGE AT THE FORKS OF SANDY MUSH BETWEEN THE COUNTIES OF BUNCOMBE AND MADISON.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of building a bridge across Sandy Mush, at or near its forks, to connect with Buncombe and Madison counties, the county line between the counties of Buncombe and Madison shall be and the same is hereby changed to run from the forks of Sandy Mush up and with Big Sandy Mush far enough to locate a bridge site not to exceed three hundred feet, said line then to run a westward direction to intersect the original county line at the nearest point.

County-line changed.

Use of bridge funds.

SEC. 2. That the road commissioners of Madison County are hereby authorized to use of the bridge funds of the special tax levy for Madison County to pay their part for said county for the erection of said bridge in the same manner as provided for other bridges in said county.

Buncombe to pay one-third.

SEC. 3. That Buncombe County shall only pay one-third of the actual cost of said bridge.

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

Ratified this 10th day of March, A.D. 1919.

CHAPTER 339

AN ACT TO AMEND CHAPTER 122, PUBLIC LAWS OF NORTH CAROLINA, SESSION 1913, AND CHAPTER 279, PUBLIC LAWS OF NORTH CAROLINA, SESSION 1917, RELATIVE TO ISSUANCE OF ROAD BONDS.

The General Assembly of North Carolina do enact:

"Majority" made that of votes cast instead of voters.

SECTION 1. That section two of chapter one hundred and twenty-two of the Public Laws of North Carolina, session one thousand nine hundred and thirteen, be amended by striking out in line thirty-nine thereof the clause "if a majority of the qualified voters vote 'for road bonds,'" and by inserting in lieu thereof the following: "If a majority of the votes cast be 'for road bonds,'"

Section twelve made to conform.

SEC. 2. That chapter two hundred seventy-nine, Public Laws of one thousand nine hundred and seventeen, be amended by striking out in line three of section twelve, the words "qualified voters of" and inserting in lieu of same the words "votes cast in."

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

Ratified this 10th day of March, A.D. 1919.

RESOLUTIONS
OF THE
GENERAL ASSEMBLY
SESSION 1919

RESOLUTION No. 1

JOINT RESOLUTION INFORMING HIS EXCELLENCY, THE GOVERNOR, THAT THE GENERAL ASSEMBLY IS ORGANIZED AND READY TO PROCEED WITH PUBLIC BUSINESS.

Resolved by the House of Representatives, the Senate concurring:

That a committee of two on the part of the Senate and three on the part of the House of Representatives be appointed to notify His Excellency, the Governor, that the General Assembly is organized and now ready to proceed with public business, and invite him to deliver any message that he may have in person or writing, at 12 m. Thursday, the 9th.

Committee to notify Governor of General Assembly being in session.

Ratified this 9th day of January, A.D. 1919.

RESOLUTION No. 2

JOINT RESOLUTION IN REGARD TO THE DEATH OF THEODORE ROOSEVELT.

Resolved by the Senate, the House of Representatives concurring:

That we recognize in the death of Theodore Roosevelt, former President of the United States, the loss of a great man and a great American, who has served well his day and generation; that we most respectfully extend to his bereaved family the profoundest sympathy of the people of North Carolina and that, as a mark of appreciation of his distinguished service to his country and of the sorrow felt by the people of North Carolina at his death, and as an expression of the sympathy of the people of this State for his family, the General Assembly do now adjourn until the usual hour tomorrow; and

Recognition of loss in death of Roosevelt.
Sympathy extended to family.

Adjournment mark of sorrow.

Resolved further, That a copy of these resolutions be forwarded by the Secretary of State to Mrs. Roosevelt.

Ratified this 9th day of January, A.D. 1919.

RESOLUTION No. 3**RESOLUTION FOR JOINT SESSION TO HEAR THE
GOVERNOR'S MESSAGE.**

Be it resolved by the Senate, the House of Representatives concurring:

Joint session
to hear Govern-
or's message.

That the Senate and House meet in joint session at 12:30 p.m. to hear his Excellency, the Governor, read his biennial message, and that a committee of two be appointed from this body to act with a similar committee from the House to escort the Governor to the House at the convening of the joint session.

Ratified this 14th day of January, A.D. 1919.

RESOLUTION No. 4**RESOLUTION FOR JOINT SESSION TO OPEN ELECTION
RETURNS FOR STATE OFFICERS.**

Resolved by the Senate, the House of Representatives concurring:

Joint session
for count of
returns.

SECTION 1. That the Senate and the House of Representatives meet in joint session in the hall of the House of Representatives at twelve o'clock m. on Tuesday, January the fourteenth, one thousand nine hundred and nineteen, and there proceed to open and publish the returns for State officers.

Time for
inauguration.

SEC. 2. That the persons so ascertained to be elected shall be inducted into office on Wednesday, January the fifteenth, one thousand nine hundred and nineteen, at twelve o'clock: *Provided*, such persons then declared elected have not already taken the oath required by law.

Ratified this 14th day of January, A.D. 1919.

RESOLUTION No. 5**JOINT RESOLUTION IN REGARD TO THE MEMORY OF
W. S. WILSON.**

Resolved by the Senate, the House of Representatives concurring:

Expression of
sorrow in
death of W. S.
Wilson.

That in the death of W. S. Wilson, State Legislative Reference Librarian, the State of North Carolina, and particularly its legislative body, have lost a most efficient, useful, and courteous officer, a gentleman of high character and highly esteemed by those who knew him; that we extend to his family the deepest sympathy, and that a copy of this resolution be forwarded to Mrs. Wilson.

Ratified this 14th day of January, A.D. 1919.

RESOLUTION No. 6

JOINT RESOLUTION INVITING THE HON. W. J. BRYAN TO ADDRESS THE GENERAL ASSEMBLY OF NORTH CAROLINA IN JOINT SESSION.

Whereas, the Hon. W. J. Bryan is in the city of Raleigh today; now, therefore, let it be

Resolved:

First. That the General Assembly of North Carolina now in session, the House concurring in this resolution, extend an invitation through a committee to the Hon. W. J. Bryan and ask him to address the General Assembly in joint session while he is in the city of Raleigh at such a time and hour as may suit his convenience.

W. J. Bryan invited to address joint session.

Second. That the President of the Senate appoint two members, and the Speaker of the House appoint two members, who shall be a committee to at once confer with Mr. Bryan, make final arrangements, and report at once to both branches of the Assembly the result of their efforts.

Committee to report on result invitation.

Ratified this 14th day of January, A.D. 1919.

RESOLUTION No. 7

MEMORIAL TO AMERICAN PEACE COMMISSION IN FRANCE.

Resolved by the House of Representatives, the Senate concurring:

That the following memorial be sent to the American Peace Commissioners in France:

The General Assembly of North Carolina, in behalf of the fathers and mothers of eighty thousand soldiers that North Carolina contributed to the winning of the war, and reflecting the overwhelming sentiment of the two and one-half millions of people in this State, earnestly urge the American Peace Commissioners to exert every influence possible to have incorporated in the Treaty of Peace such a League of Nations as will in every practicable way make war between civilized nations forever hereafter impossible.

Peace Conference urged to secure League of Nations.

Ratified this 14th day of January, A.D. 1919.

RESOLUTION No. 8

JOINT RESOLUTION RATIFYING A PROPOSED AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES OF AMERICA.

Preamble.

Whereas, both houses of the Sixty-fifth Congress of the United States of America, by a constitutional majority of two-thirds thereof, made the following proposition to amend the Constitution of the United States of America, in the following words, to wit:

"JOINT RESOLUTION PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES.

"1. Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each house concurring therein), that the following amendment to the Constitution be and hereby is proposed to the States, to become valid as a part of the Constitution when ratified by the legislatures of the several states as provided by the Constitution:

"ARTICLE ----

Manufacture and sale of intoxicating liquors forbidden.

"Section 1. After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

Enforcement.

"Sec. 2. The Congress and the several states shall have concurrent power to enforce this article by appropriate legislation.

How operative.

"Sec. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several states, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress": Therefore

The General Assembly of the State of North Carolina do resolve:

Ratified by North Carolina.

SECTION 1. That the said proposed amendment to the Constitution of the United States of America be and the same is hereby ratified by the General Assembly of the State of North Carolina.

Resolution sent to Washington.

SEC. 2. That certified copies of this preamble and joint resolution, under the Great Seal of the State, be forwarded by the Governor of this State to the Secretary of State at Washington, to the presiding officer of the United States Senate, and to the Speaker of the House of Representatives of the United States.

Ratified this 16th day of January, A.D. 1919.

RESOLUTION No. 9

JOINT RESOLUTION RELATING TO THE DEATH OF EDWARD KIDDER GRAHAM, LATE PRESIDENT OF THE UNIVERSITY OF NORTH CAROLINA.

Whereas, on October 26, 1918, at his home in Chapel Hill, died Edward Kidder Graham, President of the University of North Carolina: Therefore, be it

Preamble.

Resolved by the Senate, the House of Representatives concurring:

That the following statement be unanimously adopted and entered upon the journals of both the Senate and House of Representatives as an expression of the appreciation of the General Assembly and of the people of North Carolina of the life, service, and character of the late President Graham:

Statement to be entered on journals.

Born in the city of Charlotte, North Carolina, October 11, 1876; sprung from distinguished North Carolina ancestry; educated in the public schools of his native city; prepared for his life's work at the State University, and spending his life in the service of North Carolina; Edward Kidder Graham, in culture, ideals, and character, was the personification of all that is best in the life of this State. Graduating with distinguished honors at the University of North Carolina in 1898, he rose by successive gradations of efficient service as librarian, instructor, associate professor, and dean, to the presidency of his Alma Mater. As president he brought to the University and to the State new and inspiring conceptions of the place of education in a modern democratic state. He thought of the University as a living organism functioning at the heart of the State, interpreting its life, not by parts, nor by a summary of parts, but wholly and completely, "fusing the functions of brain and heart and hand under the power of the immortal spirit of democracy as it moves in present American life to the complete realization of what men really want." With this as his ideal, by substituting for old negative policies of external control and fearsome prodding, new and affirmative policies of self-control and self-direction under the inspiration of confident and competent leadership, he inspired trustees, faculty, and students alike with the ideals of democracy and the spirit of service; by making its campus coextensive with the boundaries of the State, he placed the resources of the University at the service of all the people of North Carolina; by using it as a medium for interpreting the ideals of culture, service, and efficient citizenship, he made the University "the instrument of democracy for realizing all the high and healthful aspirations of the State." Possessed of great charm of personality, always patient, uniformly courteous, with highly developed intellectual powers, inspired by a spirit of love, sym-

Edward Kidder Graham, character and entitlements.

Service to the State.

Expression of
grief and sense
of loss.

pathy, and sacrifice which embraced all humanity, he was, as President Wilson said of him, "by gift and character alike, qualified to play a distinguished part, and was playing it to the admiration of all who knew him." To the members of the General Assembly, especially to those who had been associated with him in public service, his death is a keen personal grief; to the University, which he loved so passionately, an irreparable loss; and to his native State, which he served so highly, a public calamity.

Ratified this 16th day of January, A.D. 1919.

RESOLUTION No. 10

RESOLUTION PROVIDING FOR THE APPOINTMENT OF A JOINT COMMITTEE ON THE CODE.

Joint committee
provided.

Resolved by the Senate, the House of Representatives concurring:

SECTION 1. That a joint committee of two Senators, to be appointed by the President of the Senate, and three members of the House of Representatives, to be appointed by the Speaker of the House, shall be immediately selected to be known as the Committee on the Code.

Chairman
and clerk.

SEC. 2. That said committee shall elect one of its members as chairman, and is authorized in its discretion to appoint a clerk, if one be necessary.

Ratified this 16th day of January, A.D. 1919.

RESOLUTION No. 11

A JOINT RESOLUTION TO AUTHORIZE THE PRINTING OF THE GOVERNOR'S MESSAGE.

The General Assembly of North Carolina do enact:

SECTION 1. Resolved by the Senate, the House of Representatives concurring:

Printing
ordered.

That one thousand copies of the Governor's message be printed for distribution to the members of the General Assembly.

Ratified this 16th day of January, A.D. 1919.

RESOLUTION No. 12

JOINT RESOLUTION FOR THE CELEBRATION OF GENERAL
ROBERT E. LEE'S BIRTHDAY.

Resolved by the House of Representatives, the Senate concurring:

That when the General Assembly of North Carolina adjourns on Monday, the twentieth day of January, one thousand nine hundred and nineteen, it do adjourn in honor of the one hundred and twelfth birthday of General Robert E. Lee.

Adjournment of
General
Assembly.

That the hall of the House of Representatives be tendered to the Daughters of the Confederacy, in which to hold memorial exercises celebrating the birthday of General Lee, on Monday, January the twentieth, one thousand nine hundred and nineteen, at eight o'clock p.m.

Tender of hall.

Ratified this 21st day of January, A.D. 1919.

RESOLUTION No. 13

JOINT RESOLUTION FOR THE PRINTING OF ONE THOU-
SAND COPIES OF THE OPINION OF THE SUPREME
COURT IN THE CASE OF THE SOUTHERN RAILWAY
COMPANY V. CHEROKEE COUNTY, IN RELATION TO TAX-
ATION.

Be it resolved by the Senate, and the House of Representatives concurring:

SECTION 1. That one thousand copies of the opinion of the Supreme Court and the concurring and dissenting opinions in the case of the *Southern Railway Company v. Commissioners of Cherokee County* be printed for the use of the members of the General Assembly, and that each member be furnished with five copies thereof.

Printing ordered.

Ratified this 23d day of January, A.D. 1919.

RESOLUTION No. 14

JOINT RESOLUTION INVITING PRESIDENT WOODROW
WILSON TO VISIT THE STATE OF NORTH CAROLINA.

Whereas, the President of the United States, Woodrow Wilson, will, according to press dispatches, arrange and conduct a speaking tour over the United States immediately after his return from Europe: Now, therefore, be it

Preamble.

Resolved by the Senate of North Carolina, the House concurring:

President
invited to visit
Raleigh.

First. That Hon. T. W. Bickett, Governor of North Carolina, is hereby instructed on behalf of the State to invite President Wilson to include the city of Raleigh and the State of North Carolina in his tour and to address the Legislature of North Carolina, if the same be in session at that time.

State Reception
Committee.

Second. That the Lieutenant-Governor and Speaker of the House are hereby empowered to appoint fifteen Senators and twenty-five members of the House of Representatives who, with the heads of each Department of the State, are constituted hereby a State Reception Committee, the Governor being ex officio chairman of said committee.

Entertainment
Committee.

Third. The Governor, Lieutenant-Governor, and the Speaker of the House are hereby constituted a committee of three to appoint three hundred citizens of the State, who shall be known as the Citizens' Entertainment Committee.

Appropriation.

Fourth. That five hundred dollars (\$500), or as much thereof as is necessary, is hereby appropriated from the State Treasury to be used by the Governor, Lieutenant-Governor, and Speaker of the House in arranging for this occasion: *Provided*, that the invitation is accepted by the President.

Fifth. These resolutions shall be in full force and effect on and after their ratification.

Ratified this 23d day of January, A.D. 1919.

RESOLUTION No. 15

A RESOLUTION AUTHORIZING THE PRESIDENT OF THE SENATE AND SPEAKER OF THE HOUSE OF REPRESENTATIVES TO APPOINT A SPECIAL COMMITTEE TO DRAFT A LAW TO MEET THE REQUIREMENTS OF THE CONSTITUTIONAL AMENDMENT, ARTICLE 11, SECTION 29.

Preamble.

Whereas, the Constitution of North Carolina has been so amended that special or local legislation on certain subjects has been prohibited; and

Whereas, it appears that local legislation or regulation concerning those matters may be necessary in many counties: Therefore, be it

Resolved by the Senate, the House concurring:

Joint committee.

SECTION 1. That a committee of two from the Senate, to be appointed by the President, and three from the House, to be appointed by the Speaker, for the purpose of preparing a bill, and submit the same, authorizing or creating some local authority in each county to legislate or regulate those matters covered by the said amendment to the Constitution.

Ratified this 27th day of January, A.D. 1919.

RESOLUTION No. 16

RESOLUTION RELATING TO THE DEATH OF HON.
THOMAS SETTLE.

Whereas, the General Assembly of North Carolina desires to give some recognition to the passing of one of its prominent citizens, in the death of Hon. Thomas Settle, who died at Asheville, N. C., January the twentieth, one thousand nine hundred and nineteen, and to give expression to our sorrow in the loss which the State has thereby sustained: Therefore, be it

Preamble.

Resolved by the Senate and House of Representatives:

That in the death of Hon. Thomas Settle the State and Nation have lost a public servant whose career was marked by his rare gifts as an orator and with unusual ability as a leader among his fellows. Soon after leaving college he was made solicitor at the early age of twenty-three, and was sent to the United States Congress at the age of twenty-seven, serving two terms as the Representative from the Fifth North Carolina Congressional District. He was an able lawyer, a brilliant orator, and filled every trust committed to him with efficiency and fidelity. He was a counselor of sound judgment, and a man of lofty ideals of service and broad and liberal sympathy.

Expression of sense of loss.

Character and entitlements.

Resolved further. That these resolutions be spread upon the journal of the Senate and on the journal of the House of Representatives, as a testimonial of the high esteem in which he was held as a man by the people of North Carolina.

Resolutions spread on journals.

Resolved further. That the Secretary of State transmit a copy of these resolutions to the family of the deceased.

Copy to family.

Ratified this 29th day of January, A.D. 1919.

RESOLUTION No. 17

A JOINT RESOLUTION REQUESTING THE NORTH CAROLINA DELEGATION IN CONGRESS TO ADVOCATE AND SUPPORT BEFORE THE SECRETARY OF WAR OF THE UNITED STATES THE MEMORIAL OF THE GENERAL ASSEMBLY RELATING TO A REVIEW OF THE NORTH CAROLINA TROOPS OF THE THIRTIETH DIVISION AND TO A REVIEW AND THE DEMOBILIZATION OF THE ENTIRE DIVISION IN THIS STATE.

Whereas, by joint resolution duly adopted, the General Assembly of North Carolina has instructed the Secretary of State to send to the Secretary of War of the United States its memorial on behalf of the people of the State reading as follows:

Preamble.

Opportunity of reviewing troops desired.

"Whereas, the people of North Carolina earnestly desire the opportunity of reviewing the troops of the State contained in the Thirtieth Division of the American Expeditionary Forces in France, and of honoring them as a body by appropriate State celebration, for their valorous deeds in the great World War, conspicuous among which were their operations in opening a breach in the famous Hindenburg line; and

"Whereas, the city of Raleigh is the capital of the State and near the center of both its population and its territory; and

"Whereas, Camp Greene, at Charlotte in said State, is a central and accessible point of location as between the States of Tennessee, South Carolina, and North Carolina, the troops from which States constitute the said division: Now, therefore,

Secretary of War memorialized to route troops via Raleigh.

"The General Assembly of North Carolina do hereby petition and memorialize the Secretary of War of the United States as follows:

"1. That the North Carolina troops of the said division be routed from the point of disembarkation via the city of Raleigh, N. C., to the point of demobilization, for the purpose of affording all the people of the State an opportunity to review their heroes in this division and to celebrate in their honor in said city.

Demobilization point suggested.

"2. That he consider the claims and advantages of Camp Greene, Charlotte, N. C., as a logical point of demobilization for the entire Thirtieth Division, with a review upon the streets of said city for the benefit of the peoples of the States of Tennessee, South Carolina, and North Carolina": Therefore, be it

Resolved by the House of Representatives of the State of North Carolina, the Senate concurring:

Delegation in Congress asked to support memorial.

That our Senators and Representatives in Congress be requested to take all the necessary steps to advocate and support this memorial before the Secretary of War, to the end that the city of Raleigh may be selected as a place of review of the North Carolina troops comprising the Thirtieth Division, and that Camp Greene, at Charlotte, N. C., may be selected as the point of demobilization for the entire division with a review upon the streets of the said city for the benefit of the peoples of the States of Tennessee, South Carolina, and North Carolina.

Be it further resolved, That upon the passage of this resolution the Secretary of State be instructed to send forthwith copies thereof to our Senators and Representatives in Congress.

Ratified this 30th day of January, A.D. 1919.

RESOLUTION No. 18

A JOINT RESOLUTION PROVIDING THAT A MEMORIAL BE SENT TO THE SECRETARY OF WAR OF THE UNITED STATES RELATING TO A REVIEW OF THE NORTH CAROLINA TROOPS OF THE THIRTIETH DIVISION AND TO A REVIEW AND THE DEMOBILIZATION OF THE ENTIRE DIVISION IN THIS STATE.

Resolved by the House of Representatives of the State of North Carolina, the Senate concurring:

That upon the passage of this resolution the Secretary of State be instructed to send forthwith the following memorial addressed to Hon. Newton D. Baker, Secretary of War of the United States, at Washington, D. C.:

Secretary of State instructed to send memorial.

"Whereas, the people of North Carolina earnestly desire the opportunity of reviewing the troops of the State contained in the Thirtieth Division of the American Expeditionary Forces in France, and of honoring them as a body by appropriate State celebration, for their valorous deeds in the great World War, conspicuous among which were their operations in opening a breach in the famous Hindenburg line; and

"Whereas, the city of Raleigh is the capital of the State and near the center of both its population and its territory; and

"Whereas, Camp Greene, at Charlotte in said State, is a central and accessible point of location as between the States of Tennessee, South Carolina, and North Carolina, the troops from which States constitute the said division": Now, therefore,

The General Assembly of North Carolina do hereby petition and memorialize the Secretary of War of the United States as follows:

"1. That the North Carolina troops of the said division be routed from the point of disembarkation via the city of Raleigh, N. C., to the point of demobilization, for the purpose of affording all the people of the State an opportunity to review their heroes in this division and to celebrate in their honor in said city.

"2. That he consider the claims and advantages of Camp Greene, Charlotte, N. C., as the logical point of demobilization for the entire Thirtieth Division, with a review upon the streets of said city for the benefit of the peoples of the States of Tennessee, South Carolina, and North Carolina."

Ratified this 30th day of January, A.D. 1919.

RESOLUTION No. 19

JOINT RESOLUTION REQUIRING THE STATE HIGHWAY ROAD COMMISSION TO FURNISH THE GENERAL ASSEMBLY WITH A FULL DETAILED REPORT OF FUNDS RECEIVED AND DISBURSEMENTS OF SAME, AND SHOWING THE AMOUNT OF WORK DONE IN EACH COUNTY IN THE STATE, THE AMOUNT EXPENDED IN SUCH COUNTY AND THE SOURCE OF THE RECEIPTS OF SUCH FUNDS.

Be it resolved by the Senate, the House of Representatives concurring:

Highway
Commission
required to
furnish
statement.

SECTION 1. That the State Highway Commission be and it is hereby required to furnish each branch of the General Assembly, not later than the tenth day of February, one thousand nine hundred and nineteen, a full and complete detailed statement of all funds which have come into its hands or to any person for it, showing in detail the source from which it came, by counties, the distribution of same, the amount and kind of road work done in each county, and the cost of such roads.

Ratified this 4th day of February, A.D. 1919.

RESOLUTION No. 20

JOINT RESOLUTION INVITING THE HON. JOSEPHUS DANIELS TO ADDRESS THE MEMBERS OF THE GENERAL ASSEMBLY.

Whereas, the Hon. Josephus Daniels, Secretary of the Navy, is in the city of Raleigh: Therefore, be it

Resolved by the Senate, the House of Representatives concurring:

Invitation
extended.

First. That the Hon. Josephus Daniels be invited to address the members of the General Assembly in joint session in the House of Representatives, at such time while in the city as will suit his convenience.

Committee.

Second. That the President of the Senate appoint a committee of two on the part of the Senate, and the Speaker of the House appoint a committee of three on the part of the House, the same to be a joint committee to confer with Secretary Daniels, extending to him this invitation, and make such arrangements for said address and inform the Assembly as to the arrangements.

Ratified this 4th day of February, A.D. 1919.

RESOLUTION No. 21

A JOINT RESOLUTION INVITING HON. HENRY MORGENTHAU, FORMER AMBASSADOR TO TURKEY, TO ADDRESS GENERAL ASSEMBLY.

Resolved by the House of Representatives, the Senate concurring:

That Hon. Henry Morgenthau, former Ambassador to Turkey, be invited to address a joint session of the General Assembly at four thirty o'clock this afternoon, Thursday, February sixth, one thousand nine hundred and nineteen.

Invitation extended.

Ratified this 7th day of February, A.D. 1919.

RESOLUTION No. 22

JOINT RESOLUTION IN REGARD TO THE DEATH OF DR. KEMP PLUMMER BATTLE.

The General Assembly of North Carolina having heard with great sorrow of the death of Dr. Kemp Plummer Battle, Professor Emeritus of History and former President of the University of North Carolina, who died at his home in Chapel Hill on the fourth day of February, one thousand nine hundred and nineteen, is desirous of expressing its sense of loss which is thus brought to the University and to the State.

Expression of sorrow.

Whereas, for almost three-quarters of a century the life of our State has been enriched by the example of his unselfish devotion to duty as educator, statesman and public official; and

Tribute to character and service of deceased.

Whereas, after the blighting effects of the Civil War, the State University was reopened and revitalized largely through his efforts, and under his leadership as president the foundations were laid for growth and expansion to its present large and useful place in the life of our people; and

Whereas, as teacher, author and public speaker, Dr. Battle has rendered invaluable service in the promotion of historical research and the preservation of the historical records of our State, and as a citizen he has exemplified the highest ideals of a cultured gentleman, and has, in all of his relations with his fellow-man, displayed the true type of a Christian: Now, therefore, be it

Resolved by the Senate, the House of Representatives concurring:

That in the death of Dr. Battle the University and the State of North Carolina have lost a public servant whose career marked him as a teacher with a genius for inspiring his students, as an adviser of sound judgment, as a friend of sympathetic nature, and of wide and splendid ideals of public service; whose long and

Acknowledgment of loss.

useful life has been devoted unselfishly to the promotion of education, moral uplift, and all things that are helpful in the betterment of our people; whose life has been an inspiration to the younger generations that have come under his influence, and whose career should forever be a shining example to those who shall come hereafter.

Resolution to be spread on journals.

Resolved further. That this resolution be spread upon the journals of the Senate and the House of Representatives as a testimony of the high esteem in which the people of North Carolina held Dr. Battle as a man and their confidence in him as a public servant, and their admiration of his splendid life's work.

Committee to attend funeral.

Be it further resolved. That a committee consisting of three members of the Senate, to be named by the President of the Senate, and five members of the House of Representatives, to be named by the Speaker, be appointed to attend the funeral of Dr. Battle.

Ratified this 7th day of February, A.D. 1919.

RESOLUTION No. 23

JOINT RESOLUTION TO SECURE FEDERAL AID AT AN EARLY DATE.

A joint resolution of the House, the Senate concurring:

Preamble.

Whereas, the Bankhead amendment to the Federal Aid Act is pending before Congress now in session, this amendment has been unanimously approved by the Postoffice and Post Road Committee of the Senate and has the approval of the Postmaster-General, Secretary of Agriculture, Secretary of War and the President; and

Whereas, this Legislature expects to make some provision whereby the State can meet this Federal aid,

Representatives urged to secure early passage of bill.

Resolved, therefore. That our Senators and Representatives in Congress are urged to secure the early passage of this bill.

Ratified this 7th day of February, A.D. 1919.

RESOLUTION No. 24

A JOINT RESOLUTION TO ENDORSE AND COOPERATE IN THE EFFORTS BEING MADE BY THE FARMERS AND BUSINESS MEN OF THE STATE AND SOUTH TO FINANCE AND PROMOTE AN ADEQUATE PRICE FOR COTTON.

Preamble.

Whereas, his Excellency, the Governor, and the bankers and farmers of the State have issued a call for the bankers, farmers and business men of North Carolina to meet in Raleigh on Febru-

ary eleventh, nineteen hundred and nineteen, to consider and make plans for the advantageous financing and marketing of cotton; and

Whereas, the future financial condition of the State largely depends upon the receipt by the farmers of an adequate price for their cotton: Therefore, be it

Resolved by the House of Representatives, the Senate concurring:

That on the said eleventh day of February, nineteen hundred and nineteen, in order to aid in effectuating the purposes of said meeting and give it the support and coöperation of this General Assembly, that the General Assembly do adjourn on said date as a mark of its hearty endorsement of said movement and that the President of the Senate, the Speaker of the House, and the chairmen of the Committees on Finance, Banking, and Agriculture be designated to attend said meeting as representatives of the General Assembly.

Adjournment
as mark of
endorsement of
movement.

Representative
designated.

Ratified this 11th day of February, A.D. 1919.

RESOLUTION No. 25

JOINT RESOLUTION INVITING GOVERNOR HARDING,
PRESIDENT OF THE FEDERAL RESERVE BOARD, TO
ADDRESS THE GENERAL ASSEMBLY.

Whereas, the Hon. W. P. G. Harding, Governor of the Federal Reserve Board, is to address the Legislature of South Carolina next Thursday, February thirteenth, on the southern cotton situation: Therefore be it

Preamble.

Resolved:

That the General Assembly of North Carolina respectfully request Governor T. W. Bickett, on behalf of this body, to invite Governor Harding to address this General Assembly along similar lines on next Friday, February fourteenth, one thousand nine hundred and nineteen, or whatever day might be convenient to him.

Invitation
extended.

Ratified this 13th day of February, A.D. 1919.

RESOLUTION No. 26

JOINT RESOLUTION TO HEAR ADDRESS OF HON. JOSEPHUS DANIELS, SECRETARY OF THE NAVY.

Preamble.

Whereas, Hon. Josephus Daniels, Secretary of the Navy of the United States, distinguished citizen and a son of North Carolina, in answer to the invitation of the General Assembly, has expressed his willingness to address the General Assembly of North Carolina and has suggested Thursday, February thirteenth at the hour of noon as the most convenient time for delivering his address: Therefore be it

Resolved by the House of Representatives, the Senate concurring:

Invitation extended.

That the House and Senate meet in joint session in the hall of the House of Representatives on Thursday, February thirteenth, at noon, for the purpose of hearing the address of Secretary of the Navy Josephus Daniels, which he will deliver under an invitation extended him by the General Assembly.

Resolved, second. That this resolution be in force from and after its ratification.

Ratified this ---- day of February, A.D. 1919.

RESOLUTION No. 27

JOINT RESOLUTION APPOINTING A JOINT COMMITTEE TO CONFER WITH THE ATTORNEY-GENERAL AS TO THE STATUS OF THE LAWS OF NORTH CAROLINA REGULATING THE MANUFACTURE AND SALE OF INTOXICATING LIQUORS WITH REFERENCE TO THE PROHIBITION AMENDMENT TO THE FEDERAL CONSTITUTION.

Resolved by the Senate, the House of Representatives concurring:

Joint committee provided for.

SECTION 1. That a joint committee, consisting of two Senators and three members of the House, be appointed to confer with the Attorney General of the State with reference to the question as to whether or not the laws of the State of North Carolina regulating and controlling the manufacture and sale of intoxicating liquors will be affected by the ratification of the amendment to the Federal Constitution, and to make report to the General Assembly, with such recommendations as the said committee, by and with the advice of the Attorney-General, may think necessary and proper.

To make report.

SEC. 2. Resolved further, That this resolution shall be in force from and after its ratification.

Ratified this 17th day of February, A.D. 1919.

RESOLUTION No. 28

RESOLUTION OF RESPECT UPON THE DEATH OF HON.
M. H. JUSTICE.

Whereas, on February twelfth, one thousand nine hundred and nineteen, in the city of Asheville, N. C., there was called from the active duties of life unto death, Hon. M. H. Justice, one of our most distinguished judges of the Superior Court of North Carolina; and

Whereas, it is desired that proper notice and respect should be shown to one who has so valiantly and long served his country and State: Therefore, be it

Resolved by the Senate, the House of Representatives concurring:

First. That in the loss of this distinguished jurist, citizen, gentleman, the State of North Carolina has been deprived of one of its ablest judges, a statesman of the old school and a citizen of great value; that the services of M. H. Justice in the Legislature during one of the most trying times of our history and his faithful and able work upon the Superior Court bench of the State for sixteen years, together with his loyalty and love for his State at all times and in all things, has indelibly impressed his name upon the annals of the commonwealth.

Second. That the General Assembly of North Carolina takes this method of expressing appreciation for the services and life of this distinguished North Carolinian, and its sympathy for the widow and other members of his family in the great loss and sorrow which has so suddenly come upon them.

Third. That the President of the Senate be directed to forward a copy of this resolution to Mrs. Justice immediately upon its passage.

Ratified this 17th day of February, A.D. 1919.

RESOLUTION No. 29

JOINT RESOLUTION RELATING TO THE DEATH OF HENRY
RAVENS-CROFT BRYAN, LATE A JUDGE OF THE SUPERIOR COURT OF NORTH CAROLINA.

Whereas, on February thirteenth, one thousand nine hundred and nineteen, Henry R. Bryan died at his home in New Bern, N. C.; and

Whereas, the General Assembly desires to record its esteem and appreciation of this distinguished North Carolinian: Therefore, be it

Resolved by the Senate, the House of Representatives concurring:

Expression of
sense of loss.

That in the death of the Hon. Henry R. Bryan the State of North Carolina loses a public servant who served the State with fidelity and conspicuous ability for many years.

Sketch of career.

Judge Bryan was born at New Bern on March eighth, one thousand eight hundred and thirty-six. Descended on both sides from men who, from the earliest colonial times, had rendered eminent services to their people, both in peace and in war, he inherited an intensive love of his native State.

He was educated at the old Lovejoy Academy in Raleigh, and at the University of North Carolina, graduating at the University in one thousand eight hundred and fifty-six with honor. All his life he had an affection for his Alma Mater and for some years he was a trustee of that institution.

Estimate of
services to
State.

Although prevented from active participation in the War Between the States by an incurable physical disability from which he suffered all his life, he was an ardent supporter of the Confederacy with his work, his means, and his talents. In reconstruction times he was a tower of strength, being most courageous in his defense of a large number of leading citizens of Lenoir and Craven counties who were tried for alleged Ku Klux offenses in one thousand eight hundred and sixty-eight.

He had little inclination for politics, but always took a patriotic interest in public affairs, in his young manhood serving a while as clerk of the Federal Court, later as Presidential Elector, and in other positions of trust.

From one thousand eight hundred and ninety to one thousand nine hundred and seven he was a judge of the Superior Court, and upheld with dignity, ability, and great learning the loftiest traditions and ideals of that court.

His private life was pure and his public life was a long career of clean, faithful, and able service to the people of North Carolina.

Resolved further, That the Secretary of State transmit a copy of this resolution to the family of Judge Bryan.

Ratified this 19th day of February, A.D. 1919.

Copy of
resolution for-
warded to
family.

RESOLUTION No. 30

RESOLUTION FOR THE CELEBRATION OF THE BIRTHDAY OF GEORGE WASHINGTON.

Resolved by the Senate, the House of Representatives concurring:

SECTION 1. That when the General Assembly of North Carolina adjourns on Saturday, the twenty-second day of February, one thousand nine hundred and nineteen, it shall adjourn in honor of the birthday of George Washington.

Adjournment
February 22
in honor of
Washington's
birthday.

SEC. 2. That the Caswell-Nash Chapter of the Daughters of the American Revolution be tendered the use of the Senate Chamber, in which to hold commemorative and patriotic services on Saturday evening, February the twenty-second, one thousand nine hundred and nineteen, at eight o'clock.

Ratified this 24th day of February, A.D. 1919.

D.A.R tendered
use of Senate
chamber.

RESOLUTION No. 31

JOINT RESOLUTION ENDORSING THE BILL NOW PENDING IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES PROVIDING AN APPROPRIATION FOR PREPARING LANDS IN THE VARIOUS STATES TO BE OCCUPIED BY DISCHARGED SOLDIERS, SAILORS AND MARINES OF THE UNITED STATES.

Whereas, a bill has been introduced in the House of Representatives of the United States, the same being House Resolution number thirteen thousand six hundred and fifty-one, providing for an appropriation of one hundred million dollars, to be expended under the direction of the Secretary of the Interior, for the investigation, irrigation, drainage, and development of swamps, arid, waste, and undeveloped lands, for the purpose of providing employment and farms with improvements and equipment for honorably discharged soldiers, sailors, and marines of the United States; and,

Preamble.

Whereas, the State of North Carolina has a large acreage of land that could profitably be used for this purpose; and,

Preamble.

Whereas, the people of the State of North Carolina would welcome any opportunity to make provision for the comfort and prosperity of the returned soldiers, sailors, and marines who have taken part in the recent World War: Now, therefore, be it

Preamble.

Resolved by the Senate, the House of Representatives concurring:

SECTION 1. That the General Assembly of North Carolina approve and endorse the provisions of House Bill number thirteen thousand six hundred and fifty-one now pending in the House of Representatives of the United States, providing for an appropriation of one hundred million dollars, to be expended under the direction of the Secretary of the Interior for the investigation, irrigation, drainage, and development of swamp, arid, waste, and undeveloped lands for the purpose of providing employment and farms with improvements and equipment for honorably discharged soldiers, sailors, and marines of the United States.

General
Assembly
endorses bill
pending in National Congress
appropriating \$100,000 for
development of waste lands for
discharged soldiers, sailors
and marines.

Copy of resolution to be sent to State's delegation in Congress.

SEC. 2. That a copy of this resolution be sent to each of our Senators and Representatives in the National Congress at Washington, with request that they use their efforts to bring about the passage of the bill referred to in section one hereof.

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

Ratified this 25th day of February, A.D. 1919.

RESOLUTION No. 32

JOINT RESOLUTION TO APPOINT A COMMITTEE TO CONSIDER THE ADJUSTMENT OF SALARIES AND WAGES OF CERTAIN STATE CLERKS AND EMPLOYEES, AND TO MAKE A REPORT TO THIS GENERAL ASSEMBLY.

Be it resolved by the House of Representatives, the Senate concurring:

Committee to act in conjunction with Council of State.

SECTION 1. That a committee, to be composed of three members of the House of Representatives and two members of the Senate, be appointed by the presiding officers of the respective bodies, and that the said committee be authorized and instructed to act in conjunction with the Council of State and investigate the need of adjustment and change in the salaries or wages received from the State by all clerks and employees of the Department of the Governor, of the Department of State, of the Department of Auditor, of the Department of the Treasurer, of the Department of the Superintendent of Public Instruction, of the Department of the Attorney-General, of the Department of Labor and Printing, of the Department of Insurance, of the Department of the State Library, of the Corporation Commission, and of the Superintendent of Public Buildings and Grounds, including also the custodian of the Supreme Court Building, night watchman of the Supreme Court Building, custodian and other employees of the State Departments Building, night watchman at the Capitol, and janitor of the Capitol.

To submit written report.

SEC. 2. That the said committee shall embody the findings and recommendations of the said committee in a written report and submit the same to this General Assembly as soon as may be practicable.

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

Ratified this 26th day of February, A.D. 1919.

RESOLUTION No. 33

A RESOLUTION CALLING ATTENTION OF THE SECRETARY OF WAR OF THE UNITED STATES TO PUBLISHED REPORT OF THE PROVOST MARSHAL GENERAL OF THE UNITED STATES, REFLECTING UPON THE STATE OF NORTH CAROLINA, AND REQUESTING THAT HE CAUSE THE SAME TO BE CORRECTED.

Whereas, the people of North Carolina responded in a patriotic manner to the call of the Government for men and money in the prosecution of the World War just ended; and

Whereas, on December twentieth, one thousand nine hundred and eighteen, the Provost Marshal General of the United States submitted his report covering the operations of the Selective Draft from May eighteenth, one thousand nine hundred and seventeen, to Hon. Newton D. Baker, Secretary of War, which report is now being widely distributed throughout the country and will be an important record in the future history of this period; and

Whereas, there appears on pages two hundred and ten and two hundred and eleven of said printed report an article credited to Robert W. Hobbs, a journalist, which seriously reflects upon the intelligence and patriotism of the people of North Carolina and is a slander of the people of the State: Now, therefore, be it

Report of
Provost Marshal
an important
record.

Slander on peo-
ple of State.

Resolved by the Senate, the House of Representatives concurring:

First. That said article be called to the attention of the Secretary of War of the United States, and he be requested to take such action as may be necessary to expunge said article from the published reports of the operations of the Selective Service Draft, and that he have stricken from the published reports referred to the slander of the people of North Carolina.

Secretary of
War to be
asked to
expunge.

Second. Resolved further, That a copy of this resolution be transmitted to the Secretary of War by the Secretary of State for his consideration.

To transmit copy
of resolution.

Third. Resolved, That a copy of this resolution be forwarded to each Senator and member of the House of Representatives in Congress from this State, with the request that they confer with the Secretary of War with a view of having said article expunged from the records; and if their efforts in this respect shall fail, that the matter be brought to the attention of Congress.

Members of
Congress
asked to
confer with
Secretary.

Ratified this 26th day of February, A.D. 1919.

RESOLUTION No. 34

RESOLUTION REQUESTING THE OPINION OF THE
SUPREME COURT OF NORTH CAROLINA.

Resolved by the Senate, the House of Representatives concurring:

Supreme Court
asked as to
constitutionality
of omnibus
justice of peace
bill.

That the Supreme Court of North Carolina be requested, if it can conveniently and properly do so, to advise the General Assembly as to the court's interpretation of the recent amendments to the Constitution with especial reference to the question as to whether or not there is any provision in Article II, section 29, which would prohibit the General Assembly from enacting an omnibus justice of the peace bill.

Ratified this 26th day of February, A.D. 1919.

RESOLUTION No. 35

JOINT RESOLUTION PROVIDING FOR A JOINT MEETING
OF THE SENATE AND HOUSE OF REPRESENTATIVES
FOR THE PURPOSE OF ELECTING TRUSTEES OF THE
UNIVERSITY.

Resolved by the Senate, the House of Representatives concurring:

Joint meeting.

That there be a joint meeting held in the House of Representatives by the Senate and House on the fourth of March next at the hour of 12 m. for the purpose of electing trustees of the University.

Ratified this 28th day of February, A.D. 1919.

RESOLUTION No. 36

RESOLUTION REGARDING THE DEATH OF HON.
BENJAMIN B. WINBORNE.

Preamble.

Whereas, this General Assembly has heard with profound regret of the death of Hon. Benjamin B. Winborne of Hertford County, North Carolina; and

Whereas, we desire to express our sorrow at his death and record our appreciation of his distinguished services to the State: Therefore, be it

Resolved by the House of Representatives, the Senate concurring:

Career reviewed
and attainments
praised.

That in the death of Judge Winborne the State of North Carolina has lost a citizen whose long and useful life had been devoted to the upbuilding of the best things in the State. As a man he

typified the highest type of Christian gentleman; as a lawyer he stood out as a distinguished leader of his profession; as a judge of the criminal court of his district his actions were marked by firmness and justice, yet tempered by mercy; and as a legislator he represented his native county in these halls in the years one thousand eight hundred and ninety-five, one thousand nine hundred and five, and one thousand nine hundred and seven, and his career here was always characterized by clear, independent, and constructive thinking, and his services have been of great value to his native State.

Resolved further, That this General Assembly express its deepest sympathy for the family of Judge Winborne, and especially to his son, Hon. Stanley Winborne, who is now an honored member of this General Assembly.

Sympathy
extended.

Resolved further, That a page of the records of this House be set aside upon which shall be inscribed this resolution, and a copy of the same furnished to the family of Judge Winborne.

Copy to family.

Resolved further, That when this House adjourns it do so in honor of the memory of Hon. Benjamin B. Winborne.

Ratified this 3d day of March, A.D. 1919.

RESOLUTION No. 37

A RESOLUTION APPROVING AND ENDORSING THE PROPOSED LEAGUE OF NATIONS.

Whereas, on February fifteenth, one thousand nine hundred and nineteen, a committee representing the United States, Great Britain, France, Italy, Japan, Belgium, Brazil, China, Czecho-Slovakia, Greece, Poland, Portugal, Rumania, and Serbia, unanimously reported to the Peace Conference now in session at Paris the draft of a covenant or constitution of a proposed League of Nations; and

Preamble.

Whereas, the said constitution or covenant of said proposed League of Nations is to be submitted to the Senate of the United States for ratification: Now, therefore, be it

Resolved by the House of Representatives, the Senate concurring:

SECTION 1. That the said proposed draft of a covenant or constitution establishing a League of Nations be and it is hereby approved and endorsed by the General Assembly of North Carolina; and it is the sense of this General Assembly that the same should be ratified by the Senate of the United States.

Covenant of
League of Na-
tions endorsed.

SEC. 2. That the earnest efforts and activities of those two great Americans, President Woodrow Wilson and Ex-President

Efforts of Wil-
son and Taft
endorsed.

William Howard Taft, in support of said proposed covenant or constitution establishing a League of Nations, are heartily endorsed and supported by this General Assembly.

Copies of resolution transmitted.

SEC. 3. That copies of this resolution be sent to the Senators representing this State in the Congress of the United States, for presentation to the United States Senate, and also that copies be sent to President Woodrow Wilson and Ex-President William Howard Taft.

Ratified this 4th day of March, A.D. 1919.

RESOLUTION No. 38

JOINT RESOLUTION TO PAY THE EXPENSES OF THE COMMITTEE APPOINTED UNDER JOINT RESOLUTION TO VISIT THE APPALACHIAN TRAINING SCHOOL AT BOONE.

Resolved by the Senate, the House of Representatives concurring:

Sum of \$205.30 appropriated

SECTION 1. That the sum of two hundred and five dollars and thirty cents is hereby appropriated to pay the actual expenses incurred by the joint committee appointed by the President of the Senate and the Speaker of the House under joint resolution of the General Assembly of one thousand nine hundred and nineteen to visit and investigate the conditions surrounding the Appalachian Training School at Boone, N. C., and the Auditor is hereby authorized to issue his warrant on the Treasurer, payable to D. M. Jones, who acted as treasurer of said joint committee, and said D. M. Jones shall distribute same as follows:

Statement of expenses.

Senator G. L. Williamson	-----	\$41.06
Senator G. V. Cowper	-----	41.06
Representative R. C. Holton	-----	41.06
Representative B. H. Griffin	-----	41.06
Representative D. M. Jones	-----	41.06
		\$205.30

SEC. 2. That the Treasurer of the State is authorized and directed to honor and pay warrant issued hereunder.

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

Ratified this 4th day of March, A.D. 1919.

RESOLUTION No. 39

JOINT RESOLUTION CONCERNING THE PRESERVATION OF
A HISTORICAL RELIC.

Whereas, there are two chairs in this Capitol which are of the few relics now remaining of the old Capitol that was destroyed by fire in eighteen hundred and thirty-one: Therefore, be it

Preamble.

Resolved by the House of Representatives, the Senate concurring:

SECTION 1. That the keeper of the Capitol secure such chairs, put a proper inscription upon them, and place them in the Hall of History, where they shall be kept hereafter.

To be placed in
Hall of
History.

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

Ratified this 4th day of March, A.D. 1919.

RESOLUTION No. 40

JOINT RESOLUTION IN REGARD TO THE MILITARY LAWS
OF THE UNITED STATES OF AMERICA.

Whereas, the military laws of the United States of America are such that long terms of imprisonment, often verging upon cruel and harsh punishments, are capable of being imposed upon enlisted men in the service in the army, navy, and marine corps, for what seems to be trivial offenses; and

Preamble.

Whereas, the said laws are not in accord with the sentiment of the best thought of the Nation upon this subject; and

Whereas, there are many thousands of men now in military prisons, sentenced to long terms of imprisonment, many of whom, unaccustomed to military life and discipline, were not aware of having committed any crime or offense: Now, therefore, be it

Resolved by the Senate, the House of Representatives concurring:

SECTION 1. That the two Senators from this State and the delegation from this State in the House of Representatives in the Congress, be and they are hereby urged to use their influence and endeavors to have the military laws of the United States so amended that they be made to reflect the thought and opinion of the Nation upon the subject; and, further, that the sentences heretofore imposed be reviewed, to the end that all injustice may be corrected and all cruel and harsh punishments, if any, may be mitigated.

Members of
Congress urged
to use influence
to amend mili-
tary laws.

Copies of resolution to be forwarded.

SEC. 2. That a copy of these resolutions be forwarded by the Governor of this State to the President, the Secretary of War, the Secretary of the Navy, the acting Judge Advocate General of the Army, the Judge Advocate General of the Navy, the two Senators from this State, and to the Representatives from this State.

SEC. 3. That these resolutions be in force from and after the date of their ratification.

Ratified this 5th day of March, A.D. 1919.

RESOLUTION No. 41

JOINT RESOLUTION TO PAY THE EXPENSES OF THE HOUSE AND SENATE VISITING COMMITTEE TO THE EASTERN CAROLINA TRAINING SCHOOL, GREENVILLE.

Resolved by the Senate, the House of Representatives concurring:

Warrants authorized.

First. That the State Auditor be authorized to issue his warrants on the State Treasurer for the following amounts to the persons hereinafter named, to defray the actual expenses of the committee, incurred in making said visit:

Statement of expenses.

Senator R. D. Sisk.....	\$8.68
Senator E. T. Wakefield.....	8.68
Representative G. Ellis Gardner.....	8.68
Representative W. A. Bowman.....	8.68
Total.....	\$34.72

Ratified this 5th day of March, A.D. 1919.

RESOLUTION No. 42

JOINT RESOLUTION TO PAY THE EXPENSES OF THE HOUSE AND SENATE EDUCATIONAL SUBCOMMITTEE WHILE VISITING THE STATE'S COLORED NORMAL COLLEGE AT WINSTON-SALEM AND THE CULLOWHEE NORMAL AND INDUSTRIAL SCHOOL AT CULLOWHEE.

Resolved by the House of Representatives, the Senate concurring:

Appropriation made.

SECTION 1. That the sum of one hundred and fifty-three dollars and fifty cents is hereby appropriated to pay the expenses of the Subcommittee on Education of the House of Representatives and Senate while visiting the State's Colored Normal College at Win-

ston-Salem and the Cullowhee Normal and Industrial School at Cullowhee; and the Auditor is hereby authorized and directed to issue his warrant on the State Treasurer for one hundred and fifty-three dollars and fifty cents, payable to O. B. Coward, who will distribute the same to the several members of the subcommittee as follows:

Senator O. B. Coward.....	\$32.84	Statement of expenses.
Senator T. W. Cross.....	31.20	
Representative John Burnett.....	29.56	
Representative J. N. Wilson.....	28.00	
Representative R. T. Poole.....	31.90	
Total.....	\$153.50	

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

Ratified this 6th day of March, A.D. 1919.

RESOLUTION No. 43

RESOLUTION TO PAY EXPENSES OF THE HOUSE COMMITTEE VISITING THE NORTH CAROLINA SCHOOL FOR THE DEAF AT MORGANTON.

Resolved by the House of Representatives, the Senate concurring:

That in order to defray the expenses of the House Committee actually incurred in visiting the North Carolina School for the Deaf at Morganton, North Carolina, the State Auditor be and is hereby authorized and directed to issue his warrants on the State Treasurer in following amounts in favor of the following persons:

Warrants
authorized.

Representative J. D. Eckles.....	\$16.89	Statement of expenses.
Representative C. G. Bryant.....	16.68	
Representative E. G. Suttlemyre.....	16.43	
Representative B. F. Halsey.....	17.49	
Representative Plato Gettys.....	16.89	
Representative J. C. Kesler.....	16.43	
Total.....	\$100.81	

Ratified this 5th day of March, A.D. 1919.

RESOLUTION No. 44

A JOINT RESOLUTION TO APPOINT A COMMITTEE COMPOSED OF MEMBERS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES TO DRAFT A BILL UNDER WHICH FEDERAL AID FOR CONSTRUCTION OF STATE HIGHWAYS MAY BE MADE AVAILABLE TO THE STATE.

Preamble.

Whereas, a number of bills have been introduced in both the Senate and the House of Representatives to provide funds to make available to the State Federal aid for constructing a system of State highways; and

Whereas, a bill known as the Stacy Substitute has passed the Senate and has received an unfavorable report in the House of Representatives; and

Whereas, the State is demanding that this General Assembly enact a measure to provide funds whereby Federal aid may be made available to the State for the purposes aforesaid; and

Whereas, it appears that no definite plan has been formulated acceptable to both the Senate and the House; and

Whereas, only a few days remain in which to enact such legislation: Now, therefore, be it

Resolved by the Senate, the House of Representatives concurring:

Committee provided for.

SECTION 1. That a joint committee of the Senate and the House of Representatives be appointed, to be composed of five members of the Senate, to be appointed by the President of the Senate, and seven members of the House of Representatives, to be appointed by the Speaker of the House, to be known as the State Highway Committee.

Highway legislation to be referred.

SEC. 2. That copies of all bills and substitutes for bills and all amendments offered thereto, looking to the construction and establishment of a system of State highways, introduced in the Senate and in the House, be turned over to said committee.

Duties of committee.

SEC. 3. That it shall be the duty of said committee, after due consideration of said bills, substitutes, and amendments, to draft a bill or a substitute for all said bills and amendments, under which funds may be raised to make available Federal aid for the purposes aforesaid.

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

Ratified this 6th day of March, A. D. 1919.

RESOLUTION No. 46

JOINT RESOLUTION TO PAY THE EXPENSES OF THE COMMITTEE APPOINTED UNDER JOINT RESOLUTION TO VISIT THE CASWELL TRAINING SCHOOL AT KINSTON, NORTH CAROLINA.

Resolved by the Senate, the House of Representatives concurring:

SECTION 1. That the sum of sixteen dollars and seventy-six cents is hereby appropriated to pay the actual expenses incurred by the joint committee appointed by the President of the Senate and the Speaker of the House under joint resolution of the General Assembly of one thousand nine hundred and nineteen, to visit and investigate the conditions surrounding the Caswell Training School, at Kinston, North Carolina, and the Auditor is hereby authorized to issue his warrant on the Treasurer, payable to Senator W. Mitchell, who acted as chairman of said joint committee, and said Senator W. Mitchell shall distribute same as follows:

Appropriation made.

Senator W. Mitchell.....	\$6.92
Representative S. A. Wilkins.....	4.42
Representative C. G. Bryant.....	4.92

Total.....	\$16.76

Statement of expenses.

SEC. 2. That the Treasurer of the State is authorized and directed to honor and pay warrant issued hereunder.

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

Ratified this 7th day of March, A.D. 1919.

RESOLUTION No. 47

A JOINT RESOLUTION TO PAY THE EXPENSES OF THE SUBCOMMITTEE ON EDUCATION OF THE HOUSE AND SENATE WHILE VISITING THE STATE NORMAL COLLEGE AND THE COLORED A. & M. COLLEGE AT GREENSBORO.

Resolved by the House of Representatives, the Senate concurring:

SECTION 1. That the State Auditor is hereby authorized and directed to issue his warrant on the State Treasurer for the following items of expense:

Warrants authorized.

Representative W. L. Matheson.....	\$7.00
Representative R. B. Nichols.....	8.56
Representative J. F. Ray.....	2.25

Statement of expenses.

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

Ratified this 7th day of March, A.D. 1919.

RESOLUTION No. 48

RESOLUTION TO PAY MEMBERS OF THE COMMITTEE ON EDUCATION.

Resolved by the House of Representatives, the Senate concurring:

Warrant authorized.

That the Auditor of the State be directed to issue a warrant on the Treasurer of the State to Victor S. Bryant, chairman of the House Committee on Education, for fifty-seven dollars (\$57), to be distributed as follows:

Statement of expenses.	Hon. H. D. Eckles.....	\$19.00
	Hon. W. F. Morgan.....	19.00
	Hon. S. O. Maguire.....	19.00

Warrant authorized.

And that the Auditor of the State be and he is hereby directed to draw his warrant to Senator Harding, chairman of the Committee on Education on the part of the Senate, to the amount of thirty-eight dollars (\$38), to be distributed as follows:

Statement of expenses.	Senator Shinn.....	\$19.00
	Senator Currin.....	19.00

the expenses incurred by the joint committee who visited and inspected the Colored Normal School at Elizabeth City.

This resolution shall be in effect from and after its ratification. Ratified this 7th day of March, A.D. 1919.

RESOLUTION No. 49

RESOLUTION IN REGARD TO JANITORS.

Preamble.

Whereas, David Wright, Newton Dunston, and Robert Hinton have rendered necessary services to committees of the Senate and House of Representatives, which meet in the law library and other rooms of the Supreme Court Building during this session of the Législature, in preparing and keeping in order the rooms of said committees, and in other ways:

Resolved by the Senate, the House of Representatives concurring:

Warrant for extra pay authorized.

SECTION 1. That each of said persons be allowed fifty cents per diem for such services rendered during the session, to be paid by the State Treasurer upon warrant of the State Auditor.

Sec. 2. This resolution to take effect from and after its ratification.

Ratified this 8th day of March, A.D. 1919.

RESOLUTION No. 50

JOINT RESOLUTION PROVIDING FOR THE PAYMENT OF
THE EXPENSES OF THE STATE BOARD OF CHARITIES
AND PUBLIC WELFARE DURING THE LAST TWO YEARS.

Whereas, the Governor and Council of State did, on the fifth day of April, one thousand nine hundred and seventeen, adopt the following resolution:

Preamble.

"The Governor and Council of State met at the request of the chairman of the State Board of Charities and Public Welfare and considered the history of the bill appropriating the sum of fifteen thousand dollars per annum for the maintenance of this board. It clearly appears that the bill, after amendment, was reported favorably by all the committees, both of the House and of the Senate, and passed the Senate without opposition. It was sent over to the House in the closing hours of the session and every one concerned thought that it had actually passed the House until an investigation disclosed that it had not. The bill in some way seems to have been lost and was not brought to the attention of the House at all. Letters from nearly every member of the Committee on Appropriations certify that the General Assembly undoubtedly intended to make the appropriation of fifteen thousand dollars for the maintenance of this board. Under these circumstances the Governor and Council of State feel that the State Board of Charities and Public Welfare would be justified in borrowing this amount of money from some bank; and the Governor and Council of State will present a petition to the next session of the General Assembly requesting it to make a special appropriation to pay any note or notes executed by said board, or by the individual members of said board in amounts aggregating not more than thirty thousand dollars for the two years intervening between now and the next session of the General Assembly"; and

Council of State's resolution.

Whereas, chapter one hundred and seventy of the Public Laws of one thousand nine hundred and seventeen directed the State Board of Charities and Public Welfare to perform certain duties enumerated therein; and

Whereas, the State Board of Charities and Public Welfare did thereupon borrow from certain banks of the State the sum of ten thousand dollars, with which to pay the most pressing needs and expenses of the board:

Resolved by the Senate, the House of Representatives concurring:

SECTION 1. That the sum of ten thousand dollars is hereby appropriated to the State Board of Charities and Public Welfare out of the moneys of the State Treasury not otherwise appropriated; the said money to be used to repay the amount so bor-

Appropriation.

rowed by the State Board of Charities and Public Welfare from the banks as aforesaid.

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

Ratified this 8th day of March, A.D. 1919.

RESOLUTION No. 51

JOINT RESOLUTION PROVIDING FOR THE PAYMENT OF THE EXPENSES OF THE COMMITTEE TO VISIT THE STATE FARM.

Resolved by the Senate, the House of Representatives concurring:

Warrant for \$100 authorized.

SECTION 1. That the State Auditor be and he is hereby authorized and directed to draw his warrant on the Treasurer of North Carolina for the sum of one hundred dollars in favor of J. R. Collie, covering the expenses of the committee of the General Assembly visiting the State Farm.

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

Ratified this 8th day of March, A.D. 1919.

RESOLUTION No. 52

RESOLUTION OF THANKS TO RALEIGH POSTOFFICE.

Preamble.

Whereas, the members of the General Assembly have received from the postoffice, Station A, in charge of Mr. H. L. Howell, the most courteous and efficient service possible: and

Whereas, the said Mr. Howell has shown active, gentlemanly, and courteous treatment to each member: Now, therefore, be it

Resolved by the Senate, the House concurring:

Thanks extended.

First. That the General Assembly of North Carolina hereby extends its thanks to the postmaster, B. M. Gatling, and to Mr. H. L. Howell, for such efficient and courteous service.

Copies of resolution transmitted.

Second. That a copy of this resolution be forwarded to the Postmaster-General of the United States and to the Secretary of State, and a copy be sent to Mr. B. M. Gatling and Mr. Howell.

Ratified this 10th day of March, A.D. 1919.

RESOLUTION No. 53

RESOLUTION IN BEHALF OF THE CLERKS OF THE
GENERAL ASSEMBLY.

Whereas, the clerks of the House of Representatives and Senate Preamble.
have been true and faithful servants of the General Assembly and
have discharged the arduous duties incumbent upon them in a
faithful and efficient manner; and

Whereas, the work of the General Assembly has increased to
such an extent that they have been required to work both day and
night in order to keep up their work and prepare their records;
Be it

Resolved by the House of Representatives, the Senate concurring:

SECTION 1. That the principal clerk of the House of Repre-
sentatives and his assistants, the principal clerk of the Senate, his
assistants, the reading clerks of both branches of the General
Assembly, the engrossing clerk of the House and his assistants, the
engrossing clerk of the Senate and his assistants, the enrolling
clerk and four assistants, the sergeants-at-arms, the clerks of the
committees of both houses on Appropriations, Finance, Counties,
Cities, and Towns, Judiciary No. 1 and Judiciary No. 2, be and
they are hereby allowed the sum of two dollars per day in addi-
tion to their per diem allowed by law, and only from the date of
their employment. All committee clerks and all other employees
and laborers of the House and Senate not otherwise or herein pro-
vided to receive extra compensation are hereby allowed the sum
of one dollar per day in addition to their per diem allowed by law,
and only from the date of their employment.

Payment of
two dollars a
day additional
authorized.

SEC. 2. That the principal clerks of the House of Representa-
tives and the Senate, respectively, are hereby authorized and
directed to issue vouchers therefor.

Vouchers to be
issued.

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

Ratified this 10th day of March, A.D. 1919.

RESOLUTION No. 54

JOINT RESOLUTION PROVIDING FOR THE PAYMENT
OF WITNESSES SUBPENAED FOR INVESTIGATION OF
CHARGES AGAINST PRISON MANAGEMENT UNDER RES-
OLUTION NUMBER EIGHTEEN OF THE GENERAL ASSEM-
BLY OF NINETEEN HUNDRED AND SEVENTEEN.

Whereas, Joint Resolution Eighteen of the General Assembly of Preamble.
nineteen hundred and seventeen, provided for an investigation into
charges of cruel and inhumane treatment of convicts at the Caledonia
Farm and elsewhere; and

Whereas, section one of the said resolution provided that the said witnesses should be paid for their time and necessary expenses incurred by the State Treasurer on voucher of the chairman of the said committee; and

Whereas, a number of the witnesses who were subpoenaed and attended the hearing still remain unpaid, and the chairman of the said committee is no longer a member of this Legislature, and there is no legal method by which such witnesses can now be paid: Now, therefore, be it

Resolved by the House of Representatives, the Senate concurring:

SECTION 1. That the State Auditor be and he is hereby directed to issue vouchers and the State Treasurer is hereby authorized and directed to pay said vouchers to the following named persons at the rate of one dollar and fifty cents for each day's service except those in the employ of the State, and three cents mileage each way for the distance traveled, to wit:

Payment
authorized.

State of mile-
age and num-
ber of days
witnesses were
in attendance.

Name	Address	Mileage One Way	No. of Days Service
P. P. McCain-----	Montrose-----	75	1
(State employee)			
H. B. Ferguson-----	Halifax-----	105	2
N. L. Steadman-----	Halifax-----	105	2
J. O. Applewhite-----	Tillery-----	113	2
Sterling Gary-----	Halifax-----	105	2
N. Fitzpatrick-----	Tillery-----	113	2
J. J. Laughinghouse---	Greenville-----	86	5
J. A. House-----	Halifax-----	105	2
R. G. Shaw-----	Halifax-----	105	2
G. P. Burgwyn-----	Jackson-----	107	2
O. Seagraves-----	Raleigh-----		2
W. W. Sparbeck-----	Raleigh-----		4
J. A. Briggs-----	Raleigh-----		1
John M. Fleming-----	Raleigh-----		1
Thos. A. Partin-----	Raleigh-----		1
C. B. Edwards-----	Raleigh-----		1
Gilbert Crabtree-----	Raleigh-----		1
J. T. Rowland-----	Raleigh-----		1
Capt. C. N. Christian---	Tillery (3 trips)---	113	5
Dr. I. E. Green-----	Weldon-----	97	4
Walter Daniel-----	Weldon-----	97	2
T. W. Mason-----	Weldon-----	97	1
W. W. Kitchin-----	Raleigh-----		1
R. M. Wise-----	Whitney (Edgecombe Co.)	90	2
R. T. Johnson-----	Tillery-----	113	2
(State employee)			

Name	Address	Mileage One Way	No. of Days Service
O. A. Todd			1
G. E. Belcher	Wake County		2
W. D. Brooks	Tillery (2 trips)	113	5
(State employee)			
Dr. C. N. Hughes	Raleigh		1
D. R. Ball	Tillery (2 trips)	113	5
(State employee)			
A. T. Allen	Tillery	113	5
(State employee)			
C. J. Rhem	Tillery (2 trips)	113	5
(State employee)			

Sec. 2. That this resolution shall be in force from and after its ratification.

Ratified this 10th day of March, A.D. 1919.

RESOLUTION No. 55

JOINT RESOLUTION IN REGARD TO EXTRA PAY FOR THE PAGES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES.

Resolved by the House of Representatives, the Senate concurring:

SECTION 1. That the pages of the House of Representatives and of the Senate be, and they are hereby allowed for such time as they are actually employed one dollar and fifty cents per day extra in addition to the amount now allowed, together with their actual railroad fare from their respective homes to the city of Raleigh and return.

Extra pay
allowed.

Sec. 2. The principal clerks of the House of Representatives and the Senate are hereby authorized to issue their vouchers, and the State Auditor shall issue his warrants for the same, which shall be paid by the State Treasurer.

Payment
authorized.

Sec. 3. That this resolution shall be in full force and effect from and after its ratification.

Ratified this 10th day of March, A.D. 1919.

RESOLUTION No. 56

RESOLUTION OF RESPECT UPON THE DEATH OF
CHARLES R. KING.

Preamble.

Whereas, on the sixteenth day of February, one thousand nine hundred and nineteen, Charles R. King died in his home in the city of Raleigh; and

Whereas, it is desired to show our respect and appreciation of his long and faithful services: Therefore, be it

Resolved by the House of Representatives, the Senate concurring:

Loss of faithful employee.

First. That in the death of Charles R. King the State has lost one of its most faithful and trustworthy employees: a man, who for twenty-five years, honestly, conscientiously, and most capably operated the State's heating plant.

Sympathy expressed.

Second. That the General Assembly of North Carolina takes this method of expressing its appreciation of his services and its sympathy for his widow and children in their great loss.

Third. That a copy of this resolution be sent by the Secretary of State to the family of the deceased.

Ratified this 10th day of March, A.D. 1919.

RESOLUTION No. 57

A RESOLUTION IN BEHALF OF THE COMMITTEE CLERK ON PROPOSITIONS AND GRIEVANCES IN THE HOUSE OF REPRESENTATIVES, AND THE CLERK TO THE COMMITTEE ON EDUCATION AND CONSTITUTIONAL, AND THE COMMITTEE CLERK ON SALARIES AND FEES IN THE SENATE.

Preamble.

Whereas, all of the other clerks of both houses have been granted an additional pay of two dollars per day for the actual time served: and

Whereas, the two herein named clerks have done an equal amount of work and should be paid upon an equal basis: Therefore, be it

Resolved by the House of Representatives, the Senate concurring:

Allowance of additional pay.

SECTION 1. That the clerk of the Committee on Propositions and Grievances in the House, and the clerk of Education Committee in the House, and the clerk on Salaries and Fees in the Senate, and the clerks to the Senate Committees on Education and Propositions and Grievances of the Senate are hereby allowed the sum of two

dollars per day in addition to their per diem allowed by law, and only from the date of their employment.

SEC. 2. The vouchers for such pay are to be issued and paid as other vouchers.

SEC. 3. This act shall be in force from and after its ratification. Ratified this 10th day of March, A.D. 1919.

RESOLUTION No. 58

JOINT RESOLUTION FOR THE PROPER OBSERVANCE OF THE SIXTIETH BIRTHDAY OF CHARLES BRANTLEY AYCOCK IN THE PUBLIC SCHOOLS OF THE STATE.

Resolved by the Senate, the House of Representatives concurring:

Whereas, the people of North Carolina have just registered by an overwhelming majority their approval of a change in the Constitution of the State to increase the minimum school term in every public school district from four to six months; and

Whereas, the State should recognize that the triumph of this measure is due in no small degree to the labors of the late "Educational Governor of North Carolina," Charles Brantley Aycock; and

Whereas, it is desirable, in order further to strengthen and develop our public school system, that the patrons of the schools should assemble and counsel together from time to time on matters relating to the best interests of the schools: Therefore, be it

Resolved:

SECTION 1. That the State Superintendent of Public Instruction is hereby authorized and empowered to arrange for the observance by all patrons and pupils of all public schools in this State in November of this year the sixtieth anniversary of the birth of Charles Brantley Aycock, on such date as may be selected by such State Superintendent of Public Instruction, to be known as "Aycock School Improvement Day"; and to publish programs, circulars, pamphlets, suggesting ways and means whereby the local school may lengthen its term, increase the number of its teachers, improve and beautify its building and grounds and enrich the life of the community.

SEC. 2. That on this day the school officials in each school district shall receive offerings from citizens and pupils for the erection of the proposed monument to the late Charles B. Aycock, which funds shall be turned over for that purpose to the State Treasurer, treasurer of the "Aycock Memorial Fund."

SEC. 3. That Arbor Day exercises in one thousand nine hundred and nineteen shall be observed as a part of the program of "Aycock School Improvement Day" instead of on the date usually set apart for that purpose.

Ratified this 10th day of March, A.D. 1919.

Preamble.

State superintendent to arrange celebration in schools.

Offerings for memorial fund.

Arbor Day combined.

RESOLUTION No. 59

RESOLUTION IN FAVOR OF W. D. TERRY.

Preamble.

Whereas, W. D. Terry has been required to attend to the mechanical ventilation of the halls of the Senate and the House of Representatives, in addition to his regular duties, during the session of the Legislature: Therefore, be it

Resolved by the Senate, the House of Representatives concurring:

To be paid \$100 extra.

That W. D. Terry, for the extra service above enumerated, be allowed the sum of one hundred dollars, to be paid by the State Treasurer upon warrant of the Auditor.

Ratified this 10th day of March, A.D. 1919.

RESOLUTION No. 60

RESOLUTION TO PAY THE EXPENSES OF THE HOUSE VISITING COMMITTEE TO THE STATE HOSPITALS AT MORGANTON AND GOLDSBORO.

Resolved by the House of Representatives, the Senate concurring:

Warrant authorized.

That the State Auditor be authorized to issue his warrant on the State Treasurer for the following amounts to the persons hereinafter named, to defray the actual expenses incurred by the committee in making said visits:

EXPENSES OF COMMITTEE TO MORGANTON

Statement of expenses.

G. K. Grantham-----	\$18.29
G. B. Sellers-----	18.45
G. W. Willcox-----	18.45
Total-----	\$55.19

EXPENSES OF COMMITTEE TO GOLDSBORO

Dr. S. A. Wilkins-----	\$6.25
J. R. Williams-----	3.12
Edwin Kiser-----	3.62
Total-----	\$12.99

Ratified this 10th day of March, A.D. 1919.

RESOLUTION No. 61

JOINT RESOLUTION PROVIDING ADDITIONAL COMPENSATION FOR THE ENGINEER AND FIREMAN OF THE STATE CENTRAL HEATING PLANT.

Resolved by the House of Representatives, the Senate concurring:

SECTION 1. That W. C. Horton, engineer, and Delma Burch, fireman, of the State central heating plant, be allowed the sum of thirty dollars each as additional compensation on account of night work and Sunday work made necessary by the present session of the General Assembly, such sums, respectively, to be paid by the State Treasurer upon warrant of the State Auditor out of the funds not otherwise appropriated.

W. C. Horton
and Delma Burch
allowed \$30
each.

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

Ratified this 10th day of March, A.D. 1919.

RESOLUTION No. 62

JOINT RESOLUTION IN REGARD TO THE INVESTIGATION OF CERTAIN DEFAMATORY STATEMENTS APPEARING IN THE REPORT OF THE UNITED STATES PROVOST MARSHAL-GENERAL RELATING TO THE ADMINISTRATION OF THE SELECTIVE DRAFT LAW IN NORTH CAROLINA.

Whereas, a resolution was introduced at this session of the General Assembly of North Carolina asking for an investigation of a certain statement appearing in the report of the Provost Marshal-General of the United States, in which a reflection was cast upon the people of the western part of this State in the matter of administering the selective draft law; and

Preamble.

Whereas, in the course of said investigation certain statements were made reflecting upon the efficiency and integrity of Frederick C. Handy, a special agent of the United States connected with the administration of the selective draft in North Carolina; and

Whereas, General E. H. Crowder, United States Provost Marshal-General, has sent a communication to the Hon. Thomas W. Bickett, Governor of North Carolina, disclaiming any intention of reflecting discredit upon this State and also giving his highest commendation to the manner in which the selective draft law was administered in North Carolina: Now, therefore, be it

Resolved by the House of Representatives, the Senate concurring:

General
Crowder's letter
accepted in
explanation.

SECTION 1. That the General Assembly accept the courteous letter of General E. H. Crowder, United States Provost Marshal-General, to Hon. Thomas W. Bickett, Governor of North Carolina, in full explanation of the circumstances connected with the administration of the selective draft law in this State, thereby removing the blame from Frederick C. Handy for the statement appearing in said report reflecting upon the administration of the selective draft law in this State.

Letter made
part of
resolution.

SEC. 2. That the letter from General E. H. Crowder, Provost Marshal-General of the United States, to Hon. Thomas W. Bickett, Governor of North Carolina, under date of February twenty-third, one thousand nine hundred and nineteen, be and the same is hereby made a part of this resolution, to be included in the printed records of this General Assembly. Letter following:

WAR DEPARTMENT

Office of the Provost Marshal-General

Washington

February 23, 1919.

HON. THOMAS W. BICKETT,

State Capitol, Raleigh, North Carolina.

The letter from
General
Crowder.

MY DEAR GOVERNOR:—I am inexpressibly shocked this morning to find in the copy of the *Raleigh News and Observer* of February 19, 1919, just come to hand, an account of the dissatisfaction publicly expressed by members of the North Carolina Legislature and other prominent officials with the passage of my printed report dealing with resistance to the draft in that State. Needless to say it is a matter of the deepest concern to myself to discover that the statements in any part of that report are not consonant with the facts as understood by those who know them, that I regret profoundly that anything contained therein has given just ground for the sentiments recorded in the interviews printed in the *Raleigh News and Observer*.

Expression of
regret.

Let me say at the outset that you will do me a great favor if you will take the earliest opportunity to convey to those members of the Legislature who have noticed the matter my expressions of sincere regret that anything was found in the report reflecting unjustly upon the honor of the State in respect of the attitude of any portion of its population towards the draft. It has been a matter of constant observation in this office that the draft was administered in the State of North Carolina in a manner to reflect the greatest pride upon both the Government and citizens of the State; and at various parts of my printed report you will find

ample data, testifying to North Carolina's splendid record in the raising of America's greatest army. In the administration of this office it has been my assiduous effort and, I believe, with a success virtually universal in every State, to maintain the most harmonious relations between the Federal and State authorities in the administration of the Selective Draft. And I take this opportunity to place on record my personal appreciation of your wholehearted cooperation with the Federal Government and of the splendid results achieved under your direction by the entire Selective Service administration in the State of North Carolina, and especially for the admirable solution by you of the unusual difficulties connected with draft resistance. In this connection I must especially add my satisfaction at the admirable solution achieved by you in handling the particular situation which arose at the time referred to in the above cited instance.

Relations
harmonious.

The explanations of the unfortunate quotation in my report of the newspaper account which has been criticised is as follows:

During the year and a half before the armistice this office had received notice both from official correspondence and otherwise of the existence of a few scattered instances of disturbances in five states, viz.: Michigan, Montana, North Carolina, Oklahoma, and Texas. Not having received any official statement of the scope and meaning of these disturbances and being desirous to present a concise but accurate record of them in my report to the Secretary of War, I sent out on November 27, 1918, a letter, identical in form, to the military aides of the Governors in charge of the draft in these five States. In this letter I stated that "I want to know with entire accuracy all the incidents of the draft disturbances that have occurred"; and I requested the officers to "collect the salient facts and send them to me," requesting an early reply. Within the next two weeks I received replies from the military aides in Montana, Oklahoma, and Texas. None, however, was received from North Carolina. I have no doubt that in some unfortunate manner not understood by me, my letter miscarried. However, my annual report was due, and I was therefore obliged to prepare a short account from such unofficial information as was available. In my office had been collected a large number of newspaper clippings, all of which agreed substantially in their accounts of the incidents. With the desire of using the account that would substantially portray the facts and retain at the same time the human interest features, the one selected was the one that appears in the report. This clipping had long been on file in this office, and there was nothing in the remainder of our files to throw doubt upon its correctness. It was considerably cut down from its original form, and as was supposed there was eliminated any journalistic expressions which might be interpreted as unfair or exaggerated. A comparison of the text as printed in my report with

Disturbances
five states.

No report
from North
Carolina.

Treatment of
clipping.

Praises tact of
State's
officials.

the original account by the journalist will exhibit this. Printed as it was, and not as any part of the text of the report, but as a quotation from a journalist's account, it was supposed that its chief value lay in its presentation of the human interest of the incident and in its revelation of the splendid faith in human nature shown by the local boards in those districts, and in the manly and unique response to that faith which was evoked from the recalcitrant selectives. The incident does, when judged in its large aspects, serve as a lesson to the people of the United States that the heartless and unsympathetic enforcement of the rigid letter of the law was a method not chosen by the Selective Service officials of North Carolina, and serves as a testimony to the efficacy of tact and humanity in the administration of a drastic law. Your own conduct in applying similar methods in Ashe County has always seemed to me a splendid instance of the way in which the State authorities, by the use of fine tact and judgment, demonstrated that it was possible when a community was treated reasonably and humanely, to secure results which would have been impossible under tactless and unsympathetic methods of administration.

Incident adds
to credit of
State.

It was, in fact, with the view of illustrating to the people of the United States the wisdom of employing such methods in the enforcement of that law that the incident in North Carolina was deemed to be of value for general observation and imitation of its lessons. That the specific account printed contained errors of fact is a matter of the deepest regret. But I believe that the general result of the whole incident as a lesson in government administration, is not thereby impaired. Read in this light, I feel that the incident, in its final results, will be interpreted by all readers as adding to the credit of the administration of the draft in that State and of the character of its people. A comparison with some of the more extensive disturbances which took place in other states will indicate, not perhaps that the same methods would necessarily have succeeded there, but that at any rate North Carolina's method stands out as a particular success.

Asks Governor
to furnish
account of affair.

Judged by the result, the handling of the few recalcitrant selectives in North Carolina is one of the real successes of the draft and is typical of the frank and American method of meeting difficulties.

With the view to correcting inaccuracies of fact and expression occurring in the account quoted, I am now going to ask you at your earliest convenience to furnish me with an account which will stand as the permanent official record; such an account, I mean, as I should have been glad to receive to my letter of November 27, which unfortunately miscarried. I shall see that the account as furnished by yourself or under your direction is substituted in the official report to the Secretary of War, and I shall take all possible measures to give the proper corrective publicity.

Trusting that in view of the explanations that have been made this will render the satisfaction which is justly due, I am

Yours faithfully,

E. H. CROWDER,

Provost Marshal-General.

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

Ratified this 10th day of March, A.D. 1919.

RESOLUTION No. 63

AN ACT TO COMPENSATE DAN POLK FOR EXTRA SERVICES DURING MEETING OF THE GENERAL ASSEMBLY.

The General Assembly of North Carolina do enact:

SECTION 1. That Dan Polk, janitor for the Adjutant-General, be paid the sum of seventy-five cents a day for extra services in waiting on, providing for, and cleaning up after various committees of the General Assembly during its present session of sixty days.

Allowance of
75 cents a day.

SEC. 2. That the Auditor is authorized to draw his warrant for same upon the Treasurer, who shall pay such warrant out of the general fund.

Payment
authorized.

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

Ratified this 10th day of March, A.D. 1919.

RESOLUTION No. 64

JOINT RESOLUTION FOR THE APPOINTMENT OF A COMMITTEE TO DRAW A BILL FOR THE ENACTMENT OF A LAW TO RELIEVE THE CITIZENS OF NORTH CAROLINA AGAINST UNJUST AND DISCRIMINATORY RATES CHARGED BY FIRE INSURANCE COMPANIES DOING BUSINESS IN NORTH CAROLINA.

Resolved by the Senate, the House of Representatives concurring:

1. That a committee of five, two from the Senate and three from the House of Representatives, be appointed for the purpose of investigating fire insurance rates charged the citizens of North Carolina by fire insurance companies, and especially as compared with rates charged in other states, and ascertain if some remedy can be afforded by the enactment of just laws or by the amendment of our present insurance laws.

Committee to
investigate
rates.

If advisable, committee to draw bill.

If said committee deem it advisable and expedient, and find that relief can be obtained in any manner whatsoever, the said committee shall draw a bill and submit the same to the General Assembly for ratification.

No expense to State.

2. Said committee shall not incur any expense to the State unless so authorized by the General Assembly.

3. That this resolution shall be in full force from and after its ratification.

Ratified this 10th day of May, A.D. 1919.

RESOLUTION No. 65

JOINT RESOLUTION RELATIVE TO EXTRA COMPENSATION OF THE NIGHT WATCHMAN OF THE STATE CAPITOL.

Preamble.

Whereas, the night watchman of the Capitol Building and Grounds has had extra services to perform in looking after the lights in the House and Senate, and the Capitol Building and Grounds in general, during the session of the General Assembly, and in the performance of these duties he has been uniformly courteous and accommodating: Now, therefore,

The General Assembly of North Carolina do enact:

Allowance of \$60 made.

SECTION 1. That the night watchman of the Capitol be and he is hereby allowed the sum of one dollar per day for sixty days during the General Assembly, to be paid by the State Treasurer upon the warrant of the State Auditor.

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

Ratified this 10th day of March, A.D. 1919.

RESOLUTION No. 66

JOINT RESOLUTION CONCERNING THE ASSISTANT SERGEANT-AT-ARMS OF THE SENATE AND ASSISTANT SERGEANT-AT ARMS OF THE HOUSE OF REPRESENTATIVES.

Preamble.

Whereas, the Assistant Sergeant-at-arms of the Senate and the Assistant Sergeant-at-arms of the House of Representatives have served in their respective capacities faithfully and acceptably; and

Whereas, they have been engaged in the discharge of their respective duties both day and night; and

Whereas, they, by error, were not included in a resolution to pay the Sergeant-at-arms, clerks, etc.: Therefore, be it

Resolved by the Senate, the House of Representatives concurring:

SECTION 1. That the pay of the Assistant Sergeant-at-arms of the Senate and the Assistant Sergeant-at-arms of the House of Representatives be and the same is hereby increased two dollars per day for the time they have served in their respective capacities. Pay increased two dollars a day.

Sec. 2. That the Principal Clerk of the Senate and the Principal Clerk of the House of Representatives are hereby authorized to issue vouchers for the above compensation, and the State Auditor is hereby authorized to issue warrants on the Treasurer for the same. Payment authorized.

Sec. 3. That this resolution shall be in force from and after its ratification.

Ratified this 10th day of March, A.D. 1919.

RESOLUTION No. 67

JOINT RESOLUTION RECALLING H. B. 584, S. B. 653, ENTITLED "A BILL TO BE ENTITLED AN ACT TO PROVIDE FUNDS FOR THE IMPROVEMENT OF THE ROADS OF DUPLIN COUNTY."

Whereas, by error, H. B. 584, S. B. 653, entitled as above set forth, passed two of its readings in the House of Representatives on March fifth, one thousand nine hundred and nineteen, having been regularly passed by the Senate, and was ratified on March seventh, one thousand nine hundred and nineteen; and Preamble.

Whereas, such passage fails to meet the constitutional requirements; and

Whereas, for want of time it is impossible at this session to remedy the defects by the passage of another act; and

Whereas, the original bill of the above numbers and title are now in the office of the Enrolling Department of the General Assembly: Now, therefore,

Resolved by the House of Representatives, the Senate concurring:

SECTION 1. That H. B. 584, S. B. 653, entitled "A bill to be entitled an act to provide for the improvement of the roads of Duplin County," be recalled from the office of the Enrolling Department of the General Assembly and placed upon its passage in the House of Representatives to the end that the constitutional requirements be complied with. Bill recalled.

Sec. 2. That the Secretary of State be and he is hereby directed to omit from the printed laws of the present session the act under the above numbers and title which was erroneously ratified on March seventh, one thousand nine hundred and nineteen. Omitted from printed laws.

This resolution shall be in effect from and after its ratification.

Ratified this 10th day of March, A.D. 1919.

RESOLUTION No. 68

A RESOLUTION PROVIDING COMPENSATION FOR HENRY LEONARD HOWELL, CLERK OF THE POSTOFFICE SUBSTATION.

Resolved by the House of Representatives, the Senate concurring:

Allowance of \$60 made.

SECTION 1. That Henry Leonard Howell, clerk of the postoffice substation, located in the Capitol Building, be allowed the sum of sixty dollars, as compensation for his faithful, untiring, and efficient service to the members of this General Assembly in caring for and delivering their mail.

Payment authorized.

SEC. 2. That the State Auditor is hereby directed to issue his warrant upon the State Treasurer for the amount of the above sum, and the State Treasurer is authorized and directed to pay the same out of the general funds of the State.

SEC. 3. That this resolution shall take effect upon ratification. Ratified this 10th day of March, A.D. 1919.

RESOLUTION No. 69

JOINT RESOLUTION MAKING APPROPRIATION FOR ENTERTAINMENT OF THE REGIMENT RETURNING FROM OVERSEAS, VISITING THE CITY OF RALEIGH.

Preamble.

Whereas, the General Assembly of North Carolina at its present session passed a resolution inviting members of the Thirtieth Division, American Expeditionary forces, now in France, soon to be transported home; and

Whereas, Senator Simmons has been assured by the Secretary of War that one regiment of the aforesaid division of troops will be allowed to parade in the city of Raleigh; and in appreciation of the world record said division has established in first breaking the Hindenburg line of battle, and to make the occasion a notable one in North Carolina history, and to add to the entertainment of these heroes while guests of the city: Therefore, be it

Resolved by the House of Representatives, the Senate concurring:

Appropriation of \$2,500 made.

SECTION 1. That the sum of twenty-five hundred dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of the funds in the State Treasury for the purpose of furnishing proper entertainment and a fitting welcome to the Thirtieth Division returning from overseas duty, which shall at an early date visit the city of Raleigh.

Committee from Legislature provided.

SEC. 2. That a committee consisting of seven members of the House of Representatives, to be named by the Speaker of the House, and five members of the Senate, to be named by the Presi-

dent of the Senate, be appointed for the purpose of making the necessary arrangements for the proper reception of the regiment upon their visit herein referred to, and who shall act with the Governor, who shall be chairman of said committee.

SEC. 3. That the State Auditor be and he is hereby authorized and directed to issue his warrant on the State Treasurer for the payment of the funds or any part thereof appropriated in section one of this act, when requested to do so by the committee of entertainment appointed by the General Assembly.

Payment
authorized.

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

Ratified this 11th day of March, A.D. 1919.

RESOLUTION No. 70

RESOLUTION FOR THE ESTABLISHMENT OF THE BANK- HEAD NATIONAL HIGHWAY.

*Be it resolved by the House of Representatives, the Senate con-
curring:*

Whereas, the Bankhead National Highway Association has mapped a continuous highway from Washington to Los Angeles, through Virginia, North Carolina, South Carolina, Georgia, Alabama, Tennessee, which is to be extended to southern California, and which they have designated as the Bankhead National Highway in recognition of the thirty-two years of service in the Congress of the United States of the senior Senator from Alabama and of his distinguished advocacy of the Federal improvement of the highways; and

Preamble.

Whereas, the route has been located after inspection and approved by a representative of the United States Bureau of Public Roads and an impartial pathfinding committee, and has the approval of the Highway Commission of this State; and

Whereas, the Bankhead National Highway Association has requested that said road be made an interstate highway and that the several states join in memorializing the Federal Government to designate said road as a national highway and to cooperate with the states in its construction and maintenance: Therefore, be it

Resolved:

1. That the State of North Carolina hereby join the other states in the establishment of this road as an interstate highway, the route across North Carolina being route No. ----, as shown on the State Highway map, and traversing the cities of Gastonia, Charlotte, Concord, Salisbury, Lexington, Greensboro, Graham, Hillsboro, Durham, Raleigh, and Oxford on the main line. Also the

two extensions from Raleigh to Norfolk, one via Nashville, Tarboro, Williamston, Windsor, and Murfreesboro, the other via Henderson, Warrenton, Weldon, Jackson and Murfreesboro.

Congress asked to designate suggested route as Bankhead National Highway.

2. That the Congress of the United States be and hereby is memorialized to designate the said road as the Bankhead National Highway and to aid the states in its construction and maintenance as a national highway.

3. That this action be transmitted to the governors of the several states and to the several secretaries of state for their consideration, and to the President of the United States for Federal action.

Ratified this 11th day of March, A.D. 1919.

RESOLUTION No. 71

RESOLUTION IN BEHALF OF MRS. FRANK MITCHELL, TELEPHONE OPERATOR.

Preamble.

Whereas, the members of the General Assembly have received splendid service from Mrs. Frank Mitchell as telephone operator; and

Whereas, the duties of this position have been very arduous and required long hours of service; and

Whereas, Mrs. Mitchell has rendered splendid service in this connection: Be it therefore

Resolved by the Senate, the House of Representatives concurring:

Allowance of \$1.50 a day for 60 days.

SECTION 1. That she be allowed as a compensation for her services the sum of one dollar and fifty cents per day for sixty days.

Payment.

SEC. 2. That the Principal Clerk of the Senate is hereby authorized and directed to issue voucher in payment therefor.

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

Ratified this 11th day of March, A.D. 1919.

RESOLUTION No. 72

JOINT RESOLUTION OF ADJOURNMENT OF THE GENERAL ASSEMBLY.

Resolved by the House of Representatives, the Senate concurring:

Hour set.

That this session of the General Assembly adjourn sine die on the eleventh day of March, one thousand nine hundred and nineteen, at twelve o'clock, m.

Ratified this 11th day of March, A.D. 1919.

STATE OF NORTH CAROLINA,
OFFICE OF SECRETARY OF STATE,

RALEIGH, April 17, 1919.

I, J. Bryan Grimes, Secretary of State of the State of North Carolina, hereby certify that the foregoing (manuscript) are true copies of the original acts and resolutions on file in this office.

J. BRYAN GRIMES,
Secretary of State.



INDEX

TO THE

PUBLIC LAWS

SESSION 1919

A

	PAGE
A. and E. College, appropriation for-----	321
A. and T. College, appropriation for-----	321
Absent electors, amend law relative to-----	536
Acceptances, issue of, authorized-----	101
Administrator, amend law relative to private sale personally by-----	93
investment by in Federal farm loan bonds authorized-----	114
Administrators, relative to settlement of distributive shares by-----	94
Adult illiterates, schools for-----	337
Advertising, legal, regulate charges for-----	68
Agriculture, teaching of in public schools-----	467
to promote -----	470
Agricultural, animal and poultry exhibits, aid for-----	313
Agricultural Department, to provide building for-----	410
building for -----	544
Agricultural extension work, appropriation for-----	321
Alimony, to amend Revisal relative to-----	53
right of -----	411
Animals, dying from disease, to bury-----	60
Anti-hog-cholera serum, payment for-----	310
Anti-hog-cholera serum, to amend law relative to manufacture and sale of -----	42
Anti-hog-cholera serum and virus, to regulate manufacture and sale of--	302
Appalachian Training School, appropriation for-----	321
president to make deed-----	397
trustees of -----	432
Appeals in criminal cases, Attorney-General to be notified of-----	42
Appropriations:	
Agricultural extension work-----	321
Appalachian Training School-----	321
Board of Charities and Public Welfare-----	321
Caswell Training School-----	321
Cherokee Normal -----	321
Confederate Cemetery -----	321
Confederate Museum -----	321
Confederate Woman's Home-----	321
Colored Orphanage at Oxford-----	321

Appropriations—continued:	PAGE
Cullowhee Normal	321
East Carolina Training School.....	321
Educational Commission, for expenses.....	543
Geological Survey	321
Governor's Mansion, for repairs to.....	534
Historical Commission	320
Laboratory of Hygiene.....	321
Legislative Reference Librarian.....	320
Militia, unused part of.....	523
Negro A. and T. College.....	321
Negro Normal Schools	321
North Carolina College for Women.....	321
Orthopedic Hospital	321
Oxford Orphanage	321
Pensions	424
School for Blind.....	321
School for Deaf.....	321
Soldiers Home	321
Soldiers' medals	503
State A. and E. College.....	321
State Board of Health.....	321
State Home for Girls and Women.....	321
State Hospitals for Insane.....	321
State Normal College	321
State Sanatorium	321
Stonewall Jackson Training School.....	321
University	321
Vocational Education	432
Architect, State, to provide for.....	517
Architects, renewals of license.....	552
Architecture, law relative to practice of.....	552
Arson, amend Revisal relative to crime of.....	95
Assessment:	
time of, to verify.....	303
of property	183
rolls, extending time for filing by drainage commissioners.....	505
Assault:	
secret, to amend law relative to.....	54
with deadly weapon with intent to kill, to make a felony.....	276
Atlantic Township, Currituck County, may become part of Dare County	339
Attorney-General:	
to be notified of appeals.....	42
to compare auditor's warrants with laws.....	55
Auditor's warrants, attorney-general to compare with laws.....	55
Automobile:	
provide for Executive Mansion.....	521
without manufacturer's number, to prohibit possession.....	286

Automobile—continued:	PAGE
registrations, to publish directory of.....	303
display numbers of.....	471
punishment of persons operating while intoxicated.....	414
relative to use of.....	511

B

Bank examiners, amend law relative to.....	515
Bank transactions on holidays.....	462
Banks:	
banking and trust companies, amend laws relative to reserve funds..	77
industrial, to regulate.....	428
in error as to nonpayment of checks, liability of.....	521
investment by in Federal farm loan bonds authorized.....	114
loans by.....	70
may invest in building.....	75
par value of stock in.....	78
par value of stocks in (supplementary act).....	350
regulate collection of checks by.....	348
State, to join Federal Reserve.....	461
Bequests, devises and, to prevent lapse.....	56
Bills, notes, bonds, etc. determination of right and actions.....	333
Bills of lading:	
to regulate and make uniform.....	84
to correct errors in act relating to.....	510
Board of Agriculture, to provide building for.....	410
Board of Charities and Public Welfare, appropriation for.....	321
Board of Parole, relative to.....	392
Boards of education, appointment of.....	531
members appointed.....	377
Blue Book, amend law relative to.....	327
Bond, investment and other companies, supervision of.....	300
Bond issues, for roads, laws amended.....	45
Bonds:	
clerks, in Treasurer's office, amend Revisal.....	43
counties to issue to secure Federal aid for roads.....	523
funding, exchange by counties for notes.....	513
Municipal Finance Act amended.....	507
1913 and 1915 laws relative to issuance for roads amended.....	554
North Carolina, for State Prison.....	453
road and school districts, for debt.....	521
road bonds, amend law relative to issuance of.....	554
roads, bridges and ferries.....	314
road improvement, to provide for.....	94
State, refunding.....	37
State educational and charitable institutions, bonds for.....	67
township bond law amended.....	306

	PAGE
Bonds—continued:	
townships, for roads.....	384
Treasurer to issue notes in lieu of.....	45
Bottling plants, inspection of.....	424
Bridges across State line, to authorize coöperation in construction of....	281
Bridge—between Buncombe and Madison counties aphotized.....	553
Bridges, ferries, roads and, establishment of.....	314
Bridges: State line streams, county commissioners authorized to coöperate in bridging	218
Budget system, for State expenditures, to provide.....	61
Budgets, school, to provide.....	289
Building and loan associations:	
Liberty Bonds as security for loans of.....	459
Building Commission, amend law relative to.....	517
Burning of woods, amend law relative to.....	535

C

Caledonia Farm, transfer of prisoners to.....	82
Carnivals: commissioners may refuse license.....	341
Caswell Training School:	
appropriation for	321
amend charter of.....	427
directors of	512
Cattle and horses, compensation for when killed to prevent spread of disease	80
Cemeteries:	
abandonment and establishment.....	313
relative to	455
to further protect.....	423
Central highway, amend law so as to extend to certain counties.....	93
Charitable and educational institutions, to borrow money for.....	544
Charitable and penal institutions, benefit inmates of.....	504
Charitable, religious and educational institutions, validate acts of.....	314
Charters:	
corporate, Secretary of State to extend.....	50
relative to amendment by municipalities.....	551
Checks:	
nonpayment of, bank's liability.....	521
regulate collection by banks.....	348
Cherokee Normal School:	
appropriation for	321
control of funds for.....	399
Child labor laws, to provide for enforcement of.....	273
Children:	
indigent, to secure attendance of at school.....	328
very young, amend law relative to protection of.....	453

	PAGE
Chiropody, to regulate practice of.....	104
Chiropractic, relative to practice of.....	327
Churches: Lee's Grove Church, Harnett County, to incorporate.....	108
Cities, counties and towns, to aid exhibits.....	313
Cities and towns:	
amend law relative to cemeteries in.....	313
recorders' courts, relative to.....	485
Cities, towns and incorporated villages, to amend law relative to.....	513
Civil procedure, restore provisions, Code of.....	519
Clerks of court:	
cross-index of parties to actions concerned with land.....	330
deposits of proceeds second sales real estate, relative to.....	547
funds, amend law relative to payment to clerks of court.....	287
lis pendens, amend law relative to.....	57
title to money paid to.....	287
to enter judgment in certain cases.....	318
to notify Attorney-General of appeals.....	42
Clothing, for inmates State School for Blind, amend law.....	376
Code:	
to provide for publication and distribution of.....	449
to amend.....	529
Collection of taxes.....	183
Colored Orphanage at Oxford, appropriation for.....	321
Commandants, commissioned by Governor.....	476
Commercial fertilizers, to amend law relative to sale of.....	299
Commissioners partitioning property, to fix compensation of.....	44
Compulsory school attendance, to provide for, and regulate employment	273
Concealed weapons, sale of.....	397
Confederate cemetery, appropriation for.....	321
Confederate museum, appropriation for.....	321
Confederate pensions:	
to increase amount of.....	424
increased.....	430
Confederate Woman's Home, appropriation for.....	321
Constitution of North Carolina, to amend.....	305
Constitution of 1776, to preserve house written in.....	423
Constitution of United States, to celebrate adoption of.....	506
Conveyances by husband of lunatic, to regulate.....	50
Corn-meal, to establish standard weight of.....	100
Corporate charters, Secretary of State to extend.....	50
Corporations:	
allowed to retain "Trust" in names.....	285
deeds of, to validate.....	74
municipal, amend law relative to.....	78
supervision by Insurance Commissioner.....	300
to provide for taking of oaths by.....	130

	PAGE
Corporation Commission, to regulate light, power and gas companies, and fix standards -----	58
Corporation property, amend law relative to sale of -----	101
Cotton, provide facilities for marketing -----	343
Cottonseed meal:	
analysis of -----	482
amend law relative to sale of -----	46
Counterclaims, to amend Revisal relative to -----	55
County commissioners:	
to provide signposts -----	503
refusal of license to carnival companies -----	341
County boards of education, members of -----	284
County homes, required to keep records -----	98
County-line bridges, amend Revisal relative to -----	380
County prisoners, relative to -----	392
County treasurer, office of, to prevent justices of peace from abolishing -----	318
County tuberculosis hospitals, erection and maintenance of -----	335
Counties, cities and towns, authorized to become members of memorial associations -----	51
Counties, recorders' courts of -----	485
Courts:	
Caswell County, certain terms may be canceled -----	510
Chatham County, fix terms of court -----	59
Civil Procedure, Code of, to restore -----	519
Forsyth County, relating to terms -----	129
Wilkes County, regulate time of holding -----	341
First Judicial District, terms of -----	304
Fourteenth Judicial District, provide for holding -----	383
Henderson County, regulate time of holding -----	338
Hertford County Superior Court, terms of -----	319
in Washington County, provide for holding -----	310
Juvenile Courts, to create -----	243
New Hanover Superior Court, terms of -----	342
Richmond County Superior Court, terms of -----	254
Robeson Superior Court, relative to jurisdiction April term -----	284
Superior Court, Pitt County, to provide additional terms of -----	76
Superior Courts, to restore jurisdiction of -----	514
Wake County Superior Court, relative to terms of -----	288
Washington County, to transfer from First to Second Judicial District -----	310
Criminal cases, trial of in Franklin -----	52
Croatan Indians, treatment of, in insane hospital -----	416
Cullowhee Normal School:	
appropriation for -----	321
directors of -----	520
Custodian of funds from sale of real estate, bond of -----	472

D

	PAGE
Daughters of American Revolution, to assist.....	423
Deadly weapon, assault with intent to kill with, to make a felony.....	276
Deeds, agreements and other easements, amend law relative to.....	285
Deeds of corporations, to validate.....	74
Degrees, to regulate conferring of by educational institutions.....	475
Department of Agriculture, building for.....	544
Depositions, amend law relative to.....	538
Devises and bequests, to prevent lapse of.....	56
Directors, Caswell Training School, relating to.....	512
Disclosure of official information by bank examiners.....	515
Disease, prevent spread of from privies.....	95
Diseases:	
venereal, for prevention of.....	412
venereal, to obtain reports of persons infected with.....	418
Distributive shares, relative to settlement of by administrators.....	94
Districts, road, schools and other, incorporation of.....	521
Divorce, amend law relative to.....	411
Dogs:	
to tax	102
to tax	292
Dower:	
to fix compensation of jurors allotting.....	44
to protect inchoate rights of.....	301
Drainage commissioners, election of.....	422
Drainage laws, general, to amend.....	414
Drainage:	
assessment rolls, extend time of filing.....	505
commissioners, election of.....	422
general laws amended.....	414
Dying declarations, amend law relative to competency.....	56

E

Easements, amend law relative to.....	285
East Carolina Training School, appropriation for.....	321
Education:	
boards of, to appoint	377
boards of, appointment	531
election members county boards of.....	284
vocational, to provide for.....	296
vocational, to provide for.....	307
Educational commission, powers of extended.....	543
Educational institutions, to regulate conferring of degrees by.....	475
Educational and charitable institutions:	
State, bonds for	67
to borrow money for.....	544
Educational, religious and charitable corporations, validate acts of.....	314

	PAGE
Election law, primary, to amend.....	318
Elections:	
by municipalities on bonds.....	511
municipal, relating to.....	551
Electors, absent, amend law relative to.....	536
Electric companies, exercise of eminent domain by.....	329
Electric light, power, water and gas companies, to regulate, and fix standards	58
Embalmers, amend law relating to license of.....	130
Eminent domain, amend law relative to.....	329
Employees and laborers, State, to fix wages of.....	528
Errors, to correct in bills of lading act.....	510
Ex-Confederates, for relief of.....	432
Executive mansion, to provide automobile for use of.....	521
Executor:	
amend law relative to private sale personalty by.....	93
investment by in Federal Farm Loan bonds authorized.....	114
Expenditure and revenue, to provide estimates for.....	61

F

Fallen women:	
amend law relative to establishment of homes for.....	58
amend law relative to homes for.....	516
False representation of physical defects, punishment for.....	283
Farm-life schools:	
to establish	470
to provide funds for.....	374
Farm products, to establish standard packages and grades of.....	538
Federal aid, enable counties to provide funds to secure for roads.....	523
Federal Farm Loan bonds, to authorize investment in by banks and fiduciaries	114
Federal Reserve, State banks to join.....	461
Fees and license taxes, State, to be paid monthly.....	294
Fees, paid to State Treasurer, refunding of.....	72
Ferries, roads and bridges, establishment of.....	314
Fertilizer, analysis of cottonseed meal.....	482
Fertilizers, commercial, to amend law relative to sale of.....	299
Finance act, municipal, to amend.....	352
Finance, municipal act, to amend.....	507
Fire, protection of property outside city limits against.....	454
Fire insurance companies, amend law relative to exemption from tax..	374
Fisher, Fred C., relief of, and place on pension roll.....	66
Fishermen, products and appliances, to tax.....	549
Fishing industry, to regulate.....	549
Funding bonds, to permit exchange by counties for notes.....	513

G

	PAGE
Gas, electric and water companies, to regulate and fix standards.....	58
Gasoline and illuminating oil acts, to coördinate.....	43
Geological survey, appropriation for	321
Girls and Women, State Home for, to amend law.....	301
Glanders, compensation for horses and mules when killed because of....	80
Government of cities and towns, amend law relative to.....	448
Governor, allow traveling expenses to.....	535
Governor's mansion, repairs to.....	534
Graded school districts, relative to incorporation of.....	319
Grain, threshers of, to license.....	479
Grain, threshed, to secure reports of.....	479
Graves, removal of.....	455
Graveyards, to further protect.....	423
Grits, establish standard weight of.....	100
Guardian ad litem, relative to.....	455
Guardian, investment by, in Federal farm loan bonds authorized.....	114
Guardians, for idiots, inebriates and lunatics, appointment.....	74

H

Halifax, to preserve house at, in which Constitution was written.....	423
Heacock, J., to correct State grant to.....	47
Health of county communities, to protect.....	60
Health:	
bottling plants, inspection of.....	424
chiropody, to regulate practice of.....	104
county tuberculosis hospitals, establishment of.....	335
dead animals, to be buried.....	60
embalmers, amend law relating to licensing of.....	130
milk supply, to protect.....	426
nuisances, certain, relating to abatement of.....	509
prisoners, to regulate treatment and work of.....	108
privies, to prevent spread of disease from.....	95
prostitution, amend law relative to.....	509
for repression of.....	419
public school teachers, to prevent infecting pupils with tuberculosis	351
sanitary equipment, to require in public schools.....	417
school children, examination and treatment of.....	393
venereal diseases, to obtain reports of those infected with.....	418
for prevention of.....	412
vital statistics, amend law relative to.....	415
Highway commissioners, county to provide for.....	94
Highways:	
to provide for State system of.....	385
public, to prevent use of narrow-tired wagons on.....	482
State system of, amend law relating to.....	536
High school text-books, to secure uniformity in.....	401
Historical Commission, relative to appropriations for.....	320

	PAGE
Historical places, relative to.....	326
Hog-cholera virus and serum, to regulate manufacture and distribution of	302
Hog-cholera serum, payment for.....	310
Holiday, November 11th designated as.....	509
Holidays, bank transactions on.....	462
Holt's Lake, placed under Federal protection.....	65
Home economics:	
teaching of in public schools.....	467
to promote	470
Hominy, establish standard weight of.....	100
Hospitals:	
county tuberculosis hospitals.....	335
tax rate by counties limited.....	549
House of Correction, amend law relative to.....	483

I

Idiots:	
to expedite cases of.....	455
imbeciles and inebriates, appointment of guardians.....	74
Illiterates, adult, schools for, part of public school system.....	337
Income tax, amend constitution relative to.....	305
Indigent children, to secure attendance of at school.....	328
Industrial banks, relating to.....	428
Inebriates, idiots and imbeciles, appointment of guardians for.....	74
Indians, Croatan, treatment of, in hospital.....	416
Infants, to expedite cases of defendant.....	455
Inmates, charitable and penal institutions, to benefit conditions of.....	504
Insane:	
admission of into hospitals.....	542
management of hospitals for.....	548
Institutions, State, educational and charitable, bonds for.....	67
Intoxicated persons, punishment of, for operating automobiles.....	444
Insurance, increase of premiums on State property.....	333
Insurance Commissioner, all corporations marketing securities to be supervised by	300
Insurance Commissioner and employees, for relief of.....	336
Insurance companies, fire, amend law relative to exemption from tax..	374
Insurance laws, to amend.....	382
Issue of acceptances, to authorize.....	101

J

Jailers, allowance for feeding prisoners, amend law relative to.....	296
Janitors, compensation for services.....	480
Journals of House and Senate, compensation for indexing of.....	349
Journals, Laws and Supreme Court Reports, distribution and sale of.....	396
Judges' expenses and salaries, relative to.....	72

	PAGE
Judgment, lien of, to protect.....	395
Judgments, clerks to enter, in certain cases.....	318
Judicial districts:	
First, terms of court.....	304
Fourteenth, provide for holding courts in.....	383
transfer Washington County from First to Second.....	310
Jurisdiction Superior Courts, to restore.....	514
Jurors, fix pay and mileage of.....	128
Jurors' tax fees, relating to.....	535
Jury, to restore trial of issues by, after compulsory reference.....	43
Justices of peace:	
to prevent from abolishing office county treasurer.....	318
depositions read on trial.....	538
fees, to regulate.....	318
to appoint (omnibus bill).....	255
office of county treasurer, to prevent abolition of by.....	318
Juvenile courts, to create.....	243
Juvenile farm, relative to.....	483

L

Labor, amend law relative to enticing of.....	484
Laboratory of Hygiene, appropriation for	321
Land, amend law relative to resales.....	302
purchasers of, to protect.....	330
Land titles, to amend laws relative to assurance and registration of.....	111
to amend law relating to assurance and registration of.....	445
Law, relative to persons disqualified to practice.....	411
Laws, Journals and Supreme Court Reports, distribution and sale of.....	396
Laws amended:	
1907, ch. 136, Public.....	78
1907, ch. 831, Public.....	374
1911, ch. 58, Public.....	93
1911, ch. 82, Public.....	72
1911, ch. 84, Public.....	470
1911, ch. 116, Public.....	349
1911, ch. 123, Public.....	287
1913, ch. 6, Public.....	484
1913, ch. 18, Public.....	47
1913, ch. 37, Public.....	93
1913, ch. 77, Public.....	39
1913, ch. 90, Public.....	111
1913, ch. 90, Public.....	444
1913, ch. 90, Public.....	445
1913, ch. 109, Public.....	415
1913, ch. 115, Public.....	397
1913, ch. 123, Public.....	287

Laws amended—Continued.	PAGE
1913, ch. 125, Public.....	554
1913, ch. 127, Public.....	58
1913, ch. 142, Public.....	71
1913, ch. 156, Public.....	300
1913, ch. 196, Public.....	59
1913, ch. 196, Public.....	341
1915, ch. 101.....	242
1915, ch. 101, Public.....	553
1915, ch. 146, Public.....	302
1915, ch. 188, Public.....	342
1915, ch. 245, Public.....	111
1915, ch. 264, Public.....	415
1915, ch. 282, Public.....	319
1917, ch. 17, Public.....	401
1917, ch. 23, Public.....	536
1917, ch. 35, Public.....	376
1917, ch. 36, Public.....	130
1917, ch. 57, Public.....	411
1917, ch. 64, Public.....	306
1917, ch. 73, Public.....	148
1917, ch. 102, Public.....	84
1917, ch. 116, Public.....	288
1917, ch. 136, Public.....	303
1917, ch. 136, Public.....	313
1917, ch. 136, Public.....	448
1917, ch. 136, Public.....	454
1917, ch. 136, Public.....	474
1917, ch. 136, Public.....	481
1917, ch. 138, Public.....	71
1917, ch. 138, Public.....	352
1917, ch. 138, Public.....	511
1917, ch. 140, Public.....	471
1917, ch. 140, Public.....	511
1917, ch. 142.....	286
1917, ch. 143, Public.....	299
1917, ch. 145, Public.....	327
1917, ch. 148, Public.....	285
1917, ch. 152, Public.....	414
1917, ch. 152, Public.....	422
1917, ch. 154, Public.....	67
1917, ch. 157, Public.....	41
1917, ch. 170, Public.....	69
1917, ch. 161, Public.....	444
1917, ch. 197, Public.....	543
1917, ch. 200, Public.....	523
1917, ch. 204, Public.....	424
1917, ch. 255, Public.....	301

Laws amended—Continued.	PAGE
1917, ch. 261, Public.....	320
1917, ch. 264, Public.....	58
1917, ch. 264, Public.....	516
1917, ch. 275, Public.....	42
1917, ch. 277, Public.....	326
1917, ch. 278, Public.....	392
1917, ch. 279, Public.....	554
Laws reënacted:	
1917, ch. 6, Public.....	291
1917, ch. 284, Public.....	94
Laws repealed:	
1917, ch. 128, Public.....	406
1917, ch. 137, Public.....	66
1917, ch. 280, Public.....	43
Lease, voided by nonpayment of rent.....	59
Legal advertising, regulate charges for.....	68
Legislative Reference Librarian, relative to appropriations for.....	320
Liability of bank in error for nonpayment of checks.....	521
Liberty bonds, as security for B. and L. loans.....	459
Lien of judgment, to protect.....	395
Limestone and marl, to regulate sale and distribution.....	375
Liquors, to amend law relative to manufacture of.....	41
Lis pendens, amend law relative to.....	57
Litigation, to expedite and reduce costs of.....	519
Loans, by banks, to regulate.....	70
Loans, by B. and L. associations, relative to.....	459
Local improvements, relating to.....	507
Logging roads, liability of.....	484
Lunatics, to expedite cases of.....	455
Lunatics, husband of, regulate conveyance by.....	50

M

Machinery Act.....	183
Magna Charta, to celebrate.....	506
Manual training, teaching of in public schools.....	467
Marines, settlement of on State lands.....	477
Markers, historical places commemorated by.....	326
Marl, limestone and, to regulate sale and distribution.....	375
Maternity homes, orphanages and, to provide inspection of.....	69
Mayor, term and qualifications of.....	481
Memorial association, to authorize counties, cities and towns to become members of.....	51
Memorial Building Commission, to appoint, and provide building.....	40
Messages, telegraph, prevent conversion of.....	350
Meters, fees for testing.....	334
Military commissions, issuance of by Governor.....	476

	PAGE
Militia, unused appropriation for	523
Milk supply, to protect	426
Ministers, to receive vinous liquors for sacramental purposes	452
Minors, investment of funds in U. S. bonds ratified	
Money paid to clerk of court, title to	287
Moral, mental or physical condition inmates institutions, to benefit	504
Morris Plan banks, relating to	428
Mount Mitchell Park Commission, to create	533
Municipal charter act, amended	448
amended	474
amended	481
to amend relative to protection outlying property against fire	454
Municipal corporations, amend law relative to	78
Municipal farm, relative to	483
Municipalities, amend law relative to organization and government	551
Municipal finance act, amend	71
amend	352
amend	507
bond elections	511
Municipal governments, to amend law relative to	303
Municipal taxes, certain, to validate	395

N

Names, assumed, in partnerships, to regulate use of	39
Negro A. and T. College, appropriation for	321
Negro Normal Schools, appropriation for	321
North Carolina College for Women, appropriation for	321
North Carolina Memorial Building Commission, to appoint	40
Normal schools for colored race, directors of	522
Notes, exchange of funding bonds for	513
Notes, issued by State Treasurer, in lieu of bonds	45
November 11th, to designate as holiday	509
Nuisances, relative to abatement of	509
Nursing, professional, amend law relative to	401

O

Oaths, to provide for taking, by corporations	130
Officers, collecting fees and licenses, to pay to State monthly	294
Officials, municipal, election of	551
Oil, illuminating, and gasoline acts, to coördinate	43
Operations, to be performed on inmates of institutions	504
Orphans, to attend public schools	515
Orphanages, maternity homes, etc., provide inspection of	69
Orphanages, inmates of to attend public school	515
Orthopedic Hospital, appropriation for	321

	PAGE
Oxford Orphanage, appropriation for	321
Parole, advisory board of, amend law relative to.....	392
Partnerships, to amend law relative to assumed names in.....	39
Pensions:	
amount of, to increase.....	424
amount of, to increase.....	430
Clay County, names placed on roll.....	509
Fisher, Fred C., relief of, and place on pension roll.....	66
Hertford County, to put name on roll.....	427
Person Comty, names placed on roll.....	512
Pinnix, J. W., place on roll.....	349
Robinson, Jasper C., to place on roll.....	414
Surry County, name placed on roll.....	348
Union County, names placed on roll.....	522
Woodward, J. S., place on roll.....	349
Yancey County, Mrs. Elizabeth K. Young, placed on roll.....	431
Personal property, mortgaged, to amend law relative to sale of.....	57
Personalty, amend law relative to private sale of by executor or administrator	93
Physical defects, punishment for false representation of.....	283
Pilgrim Fathers, to celebrate landing of.....	506
Pistols, purchase and sale of.....	397
Planning boards, local, cities and towns to establish.....	53
Power plants, control of.....	474
Practice of law, relative to persons disqualified for.....	411
Primary elections, repeal law as to Mitchell County.....	66
Primary election law, to amend.....	318
Primary law, amend as applied to Graham County.....	506
primary law, Burke County, amended.....	242
primary law, Currituck County, amended.....	553
exempt Pender County from.....	506
amend as to Yancey County.....	502
refunding of fees paid under.....	72
to place Swain County under.....	110
Prison, State, location of and bonds for.....	453
Prisoners, to amend law relative to allowance to jailers for feeding.....	296
to regulate treatment, handling and work of.....	108
Privies, prevent spread of disease from.....	95
for schools, to require.....	417
Probate of wills, to prescribe limitation of.....	47
Probates and registration, validation of.....	458
Process, from recorder's court, issuance of.....	334
Professional nursing, to amend law relative to.....	401
Property, assessment of.....	183
fix compensation of commissioners partitioning.....	44
reevaluation of	115
Prostitution, for repression of.....	419

Prostitution, amend law relative to.....	509
Public hospitals, county tax for.....	549
Public money, publication receipts and disbursements of.....	287
Public roads, amend law of 1915 relating to.....	415
to provide for maintenance of.....	391
to regulate use of vehicles in Union County	332
Public school law, to amend.....	463
Public welfare, amend law relative to.....	69
Pupils, to prevent teachers infecting with tuberculosis.....	351
Purchasers of land, to protect.....	330
Purchasing committee, relating to.....	514

R

Real estate, custodian of funds from sale of to give bond.....	472
sales of by trustees, relative to.....	547
Real value, to list property at.....	115
Receipts and disbursements of public money, publication of.....	287
Reconstruction commission, to create.....	473
Record of deeds and easements, relative to.....	285
Records, county homes required to keep.....	98
Recorder's court, to establish uniform system of.....	485
Registrars and judges of election, increase pay.....	79
Registration of defective instruments validated.....	458
Registration of licensed automobiles, to publish.....	303
Religious, charitable and educational corporations, validate acts of.....	314
Rent, nonpayment to void lease.....	59
Resale of land, amend law relative to.....	302
Reserve funds of banks, amend law relative to.....	77
Revaluation, of property for taxation.....	115
Revenue act.....	131
to amend.....	241
Revisal amended:	
chapter 83.....	373
chapter 100.....	382
sec. 24.....	483
sec. 59.....	56
sec. 64.....	93
sec. 222.....	78
sec. 231.....	77
sec. 248.....	515
sec. 289.....	43
sec. 464.....	57
sec. 556.....	55
sec. 629.....	57
sec. 645.....	538
sec. 915.....	330

Revisal amended—Continued.	PAGE
sec. 924 -----	182
sec. 959 -----	50
sec. 1238 -----	101
sec. 1395 -----	319
sec. 1567 -----	53
sec. 1590 -----	48
sec. 1735 -----	329
sec. 1890 -----	74
sec. 2696 -----	380
sec. 2784 -----	79
sec. 2791 -----	44
sec. 2798 -----	128
sec. 2799 -----	296
secs. 3029 and 3030 -----	416
sec. 3122 -----	47
sec. 3142 -----	56
sec. 3345 -----	95
sec. 3346 -----	535
sec. 3374 -----	484
sec. 3621 -----	54
sec. 3814 -----	46
sec. 4119 -----	284
sec. 4545 -----	416
sec. 4827 -----	333
sec. 4993 -----	430
secs. 5353, 5354, 5357, 5362 -----	396
Right of dower, to protect -----	301
Rights and actions, determination of -----	333
Road bonds, amend law relative to -----	554
Road bond issues, laws amended -----	45
Road building, to reenact law relative to -----	291
Road commissions, township, appointment of -----	60
Road commissioners, county boards of -----	433
Road electorate, to provide for creation of by counties -----	433
Roads and bridges, amend Revisal relative to -----	380
Roads, bridges and ferries, establishment of -----	314
Road labor, school boys exempted from -----	475
Road law, State-wide, to amend -----	45
chapter 284, Public Laws 1917, to reenact -----	94
Road, school and other districts, incorporation of -----	521
Road signs, penalty for not providing -----	503
Roads:	
automobiles, relating to use of -----	511
bonds, amend 1913 and 1915 law relative to issuance of -----	554
bridges on State line, county commissioners authorized to cooperate in construction of -----	281
Central highway, to extend to certain counties -----	93

Roads—Continued.	PAGE
county boards of road commissioners.....	433
county electorates, to provide for creation of	433
county funds, to provide use with Federal and State funds for roads	433
districts, incorporation of	521
Federal aid, enable counties to secure	523
Law 1915, to amend	415
public, to provide for maintenance of.....	391
road building, to reenact law relative to.....	291
signposts, penalty for not providing	503
State Highway Commission law amended.....	430
State highway law amended	536
State-wide road law	385
State-wide road law of 1917, to reenact.....	94
township road commissions, to amend law relative to appoint- ment of	60
Roanoke Island, to celebrate settlement of.....	506
Rural communities, to provide for incorporation of.....	406
S	
Sacramental purposes, ministers to receive vinous liquors for.....	452
Sailors, medals for	503
settlement of on State lands	477
Sale, private, of personalty, amend law relative to.....	93
Sales of real estate by mortgagees, relative to.....	547
Sanitary equipment, to require provision of in public schools.....	417
School for Blind, appropriation for	321
School for Blind and Deaf, use of certain material from.....	351
School for Deaf, appropriation for	321
School budget, to provide, and fix salary for teachers.....	289
School children, examination and treatment.....	393
School district, to retain surplus funds	452
School term of six months, to provide.....	277
Schools:	
adult illiterates, schools for, part of public school system.....	337
agriculture, to promote	470
agriculture, home economics and manual training, teaching of.....	467
Appalachian Training School, president to make deed.....	397
trustees of	432
budgets, teachers' salaries and expense fund, to regulate.....	289
Cherokee Normal School, control of funds for.....	399
Colored Normals, directors of	522
county boards of education, appointment of.....	531
Cullowhee Normal, directors of.....	520
degrees, to regulate conferring of.....	475
districts, incorporation of	521
Farm-life schools, to establish	470
provide additional funds for	374
relative to	463

Schools—Continued.	PAGE
graded school districts, incorporation of	319
high school text-books, to secure uniformity in	401
home economics, to promote	470
indigent children, to secure attendance of	328
omnibus boards of education bill	377
orphanages, attendance by inmates of	515
road labor, school boys exempted from	475
sanitary equipment, to require	417
school children, examination of and treatment	393
schoolhouse, burning of made felony	95
shortened terms, surplus funds from school districts, to retain	452
special taxes, amend law relative to	84
State Normal and Industrial College, to change name	400
to purchase land	469
text-books, committees and boards to furnish	312
vocational, to provide for	296
to provide for	307
Secret assault, to amend law relative to	54
Secretary of State, to extend corporate charters	50
Seed-cotton buyers, to regulate	67
Senate and House Journals, compensation for indexing of	349
Serum, anti-hog-cholera, to amend law relative to manufacture and sale of	42
to regulate manufacture and sale	302
payment for	310
Service medals, purchase of for soldiers and sailors	503
Shares, distributive, relating to settlement of by administrator	94
Sheep husbandry, to encourage	102
to protect	292
Sheriffs, to change time for collection of taxes	73
Sheriffs and tax collectors, for relief of	99
Signposts on roads, penalty for not providing	563
Six months school term, to provide	277
Smith, Richard F., relief of	444
Smith, Mrs. Rosa, for relief of	444
Soft drinks, inspection of places of manufacture of	424
Soldiers, medals for	503
settlement of on State lands	477
and sailors, counties, cities and towns to join memorial associations to	51
Soldiers and sailors, probate of wills	421
Soldiers Home, appropriation for	321
Soldiers' medals, appropriation for	503
Special school taxes, amend law relative to	84
Special taxes:	
roads, bridges and ferries, bonds	314
six months school term, special tax for	277

	PAGE
Standard packages, grades and brands of farm products.....	538
State Auditor, additional clerk for.....	328
to examine books of officers of Washington County.....	350
State Auditor's warrants, Attorney-General to compare with laws.....	55
State banks, authorized to join Federal Reserve	461
State Board of Health, appropriation for	321
State bonds, refunding, to authorize issue of.....	37
State Building Commission, to use material from Blind Institute.....	351
State commission, to coöperate with Sulgrave Institution	503
State cotton warehouse system, to provide	343
State Departments and Institutions:	
Agricultural Department, to provide buildings for.....	410
Appalachian Training School, appropriation for.....	321
Architect, to provide for	517
Auditor, additional clerk for	328
Blind and Deaf School, use of certain material from.....	351
Board of Charities and Welfare, appropriation for.....	321
Board of Charities and Public Welfare, to inspect orphanages and maternity homes	69
bonds for	67
Building Commission, relating to	517
Caşwell Training School, amend charter of	427
appropriation for	321
directors of	512
clerks and stenographers, salaries of	456
Cherokee Normal, appropriation for	321
Colored Orphanage, appropriation for	321
Confederate cemetery, appropriation for	321
Confederate museum, appropriation for	321
Confederate Woman's Home, appropriation for.....	321
Cullowhee Normal, appropriation for	321
directors of	520
East Carolina Training School, appropriation for	321
employees and laborers, to fix wages of	529
Executive Mansion, automobile for use of.....	521
extension work, appropriation for	321
Geological Survey, appropriation for	321
home for girls and women, amend law relative to	301
hospitals and asylums, operations for inmates of.....	304
hospitals for insane, management of.....	548
insane hospitals, admission into	542
insane hospitals, relative to treatment Croatan Indians.....	416
Laboratory of Hygiene, appropriation for	321
Negro A. and T. College, appropriation for	321
Negro Normal Schools, appropriations for	321
directors of	522
North Carolina College for Women, appropriation for.....	321

State departments and institutions—Continued.	PAGE
orphanages, appropriation for	321
Orthopedic Hospital, appropriation for	321
Oxford Orphanage, appropriation for	321
School for Blind, appropriation for	321
clothing allowance for pupils	376
School for Deaf, appropriation for	321
Soldier's Home, appropriation for	321
State A. and E. College, appropriation for	321
State Board of Health, appropriation for	321
State departments, to make definite allowance for telephone, tele- graph and postoffice box rent	48
State Home for Girls and Women, appropriation for	321
State Hospital, to transfer State prison property to	82
State hospitals for insane, appropriations for	321
State Library, salaries of employees	538
State Normal College, appropriation for	321
State Prison, location of and bonds for	453
State Reconstruction Commission, to create	473
State Sanatorium, appropriation for	321
Stonewall Jackson Training School, appropriation for	321
Supreme Court, night watchman and night librarian, extra com- pensation for	481
Supreme Court Reporter, expenses of	485
Treasurer, to cover money into general fund	76
Treasurer's Office, salaries in	441
Vocational Education, board of	296
State Board of, to establish	307
University, appropriation for	321
State educational and charitable institutions, bonds for	67
State grant in Macon County, relating to	242
State grant No. 7999, to correct	47
State grant No. 1982, to correct calls in	65
State Highway Commission, to pay indebtedness of	430
State Highway Commission law, to amend relative to	430
to amend law relative to	536
State Home and Industrial School for Women, to amend law relative to	201
State Home for Girls and Women, appropriation for	321
State Hospitals for Insane, appropriations for	321
State Hospital, transfer of State Prison to	82
State institutions, to make appropriations for	321
State lands, settlement of soldiers upon	477
State Library, salaries of employees	538
State line, amend law relative to remarking	342
State line bridges, to authorize coöperation in construction of	281
State Normal College, appropriation for	321
to purchase land	469
State Normal and Industrial College, to change name of	400

State officers, to pay fees and license taxes monthly	294
State officers, salary of	512
State property, to protect	333
State Purchasing Committee, membership of	514
State Prison, transfer of to State Hospital	82
provide location for	453
State Sanatorium, appropriation for	321
State School for Blind, amend law relative to inmates	376
State Treasurer, to issue notes in lieu of bonds	45
to borrow money for agricultural building	544
to cover money into general fund	76
to refund fees, primary candidates	72
unused money to be paid to	523
State warehouse, to provide finishing of	451
State-wide road law	385
to amend	45
State-wide road law of 1917, to reenact	94
Statutes, public, amend act consolidating	529
provide for publication and distribution of	449
Stock in banks, amend law relative to value of	78
Stonewall Jackson Training School, appropriation for	321
Street improvement, districts, amend law relative to	129
Student officers, commissioned by Governor	476
Superintendent Public Instruction, salary of	512
Supreme Court Marshal-Librarian, salary of	473
Supreme Court Reporter, equalize expenses of	485
Supreme Court reports, laws, journals, distribution and sale of	396
Sulgrave Institution, commission to cooperate with	506

T

Tax collectors, sheriffs and, for relief of	99
Taxes, change time of collection	73
collection of	183
municipal, to validate	395
Tax fees, to increase	535
Teachers, to fix salaries of, and fix maximum expense fund	289
to prevent infecting pupils with tuberculosis	351
Telegraph companies, to prohibit conversion of messages	350
Telephone and telegraph charges and postoffice box rent, definite allowance to State departments	48
Tenants, enticing of	484
Text-books, high school, to secure uniformity in	401
permit boards and committees to furnish	312
Threshers of grain, to license	479
Tombstones, removal of	455

	PAGE
Torrens law, to amend -----	111
to amend -----	445
Township bonds, amend law relative to -----	306
Townships, to issue bonds for roads -----	384
Training school, relative to -----	483
Tramroads, liability of -----	484
Treasurer's office, bonds of clerks in -----	43
salaries in -----	444
"Trust," permit certain corporations to retain in names -----	285
Trustee, investment by in Federal Farm Loan Bonds authorized -----	114
Tuberculosis, compensation for cattle when killed because of -----	80
prevent teachers from infecting pupils -----	351
Tuberculosis hospitals, county, to erect and maintain -----	335

U

Unpaid pensions, relating to -----	432
United States bonds, reinvestment of funds of minors in, ratified -----	48
University of North Carolina, appropriation for -----	321

V

Vagrancy, women convicted of -----	516
Venereal diseases, for prevention of -----	412
to obtain reports of persons infected with -----	418
Veterinary medicine or surgery, relative to practice of -----	241
Virginia, permanent settlement of, to celebrate -----	506
Virus, hog cholera, and anti-hog-cholera serum, to regulate manufacture and distribution -----	302
Vital statistics, amend law relative to -----	415
Vocational education, appropriation for -----	432
provide for -----	296
provide for -----	307
Voters, absent, amend law relative to -----	536

W

Wages of employees to be fixed -----	528
Wagons, narrow-tired, to prevent use on highways -----	482
Warehouse, State, to provide for finishing of -----	451
Warehouses, relative to operation of -----	416
Warehouse system for cotton, State, to establish -----	343 ✓
Water companies, to fix standards -----	58
Washington County, State Auditor to examine books -----	330
Watchman, extra compensation for -----	552
Weapons, concealed, sale of -----	397
Weights, to establish standard for corn meal, grits and hominy -----	100

	PAGE
Wife, to make competent witness in certain cases -----	49
Wills, probates of, validated -----	459
of soldiers and sailors, probate of -----	421
prescribe limitation of probate -----	47
Witness, competent, wife to be, in certain cases -----	49
Women, fallen, to amend law relative to homes for -----	58
Women, fallen, amend act establishing reformatories for -----	516
Woods, burning of, amend law relative to -----	535
World War, medals for soldiers and sailors who served therein -----	503

Y

York, Chas. V., for relief of -----	461
-------------------------------------	-----

INDEX
TO THE
RESOLUTIONS
SESSION 1919

	PAGE
Adjournment of General Assembly -----	602
Amendment to Art. 11, section 29, Constitution, special committee to draft law meeting requirements of -----	562
Appalachian Training School, expenses of visiting committees -----	578
Aycock, Charles Brantley, celebration of birthday in schools -----	591
Bankhead National highway, establishment of -----	601
Battle, Kemp Plummer, in regard to death of -----	567
Bryan, Henry Ravenscroft, relating to death of -----	571
Bryan, W. J., invitation to -----	557
Caswell Training School, expenses of visiting committee -----	583
Clerks of General Assembly, in behalf of -----	587
Clerk to committee on propositions and grievances, in behalf of -----	590
Code, committee on, providing appointment of -----	590
Colored A. and T. College, expenses of visiting committee -----	583
Constitution of United States, ratifying amendment to -----	558
Constitutional amendment, special committee to draft law to meet re- quirements of -----	562
Colored Normal at Winston-Salem, expenses of visiting committee -----	580
Cotton, endorse efforts made to promote adequate price for -----	568
Cullowhee Normal, expenses of visiting committee -----	580
Daniels, Josephus, invitation to -----	566
to hear address of -----	570
Defamatory statements in report of provost Marshal-General, in regard to investigation of -----	593
Duplin County road law, recalling -----	599
East Carolina Teachers Training School, expenses of visiting com- mittees -----	580
Education, committee on, to pay -----	584
Election returns, joint session, to canvass -----	556
Engineer and fireman of Central Heating Plant, additional compensation for -----	593
Federal aid to roads, to secure at early date -----	568
Fire insurance rates, appointment of committee to draw bill in regard to	597

	PAGE
General Assembly, adjournment of	602
Governor, joint session to hear message of	556
message of, to print	560
notification of	555
Graham, Edward Kidder, relating to death of.....	559
Harding, President of Federal Reserve Board, invitation to.....	569
Highway commission required to furnish detailed report of funds.....	566
Historical relics, preservation of	579
Howell, Henry Leonard, compensation for	600
Janitors, in regard to	584
Justice, M. H., upon death of	571
King, Charles R., upon death of	590
League of Nations, endorsement of	577
Leece, Robert E., celebration of birthday	561
Military Laws of United States, relative to	579
Mitchell, Mrs. Frank, in behalf of	602
Morgenthau, Henry, invitation to	567
Night watchman at Capitol, extra compensation for.....	598
North Carolina, relative to reflection on in Provost Marshal General's report	575
Pages, extra pay for	589
Peace commission, memorial to	557
Polk, Dan, compensation for extra services	597
Prison investigation, expenses of witnesses attending.....	587
Prohibition amendment, ratification of	558
Prohibition, conference by committee with Attorney-General in regard to	570
Provost Marshal-General's report, asking Secretary of War to correct....	575
Raleigh postoffice, thanks to	586
Regiment from overseas, entertainment of	600
Roosevelt, Theodore, in regard to death of	555
School for Deaf, expenses of visiting committee	581
Secretary of War, memorial to in regard to review of Thirtieth Division	565
Sergeants-at-arms, assistants, concerning	598
Settle, Thomas, relating to death of	563
Soldiers, sailors and marines, endorsing preparation of lands for.....	573
State Board of Charities and Public Welfare, expenses of.....	585
State clerks and employees, adjustment of wages of	574
State Farm, expenses of visiting committee	586
State highways system, joint committee to draft bill for.....	582
State hospitals, expenses of visiting committees	592
State Normal College, expenses of visiting committee.....	583
State troops, review and demobilization, relative to	563
Supreme Court, opinion of requested in regard to appointment justices of peace	576
to print decision in Southern Railway v. Cherokee County.....	561

PAGE

Taxation, to print decision Supreme Court in case Southern Railway v. Cherokee County	561
Terry, W. D., in favor of	592
Thirtieth Division, members of Congress to urge Secretary of War to permit parade of	563
memorial to Secretary of War relating to review of	565
University, election of trustees	576
Washington, George, celebration of birthday	572
Wilson, Woodrow, invitation to visit State	561
Wilson, W. S., in regard to memory of	556
Winborne, Benjamin B., regarding death of	576
Witnesses attending prison investigation, expenses of	587



