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STATE OF NORTH CAROLINA

PUBLIC LAWS AND
RESOLUTIONS

ENACTED BY THE

EXTRA SESSION

OF THE

GENERAL ASSEMBLY

OF

1921

BEGUN AND HELD IN THE CITY OF RALEIGH

ON

TUESDAY, THE SIXTH DAY OF DECEMBER, A.D. 1921

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XV

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J. L. BAGBY.....	Danville, Va.....	Feb. 10, 1922
E. G. BAGLEY.....	Danville, Va.....	Mar. 23, 1923
D. D. MORRISSETTE.....	Virginia Beach, Va.....	Jan. 17, 1923
CHARLES ALFRED SMITH.....	Norfolk, Va.....	Mar. 8, 1923
PEARCE HORNE.....	Washington, D. C.....	Jan. 16, 1922
ISAAC R. HITT.....	Washington, D. C.....	Feb. 4, 1922
WILLIAM E. SCHULL.....	228 St. Paul St., Baltimore, Md.....	Oct. 26, 1923
GEORGE H. COREY.....	59 Wall St., New York, N. Y.....	Oct. 25, 1923
MRS. ELLA F. BRAMAN.....	New York, N. Y.....	Apr. 18, 1923
CHARLES E. A. MCCARTHY.....	New York, N. Y.....	June 19, 1922
THOMAS J. HUNT.....	Philadelphia, Pa.....	Nov. 7, 1923
LESTER BALL.....	San Francisco, Cal.....	Mar. 23, 1922

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EXTRA SESSION 1921

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EXTRA SESSION 1921

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CONSTITUTION

OF THE

STATE OF NORTH CAROLINA

Adopted April 24, 1868, with amendments to 1921.
See Freeman v. Lide, 176-434.

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:

Const. 1868.

ARTICLE I

DECLARATION ON 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:

Const. 1868.

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

Const. 1868; Decl. Independence.
State v. Hay, 126-1006; State v. Hill, 126-139.

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

Const. 1868; Const. 1776, Decl. Rights, s. 1.
Quinn v. Lattimore, 120-428; Nichols v. McKee, 68-430.

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

Const. 1868; Const. 1776, Decl. Rights, s. 2.
State v. Railway, 145-496; State v. Herring, 145-418; State v. Hicks, 143-689; State v. Lewis, 142-626; Durham v. Cotton Mills, 141-616; State v. Sutton, 139-574; State v. Holoman, 139-642; State v. Patterson, 134-612; State v. Gallop, 126-979; Humphrey v. Church, 109-132; Winslow v. Winslow, 95-24.

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

Const. 1868.

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

Const. 1868.

Sec. 6. Public debt; bonds issued under ordinance of convention of 1868, 68-69, 69-70, declared invalid; exception. 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 session of the years one thousand eight hundred and sixty-eight 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.

Const. 1868; 1872-3, c. 85; 1879, c. 268.

Const. 1, s. 6—Annot.

Comrs. v. Snuggs, 121-409; Baltzer v. State, 104-265; Horne v. State, 84-362; Brickell v. Comrs., 81-240; Davis v. Comrs., 72-441; Lance v. Hunter, 72-178; Logan v. Plummer, 70-388; Rand v. State, 65-197; R. R. v. Holden, 63-414; Galloway v. Jenkins, 63-152.

Const. 1, s. 7.

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

Const. 1868; Const. 1776, Decl. Rights, s. 3.

Power Co. v. Power Co., 175-668, 171-248; Reid v. R. R., 162-355; State v. Perry, 151-661; St. George v. Hardie, 147-88; State v. Cantwell, 142-604; In re Spease Ferry, 138-219; Bray v. Williams, 137-391; Mial v. Ellington, 134-131; Ewbank v. Turner, 134-82; State v. Biggs, 133-729; Jones v. Comrs., 130-451; Hancock v. R. R., 124-255; Motley v. Warehouse Co., 122-350, 124-232; State v. Call, 121-645; Broadfoot v. Fayetteville, 121-418; Rowland v. Loan Assn., 116-879; R. R. Comrs. v. Tel. Co., 113-213; State v. Van Doran, 109-864; State v. Stovall, 103-416; Gregory v. Forbes, 96-77; Bridge Co. v. Comrs., 81-491; State v. Morris, 77-512; Simonton v. Lanier, 71-503; Barrington v. Ferry Co., 69-165; Kingsbury v. R. R., 66-284; Long v. Beard, 7-57; Bank v. Taylor, 6-266.

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

Const. 1868; Const. 1776, Decl. Rights, s. 4.

Lee v. Beard, 146-361; State v. Turner, 143-641; White v. Auditor, 126-605; Bird v. Gilliam, 125-79; Wilson v. Jordan, 124-705; Miller v. Alexander, 122-718; Garner v. Worth, 122-257; Caldwell v. Wilson, 121-476; Carr v. Coke, 116-236; Goodwin v. Fertilizer Works, 119-120; In re Sultan, 115-62; Herndon v. Ins. Co., 111-386; Horton v. Green, 104-401; Rencher v. Anderson, 93-105; Burton v. Spiers, 92-503; In re Oldham, 89-23; Brown v. Turner, 70-93; Railroad v. Jenkins, 63-503; Barnes v. Barnes, 53-372; Houston v. Bogle, 32-504; Hoke v. Henderson, 15-1; Robinson v. Barfield, 6-391.

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

Const. 1868; Const. 1776, Decl. Rights, s. 5.
Jones v. Comrs., 130-470; Abbott v. Beddingfield, 125-268 (dissenting opinion); White v. Auditor, 126-605.

Sec. 10. Elections free. All elections ought to be free.

Const. 1868; Const. 1776, Decl. Rights, s. 6.

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

Const. 1868; Const. 1776, Decl. Rights, s. 7.
State v. Neville, 175-731; State v. Fowler, 172-905; State v. Cherry, 154-624; State v. Dry, 152-813; State v. Whedbee, 152-770; State v. Leeper, 146-655; State v. Cline, 146-640; State v. Railway, 145-495; State v. Dowdy, 145-433; State v. Harris, 145-456; State v. Hodge, 142-683; State v. Cole, 132-1073; In re Briggs, 135-118; Sheek v. Sain, 127-266; State v. Mitchell, 119-785; Smith v. Smith, 116-386; Holt v. Warehouse Co., 116-483; State v. Shade, 115-759; State v. Massey, 104-880; State v. Cannady, 78-540; State v. Morris, 84-756; State v. Hodson, 74-153; State v. Collins, 70-247; State v. Alman, 64-366; State v. Thomas, 64-76; State v. Tilghman, 33-513.

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

Const. 1868; Const. 1776, Decl. Rights, s. 8.
State v. Newell, 172-933; State v. Hyman, 164-411; State v. Harris, 145-456; Ex parte McCown, 139-95; State v. Lytle, 138-742; State v. Hunter, 106-800; State v. Dunn, 95-699; State v. Powell, 86-642; State v. Moore, 104-750; State v. Cannady, 78-540; Kane v. Haywood, 66-31; State v. Simons, 68-379; State v. Moss, 47-68.

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

Const. 1868; Const. 1776, Decl. Rights, s. 9.
Jones v. Brinkley, 174-23; State v. Newell, 172-933; State v. Hyman, 164-411; State v. Rogers, 162-656; State v. Britain, 143-668; Ex parte McCown, 139-95; State v. Lytle, 138-742; State v. Thornton, 136-616; Hargett v. Bell, 134-396; Smith v. Paul, 133-68; State v. Ostwalt, 118-1211; State v. Gadberry, 117-818; State v. Whitaker, 114-819; State v. Best, 111-646; State v. Cutshall, 110-543; State v. Hunter, 106-800; State v. Dunn, 95-698; State v. Powell, 97-417; State v. Divine, 98-781; State v. Powell, 86-642; State v. Dudley, 83-661; State v. Cannady, 78-541; State v. Dixon, 75-275; Barnes v. Barnes, 53-366; State v. Moss, 47-68.

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

Const. 1868; Const. 1776, Decl. Rights, s. 10. See English Bill of Rights (1689), c. 1, s. 10.
State v. Smith, 174-804; State v. Woodlief, 172-885; State v. Blake, 157-608; State v. Lance, 149-551; State v. Farrington, 141-844; State v. Hanby, 126-1066; Bryan v. Patrick, 124-661; State v. Ballard, 122-1025; State v. Apple, 121-585; State v. Reid, 106-716; State v. Pettie, 80-369; State v. Cannady, 78-543; State v. Driver, 78-423; State v. Reid, 18-377.

Sec. 15. General warrants. General warrants, whereby any officer or messenger may be commanded to search suspected places, without evidence of the act committed, or to seize any person or persons not named, whose offense is not particularly described and supported by evidence, are dangerous to liberty and ought not to be granted.

Const. 1868; Const. 1776, Decl. Rights, s. 11.
Brewer v. Wynne, 163-319; State v. Fowler, 172-905.

Sec. 16. Imprisonment for debt. There shall be no imprisonment for debt in this state except in cases of fraud.

Const. 1868; Const. 1776, Decl. Rights, s. 39.
State v. Williams, 150-802; Ledford v. Emerson, 143-527; State v. Morgan, 141-726; State v. Torrence, 127-550; Stewart v. Bryan, 121-49; Lockhart v. Bear, 117-301; Preiss v. Cohen,

117-59; Fertilizer Co. v. Grubbs, 114-471; Burgwyn v. Hall, 108-490; State v. Earnhardt, 107-789; State v. Norman, 110-489; Winslow v. Winslow, 95-24; Kiney v. Lougenour, 97-325; Long v. McLean, 88-3; State v. Beasley, 75-212; Melvin v. Melvin, 72-384; Daniel v. Owen, 72-340; State v. Davis, 82-610; State v. Wallin, 89-578; State v. Cannady, 78-539; Pain v. Pain, 80-322; Moore v. Mullen, 77-327; Moore v. Green, 73-394; State v. Green, 71-173; State v. Palin, 63-471; Bunting v. Wright, 61-295; Burton v. Dickens, 7-103.

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

Const. 1868; Const. 1776, Decl. Rights, s. 12; Mag. Carta., (1215), c. 39, (1225), c. 29.

Bradshaw v. Lumber Co., 179-501; State v. Kirkpatrick, 179-747; Parker v. Comrs., 178-92; Comrs. v. Boring, 175-105; Comrs. v. State Treasurer, 174-141; Lang v. Development Co., 169-662; State v. Collins, 169-323; State v. Bullock, 161-223; Dalton v. Brown, 159-175; Lawrence v. Hardy, 151-123; Starnes v. Mfg. Co., 147-556; Caldwell Land, etc. Co. v. Smith, 146-199; State v. Williams, 146-618; Dewey v. R. R., 142-392; Anderson v. Wilkins, 142-154; State v. Morgan, 141-726; Daniels v. Home, 139-237; State v. Jones, 139-613; Cozard v. Hardware Co., 139-296; Porter v. Armstrong, 139-179; Ex parte McCown, 139-95; Mial v. Ellington, 134-172; Lumber Co. v. Lumber Co., 135-742; Parish v. Cedar Co., 133-478; Jones v. Comrs., 130-461; Dyer v. Ellington, 126-941; State v. Hill, 126-1139; Herring v. Pugh, 126-852; Hutton v. Webb, 124-479; 126-897; Southport v. Stanly, 125-464; Hogan v. Brown, 125-251; Morris v. House, 125-559; Day's Case, 124-362; Caldwell v. Wilson, 121-477; Wood v. Bellamy, 120-212; Hilliard v. Asheville, 118-845; Call v. Wilkesboro, 115-337; State v. Warren, 113-683; Lance v. Harris, 112-840; Williams v. Johnson, 112-435; Bass v. Navigation Co., 111-439; Stanton v. R. R., 111-278; State v. Cutshall, 110-543; State v. Hunter, 106-800; Moore v. Carson, 104-431; London v. Headen, 76-72; Rhea v. Hampton, 101-53; State v. Wilson, 107-865; Woodard v. Blue, 103-109; Railroad v. Ely, 95-77; Winslow v. Winslow, 95-24; Worth v. Cox, 89-44; Whitehead v. Latham, 88-232; Vann v. Pipkin, 77-410; State v. Morris, 77-512; Whitehead v. R. R., 87-255; Bridge Co. v. Comrs., 81-491; Pool v. Trexler, 76-297; Privett v. Whitaker, 73-554; State v. Dixon, 75-275; Wilson v. Charlotte, 74-756; State v. Mooney, 74-100; Brown v. Turner, 70-93; King v. Hunter, 65-603; Bank v. Jenkins, 64-719; Norfleet v. Cromwell, 70-634; Johnston v. Rankin, 70-550; Franklin v. Vannoy, 66-151; Sedberry v. Comrs., 66-486; Miller v. Gibbon, 63-685; Schenck ex parte, 65-353; Koonce v. Wallace, 52-194; Barnes v. Barnes, 53-372; Cotten v. Ellis, 52-545; Cornelius v. Glen, 52-512; State v. Glen, 52-321; Stanmire v. Taylor, 43-207; State v. Matthews, 48-452; McNamara v. Kearns, 24-66; Houston v. Bogle, 32-496; State v. Allen, 24-183; Mills v. Williams, 33-553; State v. Johnson, 33-647; R. R. v. Davis, 19-451; Hoke v. Henderson, 15-1; Pipkin v. Wynne, 13-402; Hamilton v. Adams, 6-161; Oats v. Darden, 5-500; University v. Foy, 5-58, 3-310.

See, also, section 19 of this article.

Sec. 18. Persons restrained of liberty. 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.

Const. 1868; Const. 1776, Decl. Rights, s. 13.

Harkins v. Cathey, 119-663; State v. Herndon, 107-935; In re Schenck, 74-607.

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

Const. 1868; Const. 1776, Decl. Rights, s. 14.

In re Stone, 176-336; Crews v. Crews, 175-168; Walls v. Strickland, 174-298; Silvey v. R. R., 172-110; State v. Rogers, 162-656; Williams v. R. R., 140-623; Kearns v. R. R., 139-482; Smith v. Paul, 133-66; Boutten v. R. R., 123-340; Caldwell v. Wilson, 121-465; Wilson v. Featherstone, 120-447; Harkins v. Cathey, 119-662; State v. Mitchell, 119-786; Driller Co. v. Worth, 117-517; McQueen v. Bank, 111-515; Smith v. Hicks, 108-248; Lassiter v. Upchurch, 107-411; Railroad v. Parker, 105-246; Stevenson v. Felton, 99-58; Harris v. Shaffer, 92-30; Grant v. Hughes, 96-177; Pasour v. Lineberger, 90-159; Worthy v. Shields, 90-192; Wessel v. Rathjohn, 89-377; Grant v. Reese, 82-72; Chasteen v. Martin, 81-51; Overby v. Association, 81-62; Bernheim v. Waring, 79-56; Atkinson v. Whitehead, 77-418; Perry v. Tupper, 77-413; Womble v. Fraps, 77-198; Wilson v. Charlotte, 74-756; Armfield v. Brown, 73-81; Lippard v. Troutman, 72-551; Isler v. Murphy, 71-436; Witkowsky v. Wasson, 71-460; Pearson v. Caldwell, 70-291; Armfield v. Brown, 70-27; Green v. Castlebury, 70-20; Maxwell v. Maxwell, 70-267; Klutts v. McKenzie, 65-102; Andrews v. Pritchett, 66-387; White v. White, 15-257; Smith v. Campbell, 10-590; Bayard v. Singleton, 1-5.

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

Const. 1868; Const. 1776, Decl. Rights, s. 15.

Osborn v. Leach, 135-628; Cowan v. Fairbrother, 118-406.

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

Const. 1868.
Exparte Moore, 64-802.

Sec. 22. Property qualification. 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.

Const. 1868.
Wilson v. Charlotte, 74-756.

Sec. 23. Representation and taxation. The people of the state ought not to be taxed or made subject to the payment of any impost or duty, without the consent of themselves, or their representatives in general assembly, freely given.

Const. 1868; Const. 1776, Decl. Rights, s. 16.
State v. Wheeler, 141-773; Winston v. Taylor, 99-210; Moore v. Fayetteville, 80-154; Worth v. Comrs., 60-617.

Sec. 24. Militia and the right to bear arms. A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed; 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.

Const. 1868; Const. 1776, Decl. Rights, s. 17; Convention 1875.
State v. Barrett, 133-637; State v. Boone, 132-1107; State v. Reams, 121-556; State v. Speller, 86-697.

Sec. 25. Right of the people to assemble together. 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.

Const. 1868; Const. 1776, Decl. Rights, s. 18; Convention 1875.

Sec. 26. Religious liberty. All men have a natural and unalienable right to worship Almighty God according to the dictates of their own consciences, and no human authority should, in any case whatever, control or interfere with the rights of conscience.

Const. 1868; Const. 1776, Decl. Rights, s. 19.
Rodman v. Robinson, 134-503; Lord v. Hardie, 82-241; Melvin v. Easley, 52-356.

Sec. 27. Education. The people have the right to the privilege of education, and it is the duty of the state to guard and maintain that right.

Const. 1868.
Collie v. Comrs., 145-170, overruling Barksdale v. Comrs., 93-483; Lowery v. School Trustees, 140-33; Bear v. Comrs., 124-212.

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

Const. 1868; Const. 1776, Decl. Rights, s. 20.

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

Const. 1868; Const. 1776, Decl. Rights, s. 21.

Sec. 30. Hereditary emoluments, etc. No hereditary emoluments, privileges, or honors ought to be granted or conferred in this state.

Const. 1868; Const. 1776, Decl. Rights, s. 22.
State v. Cantwell, 142-614; Bryan v. Patrick, 124-661; Bridge Co. v. Comrs., 81-504.

Sec. 31. Perpetuities, etc. Perpetuities and monopolies are contrary to the genius of a free state, and ought not to be allowed.

Const. 1868; Const. 1776, Decl. Rights, s. 23.
 State v. Kirkpatrick, 179-747; Allen v. Reidsville, 178-513; State v. Perry, 151-661; St. George v. Hardie, 147-88; State v. Cantwell, 142-614; In re Spease Ferry, 138-259; State v. Biggs, 133-729; Robinson v. Lamb, 126-492; Garsed v. Greensboro, 126-160; Bennett v. Comrs., 125-468; Bryan v. Patrick, 124-661; Guy v. Comrs., 122-471; Thrift v. Elizabeth City, 122-31; Railway v. Railway, 114-725; State v. Moore, 104-718; Hughes v. Hodges, 102-236; Bridge Co. v. Comrs., 81-504; Railroad v. Reid, 64-155; Simonton v. Lanier, 71-503; State v. McGowen, 37-9; State v. Gerrard, 37-210; Griffin v. Graham, 8-96; Bank v. Taylor, 6-266.

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

Const. 1868; Const. 1776, Decl. Rights, s. 24.
 State v. Broadway, 157-598; Penland v. Barnard, 146-378; Anderson v. Wilkins, 142-154; Robinson v. Lamb, 129-16; City of Wilmington v. Cronly, 122-383; Culbreth v. Downing, 121-205; Morrison v. McDonald, 113-327; Kelly v. Fleming, 113-133; Lowe v. Harris, 112-472; State v. Ramsour, 113-642; Gilchrist v. Middleton, 108-705; Leak v. Gay, 107-468; Williams v. Weaver, 94-134; State v. Littlefield, 93-614; Burton v. Speers and Clark, 92-503; King v. Foscue, 91-116; Strickland v. Draughan, 91-103; Wilkerson v. Buchanan, 83-296; Whitehead v. Latham, 83-232; Tabor v. Ward, 83-291; Pearsall v. Kenan, 79-472; Lilly v. Purcell, 78-82; Young v. Henderson, 76-420; Libbett v. Maultsby, 71-345; Etheridge v. Vernoy, 71-184; Franklin v. Vannoy, 66-145; Johnson v. Winslow, 64-27; Jacobs v. Smallwood, 63-112; State v. Keith, 63-144; Robeson v. Brown, 63-554; State v. Bell, 61-76; Hinton v. Hinton, 61-410; Cooke v. Cooke, 61-583; Parker v. Shannonhouse, 61-209; Barnes v. Barnes, 53-366; State v. Bond, 49-9; Phillips v. Cameron, 48-391; Salter v. Bryan, 26-494; Taylor v. Harrison, 13-374; Oats v. Darden, 5-500.

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

Const. 1868.
 State v. Hairston, 63-451.

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

Const. 1868; Const. 1776, Decl. Rights, s. 25.

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

Const. 1868.
 Osborn v. Leach, 135-628; Jones v. Comrs., 130-461; Driller Co. v. Worth, 118-746; Dunn v. Underwood, 116-526; Hewlett v. Nutt, 79-263.

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

Const. 1868.

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

Const. 1868.
 State v. Williams, 146-618; Daniels v. Homer, 139-237; Thrift v. Elizabeth City, 122-38; Railroad v. Holden, 63-410; Nichols v. McKee, 68-430; State v. Keith, 63-144; Railroad v. Reid, 64-155.

ARTICLE II

LEGISLATIVE DEPARTMENT

Section 1. Two branches. The legislative authority shall be vested in two distinct branches, both dependent on the people, to wit: a senate and house of representatives.

Const. 1868; Const. 1776, s. 1.
 Wilson v. Jordan, 124-719; Comrs. v. Call, 123-323.

Sec. 2. Time of assembly. 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.

Const. 1868; 1872-3, c. 82; Convention 1875; Const. 1776, ss. 4, 46; Convention 1835, art. 1, s. 4, cl. 7.

Herring v. Pugh, 126-862.

Sec. 3. Number of senators. The senate shall be composed of fifty senators, biennially chosen by ballot.

Const. 1868; Convention 1835, art. 1, s. 1, cl. 1.

Sec. 4. Regulations in relation to districting the state for senators. 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.

Const. 1868; 1872-3, c. 81.

Sec. 5. Regulations in relation to appointment of representatives. The house of representatives shall be composed of one hundred and twenty representatives, biennially chosen by ballot, to be elected by the counties respectively, according to their population, and each county shall have at least one representative in the house of representatives, although it may not contain the requisite ratio of representation; this apportionment shall be made by the general assembly at the respective times and periods when the districts for the senate are hereinbefore directed to be laid off.

Const. 1868; 1872-3, c. 82; Convention 1835, art. 1, s. 1, cls. 2, 3.

Comrs. v. Ballard, 69-18; Mills v. Williams, 33-563.

Sec. 6. Ratio of representation. In making the apportionment in the house of representatives, the ratio of representation shall be ascertained by dividing the amount of the population of the state, exclusive of that comprehended within those counties which do not severally contain the one hundred and twentieth part of the population of the state, by the number of representatives, less the number assigned to such counties; and in ascertaining the number of the population of the state, aliens and indians not taxed shall not be included. To each county containing the said ratio and not twice the said ratio there shall be assigned one representative; to each county containing 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.

Const. 1868; Convention 1835, art. 1, s. 1, cl. 4.

Moffitt v. Asheville, 103-237; Comrs. v. Ballard, 69-18.

Sec. 7. Qualifications for senators. Each member of the senate shall not be less than twenty-five years of age, shall have resided in this state as a citizen two years, and shall have usually resided in the district for which he was chosen one year immediately preceding his election.

Const. 1868.

Sec. 8. Qualifications for representatives. Each member of the house of representatives shall be a qualified elector of the state, and shall have resided in the county for which he is chosen for one year immediately preceding his election.

Const. 1868.

Sec. 9. Election of officers. In the election of all officers, whose appointment shall be conferred upon the general assembly by the constitution, the vote shall be *viva voce*.

Const. 1868; Convention 1835, art. 1, s. 4, cl. 1.
Cherry v. Burns, 124-766; Stanford v. Ellington, 117-161.

Sec. 10. Powers in relation to divorce and alimony. The general assembly shall have power to pass general laws regulating divorce and alimony, but shall not have power to grant a divorce or secure alimony in any individual case.

Const. 1868; Convention 1835, art. 1, s. 4, cl. 3.
Cooke v. Cooke, 164-272; In re Boyett, 136-415; Ladd v. Ladd, 121-118; Baity v. Cranfill, 91-293.

Sec. 11. Private laws in relation to names of persons, etc. 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.

Const. 1868; Convention 1835, art. 1, s. 4, cl. 4.

Sec. 12. Thirty days notice shall be given anterior to passage of private laws. The general assembly shall not pass any private law, unless it shall be made to appear 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.

Const. 1868; Convention 1835, art. 1, s. 4, cl. 5.
Power Co. v. Power Co., 175-668; Cox v. Comrs., 146-584; Bray v. Williams, 137-390; Comrs. v. Coke, 116-235; Gatlin v. Tarboro, 78-119; Broadnax v. Comrs., 64-244.

Sec. 13. Vacancies. If vacancies shall occur in the general assembly by death, resignation or otherwise, writs of elections shall be issued by the governor under such regulations as may be prescribed by law.

Const. 1868; Convention 1835, art. 1, s. 4, cl. 6.

Sec. 14. Revenue. No law shall be passed to raise money on the credit of the state, or to pledge the faith of the state, directly or indirectly, for the payment of any debt, or to impose any tax upon the people of the state, or 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.

Const. 1868.
Road Com. v. Comrs., 178-61; Guire v. Comrs., 177-516; Wagstaff v. Highway Com., 177-354; Woodall v. Highway Com., 176-377; Wagstaff v. Highway Com., 174-377; Claywell v. Comrs., 173-657; Brown v. Comrs., 173-598; Cottrell v. Lenoir, 173-138; Hargrave v. Comrs., 168-626; Gregg v. Comrs., 162-479; Pritchard v. Comrs., 160-476, 159-636; Russell v. Troy, 159-366; Comrs. v. Comrs., 157-515; Comrs. v. Bank, 152-387; Tyson v. Salisbury, 151-463; Bank v. Lacy, 151-3; Battle v. Lacy, 150-573; Wittkowsky v. Comrs., 150-90; Lutterloh v. Fayetteville, 149-65; Cox v. Comrs., 146-584; Improvement Co. v. Comrs., 146-353; Comrs. v. Trust Co., 143-110; Fortune v. Comrs., 140-329; Comrs. v. Stafford, 138-453; Bray v. Williams, 137-390; Graves v. Comrs., 135-49; Brown v. Stewart, 134-357; Wilson v. Markley, 133-616; Debnam v. Chitty, 131-657; Hooker v. Greenville, 130-293; Cotton Mills v. Waxhaw, 130-293; Armstrong v. Stedman, 130-219; Comrs. v. DeRossett, 129-275; Black v. Comrs., 129-122; Glenn v. Wray, 126-730; Edgerton v. Water Co., 126-96; Smathers v. Comrs., 125-480; Slocumb v. Fayetteville, 125-362; Comrs. v. Payne, 123-486, 123-432; McGuire v. Williams, 123-349; Comrs. v. Call, 123-308; Charlotte v. Shepard, 122-602; Robinson v. Goldsboro, 122-211; Rodman v. Washington, 122-39; Mayo v. Comrs., 122-5; Comrs. v. Snuggs, 121-394; Bank v. Comrs., 119-214; Bank v. Comrs., 116-339; Jones v. Comrs., 107-265; Wood v. Oxford, 97-227; Galloway v. Jenkins, 63-147.

Sec. 15. Entails. The general assembly shall regulate entails in such a manner as to prevent perpetuities.

Const. 1868; Const. 1776, s. 43.

Sec. 16. Journals. Each house shall keep a journal of its proceedings, which shall be printed and made public immediately after the adjournment of the general assembly.

Const. 1868; Const. 1776, s. 46.
Wilson v. Markley, 133-616; Carr v. Coke, 116-234.

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

Const. 1868; Const. 1776, s. 45.

Sec. 18. Officers of the house. The house of representatives shall choose their own speaker and other officers.

Const. 1868; Const. 1776, s. 10.
Nichols v. McKee, 68-432.

Sec. 19. President of the senate. The lieutenant-governor shall preside in the senate, but shall have no vote unless it may be equally divided.

Const. 1868.

Sec. 20. Other senatorial officers. The senate shall choose its other officers and also a speaker (pro tempore) in the absence of the lieutenant-governor, or when he shall exercise the office of governor.

Const. 1868; Const. 1776, s. 10.
Nichols v. McKee, 68-432.

Sec. 21. Style of the acts. The style of the acts shall be: "The general assembly of North Carolina do enact."

Const. 1868.
State v. Patterson, 98-664.

Sec. 22. Powers of the general assembly. 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.

Const. 1868; Const. 1776, s. 10.
State v. Pharr, 179-699.

Sec. 23. Bills and resolutions to be read three times, etc. 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.

Const. 1868; Const. 1776, s. 11.
State v. Patterson, 134-620; Wilson v. Markley, 133-616; Cotton Mills v. Waxhaw, 130-293; Smathers v. Comrs., 125-436; Comrs. v. Snuggs, 121-400; Russell v. Ayer, 120-211; Bank v. Comrs., 119-222; Cook v. Mears, 116-592; Carr v. Coke, 116-234; Scarborough v. Robinson, 81-409.

Sec. 24. Oath of members. Each member of the general assembly, before taking his seat, shall take an oath or affirmation that he will support the constitution and laws of the United States, and the constitution of the state of North Carolina, and will faithfully discharge his duty as a member of the senate or house of representatives.

Const. 1868; Const. 1776, s. 12.

Sec. 25. Terms of office. The terms of office for senators and members of the house of representatives shall commence at the time of their election.

Const. 1868; Convention 1875.
Aderholt v. McKee, 65-259.

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

Const. 1868.

Sec. 27. Election for members of the general assembly. 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.

Const. 1868; Convention 1875.

Aderholt v. McKee, 65-259; Loftin v. Sowers, 65-251.

Sec. 28. Pay of members and officers of the general assembly; extra session. 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.

Convention 1875.

Kendall v. Stafford, 178-461; Bank v. Worth, 117-153.

Sec. 29. Limitations upon power of general assembly to enact private or special legislation. 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, private 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.

1915, c. 99. In effect Jan. 10, 1917. See Reade v. Durham, 173-668; Mills v. Comrs., 175-215.

Davis v. Lenoir County, 178-668; Comrs. v. Pruden, 178-394; Comrs. v. Trust Co., 178-170; Martin County v. Trust Co., 178-26; Parvin v. Comrs., 177-508; Mills v. Comrs., 175-215; Highway Com. v. Malone, 173-685; Richardson v. Comrs., 173-685; Rankin v. Gaston County, 173-683; Reade v. Durham, 173-668; Brown v. Comrs., 173-598.

ARTICLE III

EXECUTIVE DEPARTMENT

Section 1. Officers of the executive department; terms of office. The executive department shall consist of a governor, in whom shall be vested the supreme executive power of the state; a lieutenant-governor, a secretary of state, an auditor, a treasurer, a superintendent of public instruction, and an attorney-general, who shall be elected for a term of four years

by the qualified electors of the state, at the same time and places and in the same manner as members of the general assembly are elected. Their term of office shall commence on the first day of January next after their election, and continue until their successors are elected, and qualified: Provided, that the officers first elected shall assume the duties of their office ten days after the approval of this constitution by the congress of the United States, and shall hold their offices four years from and after the first day of January.

Const. 1868; Convention 1835, art. II, s. 1.

Wilson v. Jordan, 124-719; Rhyne v. Lipscombe, 122-652; Caldwell v. Wilson, 121-476; Winslow v. Morton, 118-490; Battle v. McIver, 68-467; Howerton v. Tate, 68-546.

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

Const. 1868; Const. 1776, s. 15.

Sec. 3. Returns of elections. The return of every election for officers of the executive department shall be sealed up and transmitted to the seat of government by the returning officer, directed to the speaker of the house of representatives, who shall open and publish the same in the presence of a majority of the members of both houses of the general assembly. The persons having the highest number of votes respectively shall be declared duly elected; but if two or more be equal and highest in votes for the same office, then one of them shall be chosen by joint ballot of both houses of the general assembly. Contested elections shall be determined by a joint ballot of both houses of the general assembly, in such manner as shall be prescribed by law.

Const. 1868; Convention 1835, art. II, ss. 3, 4.

Winslow v. Morton, 118-486; O'Hara v. Powell, 80-108.

Sec. 4. Oath of office for governor. The governor, before entering upon the duties of his office, shall, in the presence of the members of both branches of the general assembly, or before any justice of the supreme court, take an oath or affirmation that he will support the constitution and laws of the United States and of the state of North Carolina, and that he will faithfully perform the duties appertaining to the office of governor to which he has been elected.

Const. 1868; Convention 1835, art. II, s. 5.

Sec. 5. Duties of governor. The governor shall reside at the seat of government of this state, and he shall, from time to time, give the general assembly information of the affairs of the state, and recommend to their consideration such measures as he shall deem expedient.

Const. 1868.

Sec. 6. Reprieves, commutations and pardons. 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.

Const. 1868; Const. 1776, s. 19.

In re Williams, 149-436; State v. Bowman, 145-452; Herring v. Pugh, 126-862; In re McMahon, 125-40; State v. Mathis, 109-815; State v. Cardwell, 95-643; State v. Alexander, 76-231; State v. Mooney, 74-98; State v. Blalock, 61-242.

Sec. 7. Annual reports from officers of executive department and of public institutions. The officers of the executive department and of the public institutions of the state shall, at least five days previous to each regular session of the general assembly, severally report to the governor, who shall transmit such reports, with his message, to the general assembly; and the governor may, at any time, require information in writing from the officers in the executive department upon any subject relating to the duties of their respective offices, and shall take care that the laws be faithfully executed.

Const. 1868.

Arendell v. Worth, 125-122; Welker v. Bledsoe, 68-463; Nichols v. McKee, 68-435.

Sec. 8. Commander-in-chief. The governor shall be commander-in-chief of the militia of the state, except when they shall be called into the service of the United States.

Const. 1868; Const. 1776, s. 18.

Winslow v. Morton, 118-486.

Sec. 9. Extra session of general assembly. The governor shall have power on extraordinary occasions, by and with the advice of the council of state, to convene the general assembly in extra session by his proclamation, stating therein the purpose or purposes for which they are thus convened.

Const. 1868.

Sec. 10. Officers whose appointments are not otherwise provided for. 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.

Const. 1868; Convention 1875.

Salisbury v. Croom, 167-223; State v. Baskerville, 141-811; Day's Case, 124-366; Ewart v. Jones, 116-570; University v. McIver, 72-76; Cloud v. Wilson, 72-155; Battle v. McIver, 68-467; Nichols v. McKee, 68-429; Howerton v. Tate, 68-546; Rogers v. McGowan, 68-520; Badger v. Johnson, 68-471; Welker v. Bledsoe, 68-457; Clark v. Stanley, 66-59; State v. Pender, 66-317; Railroad v. Holden, 63-410.

Sec. 11. Duties of the lieutenant-governor. The lieutenant-governor shall be president of the senate, but shall have no vote unless the senate be equally divided. He shall, whilst acting as president of the senate, receive for his services the same pay which shall, for the same period, be allowed to the speaker of the house of representatives; and he shall receive no other compensation except when he is acting as governor.

Const. 1868.

Sec. 12. In case of impeachment of governor, or vacancy caused by death or resignation. In case of the impeachment of the governor, his failure to qualify, his absence from the state, his inability to discharge the duties of his office, or in case the office of governor shall in anywise become vacant, the powers, duties and emoluments of the office shall devolve upon the lieutenant-governor until the disabilities shall cease or a new governor shall be elected and qualified. In every case in which the lieutenant-governor shall be unable to preside over the senate, the senators shall elect one of their own number president of their body; and the powers, duties and emoluments of the office of governor shall devolve upon him whenever the lieutenant-governor shall, for any reason, be prevented from discharging the duties of such office as above provided, and he shall continue as acting governor until the disabilities are removed or a new governor or lieutenant-governor shall be elected and qualified. Whenever, during the recess of the general assembly, it shall become necessary for the president of the senate to administer the government, the secretary of state shall convene the senate, that they may elect such president.

Const. 1868.

Rodwell v. Rowland, 137-626; Caldwell v. Wilson, 121-476.

Sec. 13. Duties of other executive officers. The respective duties of the secretary of state, auditor, treasurer, superintendent of public instruction and attorney-general shall be prescribed by law. If the office of any of said officers shall be vacated by death, resignation or otherwise, it shall be the duty of the governor to appoint another until the disability be removed or his successor be elected and qualified. Every such vacancy shall be filled by election at the first general election that occurs more than thirty days after the vacancy has taken place, and the person chosen shall hold the office for the remainder of the unexpired term fixed in the first section of this article.

Const. 1868.

Rodwell v. Rowland, 137-626; Sneed v. Bullock, 80-135; Cloud v. Wilson, 72-163; Clark v. Stanley, 66-59; Nichols v. McKee, 68-429; Battle v. McIver, 68-467; Boner v. Adams, 65-639.

Sec. 14. Council of state. The secretary of state, auditor, treasurer, and superintendent of public instruction shall constitute, ex officio, the council of state, who shall advise the governor in the execution of his office, and three of whom shall constitute a quorum; their advice and proceedings in this capacity shall be entered in a journal, to be kept for this purpose exclusively, and signed by the members present, from any part of which any member may enter his dissent; and such journal shall be placed before the general assembly when called for by either house. The attorney-general shall be, ex officio, the legal adviser of the executive department.

Const. 1868; Const. 1776, s. 16.

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

Const. 1868.

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

Const. 1868; Const. 1776, ss. 17, 36.

Howell v. Hurley, 170-793; Richards v. Lumber Co., 158-54.

Sec. 17. Department of agriculture, immigration and statistics. 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.

Const. 1868; Convention 1875.

Cunningham v. Sprinkle, 124-638; Chemical Co. v. Board of Agriculture, 111-136.

ARTICLE IV

JUDICIAL DEPARTMENT

Section 1. Abolishes distinction between actions at law and suits in equity, and feigned issues. The distinctions between actions at law and suits in equity, and the forms of all such actions and suits, shall be abolished; and there shall be in this state but one form of action for the enforcement or protection of private rights or the redress of private wrongs, which shall be denominated a civil action; and every action prosecuted by the people of the state as a party, against a person charged with a public

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.

Const. 1868.

Tillotson v. Currin, 176-479; Jerome v. Setzer, 175-391; Hardware Co. v. Lewis, 173-290; Makuen v. Elder, 170-510; Fowle v. McLean, 168-537; Wilson v. Ins. Co., 155-173; Hauser v. Morrison, 146-248; Levin v. Gladstein, 142-484; Turner v. McKee, 137-259; Staton v. Webb, 137-38; Boles v. Caudle, 133-528; Parker v. Express Co., 132-131; Harrison v. Hargrove, 116-418; Peebles v. Gay, 115-41; Moore v. Beaman, 112-560; Hood v. Sudderth, 111-219; Markham v. Markham, 110-356; Conley v. R. R., 109-692; Vegehan v. Smith, 95-254; Lumber Co. v. Wallace, 93-25; Blake v. Askew, 76-326; Abrams v. Cureton, 74-526; Biting v. Thaxton, 72-541; Tidline v. Hickerson, 72-421; Belmont v. Reilly, 71-262; Froelich v. Express Co., 67-4; Harkey v. Houston, 65-137; Tate v. Powe, 64-647; State v. McIntosh, 64-607; Mitchell v. Henderson, 63-640; State v. Baker, 63-276.

See, also, under C. S., section 399.

Sec. 2. Division of judicial powers. 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.

Const. 1868; Convention 1875.

State v. Burnett, 179-735; State v. Collins, 151-648; Hauser v. Morrison, 146-248; Ex parte McCown, 139-105; State v. Lytle, 138-741; State v. Baskerville, 141-813; Mott v. Comrs., 126-869; State v. Gallop, 126-983; Rhyne v. Lipscombe, 122-650; Caldwell v. Wilson, 121-476; McDonald v. Morrow, 119-670; Ewart v. Jones, 116-572; Express Co. v. R. R., 111-463; Wool v. Saunders, 108-739; State v. Weddington, 103-364; State v. Speaks, 95-689; State v. Spurtin, 80-363; State v. Cherry, 72-123; State v. Ketchey, 70-621; State v. Davis, 69-495; Rowark v. Gaston, 67-292; Froelich v. Express Co., 67-1; State v. Pender, 66-313; Wilmington v. Davis, 63-583; Edenton v. Wool, 65-379; Washington v. Hammons, 76-34; State v. Threadgill, 76-17; State v. Baker, 63-278; McAdoo v. Benbow, 63-461.

Sec. 3. Trial court of impeachment. The court for the trial of impeachments shall be the senate. A majority of the members shall be necessary to a quorum, and the judgment shall not extend beyond removal from and disqualification to hold office in this state; but the party shall be liable to indictment and punishment according to law.

Const. 1868; Convention 1835, art. III, s. 1, cls. 2, 3.

Caldwell v. Wilson, 121-476.

Sec. 4. Impeachment. The house of representatives solely shall have the power of impeaching. No person shall be convicted without the concurrence of two-thirds of the senators present. When the governor is impeached the chief justice shall preside.

Const. 1868; Convention 1835, art. III, s. 1, cl. 3.

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

Const. 1868. See Const. U. S., art. III, s. 3.

Sec. 6. Supreme court justices. The supreme court shall consist of a chief justice and four associate justices.

Const. 1868; Convention 1875; 1887, c. 212.

Sec. 7. Terms of the supreme court. The terms of the supreme court shall be held in the city of Raleigh, as now, until otherwise provided by the general assembly.

Const. 1868; Convention 1875.

State v. Marsh, 134-197.

Sec. 8. Jurisdiction of supreme court. The supreme court shall have jurisdiction to review, upon appeal, any decision of the courts below, upon any matter of law or legal inference. And the jurisdiction of said court

over "issues of fact" and "questions of fact" shall be the same exercised by it before the adoption of the constitution of one thousand eight hundred and sixty-eight, and the court shall have the power to issue any remedial writs necessary to give it a general supervision and control over the proceedings of the inferior courts.

Convention 1875. See Const. 1868, art. IV, s. 10.

R. R. v. Cherokee County, 177-86; Taylor v. Johnson, 171-84; State v. Tripp, 168-150; State v. Lee, 166-250; Page v. Page, 166-90; In re Wiggins, 165-457; Mott v. R. R., 164-367; Johnson v. R. R., 163-431; Pender v. Ins. Co., 163-98; Overman v. Lanier, 156-537; State v. Webb, 155-426; In re Holley, 154-163; Harvey v. R. R., 153-567; Stokes v. Cogdell, 153-181; In re Applicants for License, 143-1; Hollingsworth v. Skelding, 142-256; Slocumb v. Construction Co., 142-354; State v. Lilliston, 141-867; Brown v. Power Co., 140-348; Barker v. R. R., 137-222; State v. Marsh, 134-185; Mott v. Comrs., 126-869; Wilson v. Jordan, 124-719; State v. Hinson, 123-757; Harkins v. Cathey, 119-658; McDonald v. Morrow, 119-670; Carr v. Coke, 116-242; State v. Whitaker, 114-818; Express Co. v. R. R., 111-463; State v. Herndon, 107-934; Farrar v. Station, 101-73; Rencher v. Anderson, 93-105; Railroad v. Warren, 92-620; Coates v. Wilkes, 92-381; Murrill v. Murrill, 90-120; Worthy v. Shields, 90-192; Young v. Rollins, 90-125; Wessell v. Rathjohn, 89-377; McMillan v. Baker, 85-291; Greensboro v. Scott, 84-184; Shields v. Whitaker, 82-516; Simmons v. Foscue, 81-86; Jones v. Boyd, 80-258; State v. McGimsey, 80-383; Battle v. Mayo, 102-435; In re Schenck, 74-609; Keener v. Finger, 70-42; Long v. Holt, 68-53; Rush v. Steamboat Co., 68-74; Isler v. Brown, 67-175; State v. Jefferson, 66-309; Rogers v. Goodwin, 64-279; McKimmon v. Faulk, 63-279; Biggs ex parte, 64-202; Heilig v. Stokes, 63-612; Foushee v. Pattershall, 67-453; Perry v. Shepherd, 78-85; Graham v. Skinner, 57-94.

See, also, C. S., section 1411.

Sec. 9. Claims against the state. The supreme court shall have original jurisdiction to hear claims against the state, but its decisions shall be merely recommendatory; no process in the nature of execution shall issue thereon; they shall be reported to the next session of the general assembly for its action.

Const. 1868.

Miller v. State, 134-272; Moody v. State Prison, 128-14; White v. Auditor, 126-598; Printing Co. v. Hoey, 124-795; Railroad v. Dortch, 124-675; Pate v. R. R., 122-878; Garner v. Worth, 112-250; Blount v. Simmons, 119-51; Burton v. Furnam, 115-171; Cowles v. State, 115-173; Baltzer v. State, 109-187, 104-270; Martin v. Worth, 91-45; Clodfelder v. State, 86-51; Bain v. State, 86-49; Horne v. State, 82-382, 84-362; Sinclair v. State, 69-47; Bayne v. Jenkins, 66-358; Bledsoe v. State, 64-392; Reynolds v. State, 64-460; Rand v. State, 65-194; Battle v. Thompson, 65-408; Boner v. Adams, 65-644.

Sec. 10. Judicial districts for superior courts. 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.

Const. 1868; Convention 1875.

State v. Shuford, 128-588; Wilson v. Jordan, 124-705; Rhyne v. Lipscombe, 122-650; Ewart v. Jones, 116-578; State v. Spurtin, 80-363; State v. Taylor, 76-64; State v. Adair, 66-298.

Sec. 11. Residences of judges; rotation in judicial districts; special terms. 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.

Const. 1868; Convention 1875; 1915, c. 99. Last part of section, providing for "special or emergency judges," took effect Jan. 10, 1917. See Reade v. Durham, 173-668.

Watson v. R. R., 152-215; State v. Shuford, 128-588; Mott v. Comrs., 126-866; Rhyne v. Lipscombe, 122-650; State v. Turner, 119-841; McDonald v. Morrow, 119-670; Delafeld v. Stafford, 114-239; State v. Lewis, 107-967; State v. Speaks, 95-689; State v. Bowman, 80-437; State v. McGimsey, 80-377; State v. Munroe, 80-373; State v. Watson, 75-136; State v. Ketchey, 70-622; Howes v. Mauney, 66-222; State v. Adair, 66-298; Myers v. Hamilton, 65-568.

Sec. 12. Jurisdiction of courts inferior to supreme court. The general assembly shall have no power to deprive the judicial department of any power or jurisdiction which rightfully pertains to it as a coordinate department of the government; but the general assembly shall allot and distribute that portion of this power and jurisdiction which does not pertain to the supreme court among the other courts prescribed in this constitution or which may be established by law, in such manner as it may deem best; provide also a proper system of appeals; and regulate by law, when necessary, the methods of proceeding, in the exercise of their powers, of all the courts below the supreme court, so far as the same may be done without conflict with other provisions of this constitution.

Convention 1875.

State v. Little, 175-743; Cole v. Sanders, 174-112; Jones v. Brinkley, 174-23; Corp. Com. v. R. R., 170-560; Oil Co. v. Grocery Co., 169-521; State v. Brown, 159-467; State v. Collins, 151-648; State v. Shine, 149-480; Lee v. Beard, 146-361; Duckworth v. Mull, 143-469; In re Applicants for License, 143-1; State v. Baskerville, 141-813; Settle v. Settle, 141-564; Corp. Com. v. R. R., 139-126; Ex parte McCown, 139-105; State v. Lytle, 138-741; State v. Lew, 133-666; Brinkley v. Smith, 130-225; In re Gorham, 129-490; State v. Brown, 127-564; Mott v. Comrs., 126-868; State v. Davis, 126-1007; State v. Battle, 126-1036; McCall v. Webb, 125-245; Wilson v. Jordan, 124-690; State v. Ray, 122-1098; Pate v. R. R., 122-877; Tate v. Comrs., 122-661; Rhyne v. Lipscombe, 122-650; Malloy v. Fayetteville, 122-480; Caldwell v. Wilson, 121-477; McDonald v. Morrow, 119-670; Springer v. Shavender, 118-42; Ewart v. Jones, 116-575; Express Co. v. R. R., 111-463; State v. Flowers, 109-841; In re Deaton, 105-62; State v. Moore, 104-751; Walker v. Scott, 102-487; State v. Powell, 97-417; Bynum v. Powe, 97-374; Freight Discrimination Cases, 95-435; Rencher v. Anderson, 93-105; Murrill v. Murrill, 90-120; Cheek v. Watson, 90-302; In re Oldham, 89-23; Simpson v. Jones, 82-324; State v. Munroe, 80-373; State v. Spurtin, 80-362; Walton v. Walton, 80-26; Bratton v. Davidson, 79-423; Washington v. Hammond, 76-35; State v. Upchurch, 72-33; State v. Burk, 73-266; Bryan v. Rousseau, 71-194; Credle v. Gills, 65-192; Wilmington v. Davis, 63-582; Donaldson v. Waldrop, 63-507.

Sec. 13. In case of waiver of trial by jury. In all issues of fact, joined in any court, the parties may waive the right to have the same determined by a jury; in which case the finding of the judge upon the facts shall have the force and effect of a verdict by a jury.

Const. 1863.

Lumber Co. v. Lumber Co., 137-439; Wilson v. Featherstone, 120-447; Taylor v. Smith, 118-127; Driller Co. v. Worth, 117-513; Nissen v. Mining Co., 104-309; Battle v. Mayo, 102-484; Pasour v. Lineberger, 90-159; Keener v. Finger, 70-42; Armfield v. Brown, 70-29.

See, also, C. S., sections 568, 1502.

Sec. 14. Special courts in cities. The general assembly shall provide for the establishment of special courts, for the trial of misdemeanors, in cities and towns, where the same may be necessary.

Const. 1863.

Oil Co. v. Grocery Co., 169-521; State v. Brown, 159-467; State v. Doster, 157-634; State v. Collins, 151-648; State v. Baskerville, 141-811; State v. Lytle, 138-741; Mott v. Comrs., 126-878; State v. Higgs, 126-1019; State v. Powell, 97-417; Washington v. Hammond, 76-34; State v. Ketchey, 70-622; State v. Pender, 66-318; State v. Walker, 65-462; Edenton v. Wool, 65-381; Wilmington v. Davis, 63-538.

Sec. 15. Clerk of the supreme court. The clerk of the supreme court shall be appointed by the court, and shall hold his office for eight years.

Const. 1863.

Sec. 16. Election of superior court clerk. A clerk of the superior court for each county shall be elected by the qualified voters thereof, at the time and in the manner prescribed by law for the election of members of the general assembly.

Const. 1863.

Rodwell v. Rowland, 137-620; White v. Murray, 126-157; Clarke v. Carpenter, 81-311; University v. McIver, 72-85.

Sec. 17. Term of office. Clerks of the superior courts shall hold their offices for four years.

Const. 1868.
Rodwell v. Rowland, 137-620.

Sec. 18. Fees, salaries and emoluments. The general assembly shall prescribe and regulate the fees, salaries and emoluments of all officers provided for in this article; but the salaries of the judges shall not be diminished during their continuance in office.

Const. 1868; Convention 1835, art. III, s. 2.
In re taxation of judges' salaries, 131-692; Mott v. Comrs., 126-869; In re Walker, 82-94; Buxton v. Comrs., 82-91; Bunting v. Gales, 77-451; King v. Hunter, 65-603.

Sec. 19. What laws are, and shall be, in force. The laws of North Carolina, not repugnant to this constitution or the constitution and laws of the United States, shall be in force until lawfully altered.

Const. 1868.
State v. Baskerville, 141-811; Mott v. Comrs., 126-878; Ewart v. Jones, 116-577; State v. King, 69-422; State v. Hairston, 63-452; State v. Baker, 63-278; State v. Colbert, 75-368; Boyle v. New Berne, 64-664; State v. Underwood, 63-98; State v. Jarvis, 63-556.

Sec. 20. Disposition of actions at law and suits in equity pending when this constitution shall go into effect, etc. Actions at law and suits in equity pending when this constitution shall go into effect shall be transferred to The general assembly may from time to time provide by law that the change; and all such actions and suits commenced before and pending at the adoption by the general assembly of the rules of practice and procedure herein provided for shall be heard and determined according to the practice now in use, unless otherwise provided for by said rules.

Const. 1868.
Lash v. Thomas, 86-316; Patton v. Shipman, 81-349; Sharpe v. Williams, 76-91; Baldwin v. York, 71-466; Green v. Moore, 66-425; Johnson v. Sedberry, 65-1; Foard v. Alexander, 64-71; Teague v. Jones, 63-91; Gaither v. Gibson, 63-93.

Sec. 21. Election, terms of office, etc., of justices of the supreme and judges of the superior courts. 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.

Const. 1868; Convention 1875.
Rodwell v. Rowland, 137-626; Tate v. Comrs., 122-663; Appendix, 114-927; Hargrove v. Hilliard, 72-169; Cloud v. Wilson, 72-155; University v. McIver, 72-76; Loftin v. Sowers, 65-251.

Sec. 22. Transaction of business in the superior courts. The superior courts shall be, at all times, open for the transaction of all business within their jurisdiction, except the trial of issues of fact requiring a jury.

Const. 1868.
Mott v. Comrs., 126-869; Delafield v. Construction Co., 115-21; Bynum v. Powe, 97-374; Comrs. v. Cook, 86-19; Harrell v. Peebles, 79-26; Hervey v. Edmunds, 68-243; Hunt v. Sneed, 64-180; Green v. Moore, 66-426; McAdoo v. Benhow, 63-463; Foard v. Alexander, 64-69.

Sec. 23. Solicitors for each judicial district. A solicitor shall be elected for each judicial district by the qualified voters thereof, as is prescribed for members of the general assembly, who shall hold office for the term of four years, and prosecute on behalf of the state in all criminal actions in the superior courts, and advise the officers of justice in his district.

Const. 1868.
Rodwell v. Rowland, 137-626; Wilson v. Jordan, 124-690; Tate v. Comrs., 122-663.

Sec. 24. Sheriffs and coroners. In each county a sheriff and coroner shall be elected by the qualified voters thereof, as is prescribed for members of the general assembly, and shall hold their offices for two years. In each township there shall be a constable elected in like manner by the voters thereof, who shall hold his office for two years. When there is no coroner in 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.

Const. 1868; Const. 1776, s. 38.

Rodwell v. Rowland, 187-620; Rhyne v. Lipscombe, 122-650; State v. Sigman, 106-730; King v. McLure, 84-153; Worley v. Smith, 81-307; Wittkowsky v. Wasson, 69-38.

Sec. 25. Vacancies. All vacancies occurring in the offices provided for by this article of the constitution shall be filled by the appointments of the governor, unless otherwise provided for, and the appointees shall hold their places until the next regular election for members of the general assembly, when elections shall be held to fill such offices. If any person, elected or appointed to any of said offices, shall neglect and fail to qualify, such 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.

Const. 1868; Convention 1875.

State v. Baskerville, 141-811; Rodwell v. Rowland, 137-620; Ewart v. Jones, 116-570; Appendix C. S., 114-927; State v. Lewis, 107-976; Gilmer v. Holton, 98-26; King v. McLure, 84-153; Worley v. Smith, 81-307; Buchanan v. Comrs., 80-126; Hargrove v. Hilliard, 72-169; Cloud v. Wilson, 72-155; Nichols v. McKee, 68-429.

Sec. 26. Terms of office of first officers. The officers elected at the first election held under this constitution shall hold their offices for the terms prescribed for them respectively, next ensuing after the next regular election for members of the general assembly. But their terms shall begin upon the approval of this constitution by the congress of the United States.

Const. 1868.

Opinions of Judges, 114-925; Aderholt v. McKee, 65-258; Loftin v. Sowers, 65-254.

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

Const. 1868; Convention 1875.

Comrs. v. Sparks, 179-581; Jerome v. Setzer, 175-391; Oil Co. v. Grocery Co., 169-521; State v. Doster, 157-634; Wilson v. Ins. Co., 155-173; Riddle v. Milling Co., 150-639; Hauser v. Morrison, 146-248; State v. Bossee, 145-579; Duckworth v. Mull, 143-461; Brown v. Southerland, 142-614; State v. Baskerville, 141-811; State v. Lytle, 138-745; State v. Moore, 136-582; State v. Giles, 134-735, overruling State v. Ostwalt, 118-1209; Knight v. Taylor, 131-35; Cowell v. Gregory, 130-85; State v. Davis, 129-570; Mott v. Comrs., 126-869; State v. White, 125-674; State v. Ray, 122-1098; Rhyne v. Lipscombe, 122-650; Malloy v. Fayetteville, 122-480; State v. Addington, 121-540; McDonald v. Morrow, 119-674; Harkins v. Cathey, 119-665; State v. Nelson, 119-501; State v. Ivie, 118-1230; Alexander v. Gibbon, 118-805; Gambling v. Dickey, 118-936; State v. Wynne, 116-985; Williams v. Bowling, 111-295; Martin v. Goode, 111-289; Slocumb v. Shingle Co., 110-24; State v. Biggers, 108-762; Henderson v. Davis,

106-91; Durham v. Wilson, 104-598; Peck v. Culberson, 104-428; State v. Powell, 97-417, 86-640; Montague v. Mial, 89-137; Allen v. Jackson, 86-321; Morris v. Saunders, 85-140; Katzenstein v. R. R., 84-694; Boing v. R. R., 87-360; Hannah v. R. R., 87-351; Lutz v. Thompson, 87-334; Love v. Rhyne, 86-576; McLane v. Layton, 76-571; McAdoo v. Callum, 86-419; Allen v. Jackson, 86-321; Coggins v. Harrell, 86-317; Brickell v. Bell, 84-85; Fisher v. Webb, 84-44; State v. Dudley, 83-661; State v. Jones, 83-659; Derr v. Stubbs, 83-559; State v. Moore, 82-659; Dalton v. Webster, 82-282; Murphy v. McNeill, 82-221; McDonald v. Cannon, 82-247; State v. Edney, 80-360; Evans v. Williamson, 79-86; State v. Styles, 76-166; Hever v. Beatty, 76-29; State v. Threadgill, 76-18; Nance v. R. R., 76-9; Pullen v. Green, 75-218; Hinton v. Davis, 75-18; Forsyth v. Bullock, 74-137; Hendrick v. Mayfield, 74-626; State v. Buck, 73-631; State v. Bailey, 73-70; Latham v. Rollins, 72-455; State v. Quick, 72-244; State v. Presly, 72-205; State v. Upchurch, 72-148; State v. Cherry, 72-123; State v. Perry, 71-523; Templeton v. Summers, 71-270; State v. Vermington, 71-263; Bryan v. Rousseau, 71-194; Bullinger v. Marshall, 71-520; Railroad v. Sharpe, 70-510; State v. Heidelberg, 70-496; State v. Yarborough, 70-250; Fell v. Porter, 69-140; Caldwell v. Beatty, 69-364; Davis v. Baker, 67-388; Froelich v. Express Co., 67-1; State v. Pendleton, 65-618; State v. Deaton, 65-497; Edenton v. Wool, 65-379; Hedgecock v. Davis, 64-650; State v. Johnson, 64-581; Wilmington v. Davis, 63-584; Winslow v. Weith, 66-432; Dulin v. Howard, 66-433; Froneburger v. Lee, 66-333; State v. Pender, 66-313; Credle v. Gibbs, 65-192; Rives v. Guthrie, 46-84.
See, also, C. S., sections 1473, 1474, 1481.

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

Const. 1868.

Rodwell v. Rowland, 137-628; Gilmer v. Holton, 98-26; Cloud v. Wilson, 72-155.

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

Const. 1868.

Rodwell v. Rowland, 137-628; White v. Murray, 126-157; Williams v. Bowling, 111-295; Martin v. Goode, 111-239.

Sec. 30. Officers of other courts inferior to supreme court. 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.

Convention 1875.

White v. Murray, 126-157; Ewart v. Jones, 116-572; State v. Weddington, 103-364.

Sec. 31. Removal of judges of the various courts for inability. 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.

Convention 1875. See Convention 1835, art. III, s. 2, cl. 1.

Sec. 32. Removal of clerks of the various courts for inability. 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.

Convention 1875.

Sec. 33. Amendments not to vacate existing offices. 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.

Convention 1875.

State v. Moore, 136-581; Appendix, 114-928.

ARTICLE V

REVENUE AND TAXATION

Section 1. Capitation tax; exemptions. 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.

Davis v. Lenoir, 178-668; R. R. v. Comrs., 178-449; Guire v. Comrs., 177-516; Parvin v. Comrs., 177-508; Wagstaff v. Central Highway Com., 177-354; R. R. v. Cherokee County, 177-86; Hill v. Lenoir County, 176-572; Bennett v. Comrs., 173-625; Ingram v. Johnson, 172-676; Moore v. Comrs., 172-419; Hargrave v. Comrs., 168-627; Kitchin v. Wood, 154-565; Bd. of Education v. Comrs., 150-116; Perry v. Comrs., 148-521; R. R. v. Comrs., 148-248; R. R. v. Comrs., 148-220; Collie v. Comrs., 145-172; State v. Wheeler, 141-774; Pace v. Raleigh, 140-67; Bd. of Ed. v. Comrs., 137-313; Wingate v. Parker, 136-369; State v. Ballard, 122-1026; Comrs. v. Snugg, 121-409; Russell v. Ayer, 120-180; Williams v. Comrs., 119-520; Bd. of Ed. v. Comrs., 111-578, 107-112; Jones v. Comrs., 107-248; Redmond v. Comrs., 106-137; Parker v. Comrs., 104-168; Barksdale v. Comrs., 93-472; Cromartie v. Comrs., 87-139, 85-217; Clifton v. Wynne, 80-145; French v. Wilmington, 75-477; Griffin v. Comrs., 74-701; French v. Comrs., 74-692; Brown v. Comrs., 72-388; Mauney v. Comrs., 71-486; Brothers v. Comrs., 70-726; Street v. Comrs., 70-644; Johnson v. Comrs., 67-101; Sedberry v. Comrs., 66-486; University v. Holden, 63-410; R. R. v. Holden, 63-400; Gardner v. Hall, 61-21.

Sec. 2. Application of proceeds of state and county capitation tax. The proceeds of the state and county capitation tax shall be applied to the purposes of education and the support of the poor, but in no one year shall more than twenty-five per cent thereof be appropriated to the latter purpose.

Const. 1868.

Wagstaff v. Central Highway Com., 177-354; Hill v. Lenoir County, 176-572; Moose v. Comrs., 172-419; Board of Ed. v. Comrs., 150-116; Perry v. Comrs., 148-521; R. R. v. Comrs., 148-248; Collie v. Comrs., 145-170; State v. Wheeler, 141-774; Crocker v. Moore, 140-432; Board of Ed. v. Comrs., 137-311; School Directors v. Comrs., 127-263; Bd. of Ed. v. Comrs., 113-379; Redmond v. Comrs., 106-137; Parker v. Comrs., 104-168; Durham v. Bostick, 72-353; Jacobs v. Smallwood, 63-112.

Sec. 3. Taxation shall be by uniform rule and ad valorem; exemptions. 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 income: "Provided, the rate of tax on incomes

shall not in any case exceed six per cent (6%), and there shall be allowed the following exemptions, to be deducted from the amount of annual incomes, to wit: for a married man with a wife living with him, or to a widow or widower having minor child or children, natural or adopted, not less than \$2,000; to all other persons not less than \$1,000, and there may be allowed other deductions (not including living expenses) so that only net incomes are taxed.

Const. 1868; 1917, c. 119, adding provisos 1 and 2, making limited exception for purchase price of homes.

Brown v. Jackson, 179-363; Motor Corp. v. Flynt, 178-399; Bickett v. Tax Com., 177-433; Smith v. Wilkins, 164-135; State v. Bullock, 161-223; Comrs. v. Webb, 160-594; Dalton v. Brown, 159-175; State v. Williams, 158-610; Guano Co. v. Biddle, 158-212; Pullen v. Corp. Com., 152-548; Wolfenden v. Comrs., 152-83; State v. Danenburg, 151-718; Land Co. v. Smith, 151-70; R. R. v. New Bern, 147-165; Lumber Co. v. Smith, 146-198; Collie v. Comrs., 145-170; State v. Wheeler, 141-773; In re Morris Estate, 138-259; State v. Roberson, 136-587; Plymouth v. Cooper, 135-1; Lacy v. Packing Co., 134-567; Jackson v. Comrs., 130-337; State v. Hunt, 129-686; State v. Carter, 129-560; State v. Irvin, 126-989; State v. Sharp, 125-631; Collins v. Pettitt, 124-727; State v. Ballard, 122-1026; Cobb v. Comrs., 122-307; Hilliard v. Asheville, 118-845; Schaul v. Charlotte, 118-733; Rosenbaum v. Newbern, 118-83; State v. Worth, 116-1007; Loan Assn. v. Comrs., 115-410; State v. Moore, 113-697; State v. Georgia Co., 112-34; Wiley v. Comrs., 111-400; Raleigh v. Peace, 110-38; State v. Wessel, 109-735; State v. Stevenson, 109-733; State v. French, 109-722; Jones v. Comrs., 107-257; Redmond v. Comrs., 106-137; Puit v. Comrs., 94-709; Holton v. Comrs., 93-430; Busbee v. Comrs., 93-143; Wilmington v. Macks, 86-91; Busbee v. Comrs., 93-143; Railroad v. Comrs., 91-454; Jones v. Arrington, 91-125; Cain v. Comrs., 86-8; Railroad v. Comrs., 84-504; Worth v. Comrs., 82-420; Worth v. Railroad, 89-301; Evans v. Comrs., 89-154; Belo v. Comrs., 82-415; Mowery v. Salisbury, 82-175; Hewlett v. Nutt, 79-263; Gatlin v. Tarboro, 78-119; Young v. Henderson, 76-420; Railroad v. Comrs., 75-477; French v. Wilmington, 75-477; Kyle v. Comrs., 75-445; Wilson v. Charlotte, 74-748; Rwy. Co. v. Wilmington, 72-73; R. R. v. Comrs., 72-10; Ruffin v. Comrs., 69-498; Lilly v. Comrs., 69-300; Pullen v. Comrs., 68-451; University v. Holden, 43-410.

Sec. 4. Restrictions upon the increase of the public debt except in certain contingencies. Until the bonds of the state shall be at par, the general assembly shall have no power to contract any new debt or pecuniary obligation in behalf of the state, except to supply a casual deficit, or for suppressing invasion or insurrection, unless it shall in the same bill levy a special tax to pay the interest annually. And the general assembly shall have no power to give or lend the credit of the state in aid of any person, association, or corporation, except to aid in the completion of such railroads as may be unfinished at the time of the adoption of this constitution, or in which the state has a direct pecuniary interest, unless the subject be submitted to a direct vote of the people of the state, and be approved by a majority of those who shall vote thereon.

Const. 1868.

Comrs. v. State Treasurer, 174-141; Moran v. Comrs., 168-289; Comrs. v. Snuggs, 121-402; Mauney v. Comrs., 71-486; R. R. v. Jenkins, 65-173; University v. Holden, 63-410; Galloway v. R. R., 65-147.

Sec. 5. Property exempt from taxation. Property belonging to the state or to municipal corporations shall be exempt from taxation. The general assembly may exempt cemeteries, and property held for educational, scientific, literary, charitable, or religious purposes; also wearing apparel, arms for muster, household and kitchen furniture, the mechanical and agricultural implements of mechanics and farmers; libraries and scientific instruments, or any other personal property, to a value not exceeding three hundred dollars.

Const. 1868; 1872-3, c. 83.

Wagstaff v. Central Highway Com., 177-354; Leary v. Comrs., 172-25; Southern Assembly v. Palmer, 166-75; Davis v. Salisbury, 161-56; Comrs. v. Webb, 160-594; Corp. Com. v. Construction Co., 160-582; Bd. of Ed. v. Comrs., 137-314; United Brethren v. Comrs., 115-489; Loan Assn. v. Comrs., 115-410; State v. Stevenson, 109-730; R. R. v. Comrs., 75-474, 84-504.

Sec. 6. Taxes levied for counties. The total of the state and county tax on property shall not exceed fifteen 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, which may be done by special or general act: Provided, this limitation shall not apply to taxes levied for the maintenance of the public schools

of the state for the term required by article nine, section three, of the constitution: Provided further, the state tax shall not exceed five cents on the one hundred dollars value of property.

Comrs. v. Spitzer, 179-436.

Sec. 7. Acts levying taxes shall state object, etc. 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.

Const. 1868.

Parker v. Comrs., 178-92; Bd. of Ed. v. Comrs., 137-311; McCless v. Meekins, 117-34; Parker v. Comrs., 104-170; Clifton v. Wynne, 80-145; R. R. v. Holden, 63-410.

ARTICLE VI

SUFFRAGE AND ELIGIBILITY TO OFFICE

Section 1. Who may vote. 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.

1899, c. 218; 1900, c. 2.

Woodall v. Highway Com., 176-377; Ingram v. Johnson, 172-676; State v. Knight, 169-333; Gill v. Comrs., 160-176; Pace v. Raleigh, 140-68; Clarke v. Statesville, 139-492; Quinn v. Lattimore, 120-428; In re Reid, 119-641; Harris v. Scarborough, 110-232; Hannon v. Grizzard, 89-115; State v. Jones, 82-685; Lee v. Dunn, 73-595; Van Bokkelen v. Canady, 73-198; Railroad v. Comrs., 72-486; University v. McIver, 72-76; Perry v. Whitaker, 71-475; Jacobs v. Smallwood, 63-112; Roberts v. Cannon, 20-256.

Sec. 2. Qualifications of voters. 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: Provided, that removal from one precinct, ward, or other election district to another in the same county shall not operate to deprive any person of the right to vote in the precinct, ward or other election district from which he has removed until four months after such removal. No person who has been convicted, or who has confessed his guilt in open court upon indictment, of any crime the punishment of which now is, or may hereafter be, imprisonment in the state's prison, shall be permitted to vote, unless the said person shall be first restored to citizenship in the manner prescribed by law.

Convention 1875; 1899, c. 218; 1900, c. 2, s. 2.

State v. Windley, 178-670; Woodall v. Highway Com., 176-377; State v. Smith, 174-804; Watson v. R. R., 152-215; Cox v. Comrs., 146-584; Harris v. Scarborough, 110-232; Pace v. Raleigh, 140-68; Clarke v. Statesville, 139-492; Quinn v. Lattimore, 120-428; DeBerry v. Nicholson, 102-465; Van Bokkelen v. Canady, 73-198; Railroad v. Comrs., 72-486; Perry v. Whitaker, 71-475.

See, also, C. S., secs. 5936, 5937.

Sec. 3. Voter to be registered. 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.

1899, c. 218; 1900, c. 2, s. 3.

Cox v. Comrs., 146-584; Pace v. Raleigh, 140-68; Harris v. Scarborough, 110-232.

Sec. 4. Qualification for registration. Every person presenting himself for registration shall be able to read and write any section of the constitution in the English language. But no male person who was, on January 1, 1867, or at any time prior thereto, entitled to vote under the laws of any state in the United States wherein he then resided, and no lineal descendant of any such person, shall be denied the right to register and vote at any election in this state by reason of his failure to possess the educational qualifications herein prescribed: Provided, he shall have registered in accordance with the terms of this section prior to December

1, 1908. The general assembly shall provide for the registration of all persons entitled to vote without the educational qualifications herein prescribed, and shall, on or before November 1, 1908, provide for the making of a permanent record of such registration, and all persons so registered shall forever thereafter have the right to vote in all elections by the people in this state, unless disqualified under section 2 of this article.

Const. 1868; 1899, c. 218; 1900, c. 2, s. 4.

Ingram v. Johnson, 172-676; Moose v. Comrs., 172-419; State v. Knight, 169-333; Perry v. Comrs., 148-521; Cox v. Comrs., 146-584; Collie v. Comrs., 145-175; Pace v. Raleigh, 140-68; Clarke v. Statesville, 139-492; Harris v. Scarborough, 110-232; Hannon v. Grizzard, 89-115.

Sec. 5. Indivisible plan; legislative intent. 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.

1900, c. 2, s. 5.

Sec. 6. Elections by people and general assembly. All elections by the people shall be by ballot, and all elections by the general assembly shall be *viva voce*.

Const. 1868; 1899, c. 218.

Sec. 7. Eligibility to office; official oath. 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."

1899, c. 218; 1900, c. 2, s. 7.

Cole v. Sanders, 174-112; State v. Knight, 169-333; State v. Bateman, 162-588.

Sec. 8. Disqualification for office. The following classes of persons shall be disqualified for office: First, all persons who shall deny the being of Almighty God. Second, all persons who shall have been convicted, 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.

1899, c. 218; 1900, c. 2, s. 8.

State v. Windley, 178-670; Bank v. Redwine, 171-559; State v. Knight, 169-333.

Sec. 9. When this chapter operative. 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.

1899, c. 218; 1900, c. 2, s. 9.

ARTICLE VII

MUNICIPAL CORPORATIONS

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

Const. 1868.

Rhodes v. Lewis, 80-136; Van Bokkelen v. Canady, 73-198; Aderholt v. McKee, 65-257.

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

Const. 1868.

Holmes v. Bullock, 178-376; Wilson v. Holding, 170-352; Comrs. v. Comrs., 165-632; Bunch v. Comrs., 159-335; Southern Audit Co. v. McKensie, 147-461; Crocker v. Moore, 140-433; In re Spease Ferry, 138-219; Barrington v. Ferry Co., 69-165; Canal Co. v. McAllister, 74-163; Lane v. Stanley, 65-156; R. R. v. Holden, 63-434.

See, also, C. S., secs. 1297, 1299, 1300.

Sec. 3. Counties to be divided into districts. It shall be the duty of the commissioners first elected in each county to divide the same into convenient districts, to determine the boundaries and prescribe the name of the said districts, and to report the same to the general assembly before the first day of January, 1869.

Const. 1868.

Road Com. v. Comrs., 178-61; Motor Co. v. Flynt, 178-399; Wittkowsky v. Comrs., 150-90; Wallace v. Trustees, 84-164; Gamble v. McCrady, 75-509; McNeill v. Green, 75-329; Tucker v. Raleigh, 75-267; Wilson v. Charlotte, 74-748; Canal Co. v. McAllister, 74-159; Grady v. Comrs., 74-101; Wade v. Comrs., 74-81; Bladen Co. v. Clarke, 73-255; Mitchell v. Trustees, 71-400; Barrington v. Ferry Co., 69-165; University v. Holden, 63-410; Gooch v. Gregory, 65-142; Lane v. Stanley, 65-153.

Sec. 4. Townships have corporate powers. 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.

Const. 1868.

Road Com. v. Comrs., 178-61; Motor Co. v. Flynt, 178-399; Mann v. Allen, 171-219; Jones v. New Bern, 152-64; Wittkowsky v. Comrs., 150-90; Crocker v. Moore, 140-429; Cotton Mills v. Waxhaw, 130-295; Brown v. Comrs., 100-92; Wallace v. Trustees, 84-164; Mitchell v. Trustees, 71-400; Payne v. Caldwell, 65-488; Lane v. Stanley, 65-153.

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

Const. 1868.

Road Com. v. Comrs., 178-61; Wallace v. Trustees, 84-164; Simpson v. Comrs., 84-158; Mitchell v. Trustees, 71-400; Haughton v. Comrs., 70-466; Edenton v. Wool, 65-379; Conoley v. Harris, 64-662; Wilmington v. Davis, 63-582.

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

Const. 1868.

R. R. v. Comrs., 178-449; Road Com. v. Comrs., 178-62; Guire v. Comrs., 177-516; Parvin v. Comrs., 177-508; Jones v. Comrs., 107-261; R. R. v. Comrs., 84-503; Railroad v. Comrs., 82-261; Cobb v. Elizabeth City, 75-1; Railroad v. Comrs., 72-12.

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

Const. 1868.

Comrs. v. Spitzer, 179-436; Davis v. Lenoir County, 178-663; Guire v. Comrs., 177-516; Parvin v. Comrs., 177-516; Hill v. Lenoir, 176-572; Williams v. Comrs., 176-554; Woodall v.

Highway Com., 176-377; Comrs. v. Boring, 175-105; Comrs. v. State Treasurer, 174-141; Comrs. v. Spitzer, 173-147; Cottrell v. Lenoir, 173-138; Archer v. Joyner, 173-75; Swindell v. Belhaven, 173-1; Stephens v. Charlotte, 172-564; Moose v. Comrs., 172-419; Keith v. Lockhart, 171-451; Kinston v. Trust Co., 169-207; Hargrave v. Comrs., 168-626; Moran v. Comrs., 168-289; Comrs. v. Comrs., 165-632; Sprague v. Comrs., 165-603; Withers v. Comrs., 163-341; Pritchard v. Comrs., 160-476; Russell v. Troy, 159-366; Winston v. Bank, 158-512; Tripp v. Comrs., 158-180; Ellis v. Trustees, 156-10; Board of Trustees v. Webb, 155-379; Sanderlin v. Luken, 152-738; Highway Com. v. Webb, 152-710; Underwood v. Asheboro, 152-641; Ellison v. Williamston, 152-147; Burgin v. Smith, 151-561; Hightower v. Raleigh, 150-569; Smith v. Belhaven, 150-156; Wittkowsky v. Comrs., 150-90; Hendersonville v. Jordan, 150-35; Wharton v. Greensboro, 149-62; Perry v. Comrs., 148-521; Hollowell v. Borden, 148-255; R. R. v. Comrs., 148-248; R. R. v. Comrs., 148-220; Comrs. v. McDonald, 148-125; Comrs. v. Webb, 148-120; McLeod v. Comrs., 148-77; Swinson v. Mount Olive, 147-611; Wharton v. Greensboro, 146-356; Collie v. Comrs., 145-178; Crocker v. Moore, 140-432; Greensboro v. Scott, 138-184; Smith v. Trustees, 141-151; Jones v. Comrs., 137-579; Wingate v. Parker, 136-369; Faucett v. Mt. Airy, 134-1; Cotton Mills v. Waxhaw, 130-293; Black v. Comrs., 129-122; Broadfoot v. Fayetteville, 128-529; State v. Irvin, 126-992; Garsed v. Greensboro, 126-161; Edgerton v. Water Co., 126-93; Smathers v. Comrs., 125-488; Slocumb v. Fayetteville, 125-362; Bear v. Comrs., 124-204; Comrs. v. Payne, 123-432; Tate v. Comrs., 122-812; Charlotte v. Shepard, 122-602; Herring v. Dixon, 122-420; Rodman v. Washington, 122-39; Thrift v. Elizabeth City, 122-31; Mayo v. Comrs., 122-5; Comrs. v. Snuggs, 121-403; Charlotte v. Shepard, 120-411; Williams v. Comrs., 119-520; Vaughn v. Comrs., 117-435; McCless v. Meekins, 117-34; R. R. v. Comrs., 116-563; Bank v. Comrs., 116-339; Bd. of Ed. v. Comrs., 113-379; Graded School v. Broadhurst, 109-228; R. R. v. Comrs., 109-159; Jones v. Comrs., 107-248; Parker v. Comrs., 104-163; Brown v. Comrs., 100-92; Rigsbee v. Durham, 99-341, 98-81; Gardner v. New Bern, 98-223; Wood v. Oxford, 97-227; McDowell v. Construction Co., 96-514; Markham v. Manning, 96-133; Duke v. Brown, 96-127; Southerland v. Goldsboro, 96-49; Halcombe v. Comrs., 89-346; Evans v. Comrs., 89-154; Shuford v. Comrs., 86-553; Norment v. Charlotte, 85-387; Simpson v. Comrs., 84-158; Gatlin v. Tarboro, 78-119; Young v. Henderson, 76-420; French v. Wilmington, 75-477; Kyle v. Comrs., 75-445; Tucker v. Raleigh, 75-267; Wilson v. Charlotte, 74-748; French v. Comrs., 74-692; Van Bokkelen v. Canady, 73-198; R. R. v. Comrs., 72-486; Trull v. Comrs., 72-388; Weinstein v. Comrs., 71-525; Reiger v. Comrs., 70-319; Payne v. Caldwell, 65-488; Lane v. Stanly, 65-153; Broadnax v. Groom, 64-244; Winslow v. Comrs., 64-218; University v. Holden, 63-410.

See, also, C. S., sections 1297, 2691.

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

Const. 1868.

Faison v. Comrs., 171-411; Grady v. Comrs., 74-101.

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

Const. 1868.

Marshburn v. Jones, 176-516; Keith v. Lockhart, 171-451; Board of Trustees v. Webb, 155-379; Comrs. v. Webb, 160-594; Perry v. Comrs., 148-521; McLeod v. Comrs., 148-77; Smith v. Trustees, 141-151; Jones v. Comrs., 137-600; Wingate v. Parker, 136-369; Harper v. Comrs., 133-106; Winston v. Salem, 131-404; Ins. Co. v. Stedman, 130-223; State v. Irvin, 126-993; Hilliard v. Asheville, 118-845; Loan Assn. v. Comrs., 115-410; Wiley v. Comrs., 111-397; Raleigh v. Peace, 110-32; Redmond v. Comrs., 106-122; Jones v. Comrs., 106-122; Moore v. Comrs., 80-154; Young v. Henderson, 76-420; Cain v. Comrs., 86-15; Kyle v. Comrs., 75-447; Cobb v. Elizabeth City, 75-7; Wilson v. Charlotte, 74-754; Rwy. Co. v. Wilmington, 72-73; Grady v. Comrs., 74-101; Weinstein v. Comrs., 71-535; Pullen v. Raleigh, 68-451.

See, also, C. S., sec. 2678.

Sec. 10. When officers enter on duty. The county officers first elected under the provisions of this article shall enter upon their duties ten days after the approval of this constitution by the congress of the United States.

Const. 1868.

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

Const. 1868.

Nichols v. McKee, 68-429.

See, also, C. S., sections 1462-1472.

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

Const. 1868.

Ward v. Elizabeth City, 121-1; Dare Co. v. Currituck Co., 95-139.

Sec. 13. Debts in aid of the rebellion not to be paid. No county, city, town or other municipal corporation shall assume to pay, nor shall any tax be levied or collected for the payment of, any debt, or the interest upon any debt, contracted directly or indirectly in aid or support of the rebellion.

Const. 1868.

Board of Trustees v. Webb, 155-379; R. R. v. Comrs., 148-220; Smith v. School Trustees, 141-157; Jones v. Comrs., 137-600; Wingate v. Parker, 136-369; Brickell v. Comrs., 81-242; Weith v. Wilmington, 68-24; Poindexter v. Davis, 67-112; Davis v. Poindexter, 72-441; Lance v. Hunter, 72-178; Logan v. Plummer, 70-388; Rand v. State, 65-194; Setzer v. Comrs., 64-516; Winslow v. Comrs., 64-218; Leak v. Comrs., 64-132.

Sec. 14. Powers of general assembly over municipal corporations. 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.

Convention 1875.

Motor Co. v. Flynt, 178-399; Road Com. v. Comrs., 178-61; Cole v. Sanders, 174-112; Mann v. Allen, 171-219; Comrs. v. Comrs., 165-632; Bunch v. Comrs., 159-335; Board of Trustees v. Webb, 155-379; Southern Audit Co. v. McKensie, 147-461; Smith v. School Trustees, 141-157; Crocker v. Moore, 140-433; Jones v. Comrs., 137-600; Wingate v. Parker, 136-369; In re Spease Ferry, 138-220; Gattis v. Griffin, 125-334; Harris v. Wright, 121-172; Bd. of Ed. v. Comrs., 111-578; Sneed v. Bullock, 80-132; Jones v. Jones, 80-127.

ARTICLE VIII

CORPORATIONS OTHER THAN MUNICIPAL

Section 1. Corporations under general laws. 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.

1915, c. 99. In effect Jan. 10, 1917; see Reade v. Durham, 173-668; Mills v. Comrs., 175-215; Woodall v. Highway Com., 176-377.

Mills v. Comrs., 175-215; Board of Education v. Comrs., 174-47; Stagg v. Land Co., 171-533; Mann v. Allen, 171-219; R. R. v. Oates, 164-167; Reid v. R. R., 162-355; Power Co. v. Whitney Co., 150-31; State v. Cantwell, 142-614; Coleman v. R. R., 138-354; Debnam v. Tel. Co., 126-843; Gattis v. Griffin, 125-334; Railroad v. Dortch, 124-673; Griffin v. Water Co., 122-210; Ward v. Elizabeth City, 121-1; Wilson v. Leary, 120-92; Winslow v. Morton, 118-486; Hanstein v. Johnson, 112-253; R. R. v. Comrs., 108-60; McGowan v. Railroad, 95-417; R. R. v. Rollins, 82-523; State v. Jones, 67-210; Clark v. Stanley, 66-59; R. R. v. Reid, 64-226, 165; State v. Matthews, 56-451; State v. Petway, 55-396.

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

Const. 1868.

Reade v. Durham, 173-668; Van Bokkelen v. Canady, 73-198.

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

Const. 1868.

Barker v. R. R., 137-223; Hanstein v. Johnson, 112-253.

Sec. 4. Legislature to provide for organizing cities, towns, etc. 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.

Const. 1868; 1915, c. 99, which added "by general laws" after "to provide" and before "for the organization," and changed "assessments" to "assessment" after "abuses in" and before "and." In effect Jan. 10, 1917, see under sec. 1 of this article.

Taylor v. Greensboro, 175-423; Mills v. Comrs., 175-215; Reade v. Durham, 173-668; Bramham v. Durham, 171-196; Winston v. Bank, 153-512; Murphy v. Webb, 156-402; Ellison v. Williams, 152-147; Bradshaw v. High Point, 151-517; Perry v. Comrs., 143-521; Cox v. Comrs., 146-584; Wingate v. Parker, 136-369; Robinson v. Goldsboro, 135-382; Brockenbrough v. Comrs., 134-17; Wadsworth v. Concord, 133-587; State v. Green, 126-1032; Cotton Mills v. Waxhaw, 130-293; State v. Irvin, 126-993; Hutton v. Webb, 124-749; Rosenbaum v. Newbern, 118-84; Railway v. Railway, 114-725; Raleigh v. Peace, 110-32; Jones v. Comrs., 107-263; Gatlin v. Tarboro, 78-119; French v. Wilmington, 75-477; Tucker v. Raleigh, 75-267; Wilson v. Charlotte, 74-748; Van Bokkelen v. Canady, 73-198; Pullen v. Raleigh, 68-451; Dellinger v. Tween, 66-206.

ARTICLE IX

EDUCATION

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

Const. 1868; Const. 1776, sec. 41.

Bd. of Ed. v. Comrs., 178-305; Bd. of Ed. v. Comrs., 174-469; Comrs. v. Bd. of Ed., 163-404; Corp. Com. v. Construction Co., 160-582; Collie v. Comrs., 145-170; Green v. Owen, 125-223; Bd. of Ed. v. Comrs., 111-582; Lane v. Stanley, 65-153; Barksdale v. Comrs., 93-472.

Sec. 2. General assembly shall provide for schools; separation of the races. 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.

Const. 1868; Convention 1875.

Bd. of Ed. v. Comrs., 178-305; Bd. of Ed. v. Comrs., 174-469; Moose v. Comrs., 172-419; School Comrs. v. Bd. of Ed., 169-196; Johnson v. Bd. of Ed., 166-468; Comrs. v. Bd. of Ed., 163-404; Williams v. Bradford, 158-36; Bonitz v. School Trustees, 154-375; State v. Wolf, 145-440; Collie v. Comrs., 145-178; Lowery v. School Trustees, 140-39; Bd. of Ed. v. Comrs., 137-314; Hooker v. Greenville, 130-474; Bear v. Comrs., 124-213; Bd. of Ed. v. State Board, 114-313; Bd. of Ed. v. Comrs., 111-578; Markham v. Manning, 96-132; Puit v. Comrs., 94-709; Riggsbee v. Durham, 94-800; R. R. v. Holden, 63-436.

Sec. 3. Counties to be divided into districts. Each county of the state shall be divided into a convenient number of districts, in which one or more public schools shall be maintained at least 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.

Const. 1868; 1917, c. 192, inserting "six months" for "four months" for annual school term. Bd. of Ed. v. Comrs., 178-305; Hill v. Lenoir County, 176-572; Bd. of Ed. v. Comrs., 174-469; Bennett v. Comrs., 173-625; Bd. of Ed. v. Comrs., 150-116; R. R. v. Comrs., 145-220; Collie v. Comrs., 145-172; Bd. of Ed. v. Comrs., 111-578, 113-379; Barksdale v. Comrs., 93-172.

Sec. 4. What property devoted to educational purposes. 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.

Const. 1868; Convention 1875.

Collie v. Comrs., 145-186; Bear v. Comrs., 124-212; McDonald v. Morrow, 119-674; Sutton v. Phillips, 116-434; Bd. of Ed. v. Comrs., 111-578; University v. Holden, 63-410.
See, also, C. S., sec. 3480.

Sec. 5. County school fund; proviso. 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.

Const. 1868; Convention 1875.

In re Wiggins, 171-372; Collie v. Comrs., 145-178; State v. Maultsby, 139-584; School Directors v. Asheville, 137-507; Bearden v. Fullam, 129-479; School Directors v. Asheville, 128-249; Bd. of Ed. v. Henderson, 126-689; Carter v. R. R., 126-437; Godwin v. Fertilizer Works, 119-120; Sutton v. Phillips, 116-502; Burrell v. Hughes, 116-434; Bd. of Ed. v. Comrs., 111-578; Hodge v. R. R., 103-25; Katzenstein v. R. R., 84-688; University v. McIver, 72-76.

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

1872-3, c. 86. See Const. 1776, sec. 41.

Finger v. Hunter, 130-529; Brewer v. University, 110-26; University v. R. R., 76-103; University v. McIver, 72-76.

Sec. 7. Benefits of the university. The general assembly shall provide that the benefits of the university, as far as practicable, be extended to the youth of the state free of expense for tuition; also, that all the property which has heretofore accrued to the state, or shall hereafter accrue, from escheats, unclaimed dividends, or distributive shares of the estates of deceased persons, shall be appropriated to the use of the university.

Const. 1868.

University v. R. R., 76-103; University v. Maultsby, 43-257.

Sec. 8. Board of education. The governor, lieutenant-governor, secretary of state, treasurer, auditor, superintendent of public instruction, and attorney-general shall constitute a state board of education.

Const. 1868.

Sec. 9. President and secretary. The governor shall be president and the superintendent of public instruction shall be secretary of the board of education.

Const. 1868.

Sec. 10. Powers of the board. The board of education shall succeed to all the powers and trusts of the president and directors of the literary fund of North Carolina, and shall have full power to legislate and make all needful rules and regulations in relation to free public schools and the educational fund of the state; but all acts, rules and regulations of said board may be altered, amended or repealed by the general assembly, and when so altered, amended, or repealed, they shall not be reenacted by the board.

Const. 1868.

Board v. Makely, 139-34; Dosh v. Lumber Co., 128-85; Bd. of Ed. v. State Board, 114-317.

Sec. 11. First session of the board. 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.

Const. 1868.

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

Const. 1868.

Sec. 13. Expenses. The contingent expenses of the board shall be provided by the general assembly.

Const. 1868.

Ewart v. Jones, 116-578.

Sec. 14. Agricultural department. As soon as practicable after the adoption of this constitution, the general assembly shall establish and maintain, in connection with the university, a department of agriculture, of mechanics, of mining, and of normal instruction.

Const. 1868.

Chemical Co. v. Board of Agriculture, 111-136.

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

Const. 1868.

State v. Wolf, 145-440; Bear v. Comrs., 124-212.

ARTICLE X

HOMESTEADS AND EXEMPTIONS

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

Const. 1868.

Befarrah v. Spell, 178-231; Grocery Co. v. Bails, 177-298; Gardner v. McConnaughey, 157-481; Cromer v. Self, 149-164; McKeithen v. Blue, 142-352; Lynn v. Cotton Mills, 130-621; Chitty v. Chitty, 118-647; Lockhart v. Bear, 117-301; Jones v. Alsbrook, 115-49; Wilmington v. Sprunt, 114-310; Dickens v. Long, 109-165; Shepherd v. Murrill, 90-208; Slaughter v. Winfrey, 85-159; Smith v. McMillan, 84-583; Durham v. Speeke, 82-87; Gheen v. Summey, 80-187; Gamble v. Rhyne, 80-183; Earle v. Hardie, 80-177; Richardson v. Wicker, 80-172; Welch v. Macy, 78-240; Pemberton v. McRae, 75-497; Vann v. B. & L. Assn., 75-494; Gaster v. Hardie, 75-460; Comrs. v. Riley, 75-144; Curlee v. Thomas, 74-51; Duvall v. Rollins, 71-218; Garrett v. Cheshire, 69-396; Burns v. Harris, 67-140, 66-509; Dellinger v. Tweed, 66-206; Watts v. Leggett, 66-197; Johnson v. Cross, 66-167; Horton v. McCall, 66-159; McKeithen v. Terry, 64-25; Hill v. Kessler, 63-437; Dean v. King, 35-20.

See, also, C. S., sec. 728.

Sec. 2. Homestead. Every homestead, and the dwellings and buildings used therewith, not exceeding in value one thousand dollars, to be selected by the owner thereof, or in lieu thereof, at the option of the owner, any lot in a city, town or village, with the dwelling and buildings used thereon, owned and occupied by any resident of this state, and not exceeding the value of one thousand dollars, shall be exempt from sale under execution or other final process obtained on any debt. But no property shall be exempt from sale for taxes, or for payment of obligations contracted for the purchase of said premises.

Const. 1868.

Kirkwood v. Peden, 173-460; Sash Co. v. Parker, 153-130; Simmons v. Respass, 151-5; Carpenter v. Duke, 144-291; McKeithen v. Blue, 142-352; Smith v. Bruton, 137-79; Vann v. Edwards, 135-661; Joyner v. Sugg, 132-580; Cawfield v. Owens, 129-286, 130-643; Lynn v. Cotton Mills, 130-621; Finger v. Hunter, 130-529; Watts ex parte, 130-237; Vann v. Edwards,

128-428; Coffin v. Smith, 128-255; Tiddy v. Graves, 126-620, 127-503; Toms v. Flack, 127-423; Brinkley v. Ballance, 126-396; McLamb v. McPhail, 126-618; Jennings v. Hinton, 126-48; Walton v. Bristol, 125-419; Weathers v. Borders, 124-615; Slocumb v. Ray, 123-571; Moore v. Wolf, 122-716; McGowan v. McGowan, 122-168; Campbell v. Potts, 119-533; Chitty v. Chitty, 118-647; Slinger v. Colwell, 116-520; Jones v. Alsbrook, 115-52; Gardner v. Batts, 114-496; Fulton v. Roberts, 113-421; Vanstory v. Thornton, 112-196; Lovick v. Life Assn., 110-93; Tucker v. Tucker, 110-333; Vanstory v. Thornton, 110-10; Dickens v. Long, 109-169; Tucker v. Tucker, 108-237; Long v. Walker, 105-116; Ducker v. Wilson, 104-595; Hardy v. Carr, 104-33; Peck v. Culberson, 104-425; Hughes v. Hodges, 102-252; Jones v. Britton, 102-168; Lee v. Moseley, 101-311; Miller v. Miller, 89-402; Mebane v. Layton, 89-395; Campbell v. White, 95-491; Toms v. Fite, 93-274; Wilson v. Patton, 87-318; Butler v. Stainback, 87-216; Burton v. Spiers, 87-87; Cumming v. Bloodworth, 87-83; Murchison v. Plyler, 87-79; Gill v. Edwards, 87-76; Gregory v. Ellis, 86-579; Grant v. Edwards, 86-513; McDonald v. Dickson, 85-243; Wyche v. Wyche, 85-96; Smith v. High, 85-93; Gamble v. Watterson, 83-573; Watkins v. Overby, 83-165; Adrian v. Shaw, 82-474; Murphy v. McNeill, 82-221; Bruce v. Strickland, 81-267; Gheen v. Summey, 80-169; Richardson v. Wicker, 80-172; Wharton v. Leggett, 80-169; Suit v. Suit, 78-272; Bank v. Green, 78-247; Spoon v. Reid, 78-244; Bunting v. Jones, 78-242; Welch v. Macy, 78-240; Littlejohn v. Egerton, 77-379; Pemberton v. McRae, 75-497; Edwards v. Kearsey, 75-411; Comrs. v. Riley, 75-144; Brodie v. Batchelor, 75-51; Whitaker v. Elliott, 73-186; Abbott v. Cromartie, 72-292; Branch ex parte, 72-106; McAfee v. Bettis, 72-28; Mayho v. Cotton, 69-239; Hagar v. Nixon, 69-108; Crummen v. Bennet, 68-494; Cheatham v. Jones, 68-153; Martin v. Hughes, 67-293; Dellinger v. Tweed, 66-206; Watts v. Leggett, 66-197; Ladd v. Adams, 66-164; Poe v. Hardie, 65-447; Lute v. Reilly, 65-20; Sluder v. Rogers, 64-289; McKeithan v. Terry, 64-25.

See, also, C. S., sec. 728.

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

Const. 1868.

Simmons v. Respass, 151-5; Joyner v. Sugg, 132-580; Jackson v. Comrs., 130-387; Spence v. Goodman, 128-273; Bruton v. McRae, 125-201; Chitty v. Chitty, 118-647; Stern v. Lee, 115-430; Duckers v. Long, 112-317; Vanstory v. Thornton, 112-218; Hughes v. Hodges, 102-252; Jones v. Britton, 102-168; Saylor v. Powell, 90-202; Gregory v. Ellis, 86-579; Gamble v. Watterson, 83-573; Simpson v. Wallace, 83-477; Wharton v. Leggett, 80-169; Welch v. Macy, 78-240; Beavan v. Speed, 74-544; Allen v. Shields, 72-504; Hagar v. Nixon, 69-108; Poe v. Hardie, 65-447; Hill v. Kessler, 63-437.

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

Const. 1868.

Iser v. Dixon, 140-530; Vann v. Edwards, 128-425; Broyhill v. Gaither, 119-443; Paper Co. v. Chronicle, 115-146; McMillan v. Williams, 109-252; Cumming v. Bloodworth, 87-83.

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

Const. 1868.

Caudle v. Morris, 160-168; Thomas v. Bunch, 158-175; Fulp v. Brown, 153-531; Simmons v. Respass, 151-5; Joyner v. Suggs, 132-580; Spence v. Goodwin, 128-277; Campbell v. Potts, 119-532; Vanstory v. Thornton, 112-218; Tucker v. Tucker, 108-237; Hughes v. Hodges, 102-252; Jones v. Britton, 102-168; Saylor v. Powell, 90-202; Simpson v. Wallace, 83-477; Richardson v. Wicker, 80-172; Wharton v. Leggett, 80-169; Beavan v. Speed, 74-544; Hagar v. Nixon, 69-108; Watts v. Leggett, 66-197; Johnson v. Cross, 66-167; Poe v. Hardie, 65-447.

See, also, C. S., sec. 748.

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

Const. 1868.

Sills v. Betha, 178-315; Lancaster v. Lancaster, 178-22; Deese v. Deese, 176-527; Freeman v. Lide, 176-434; Stallings v. Walker, 176-321; Gooch v. Bank, 176-213; Kilpatrick v. Kilpatrick, 176-182; Everett v. Ballard, 174-16; Freeman v. Belfer, 173-581; Satterwhite v. Gallagher,

173-525; Graves v. Johnson, 172-176; McCurry v. Purgason, 170-463; Warren v. Dail, 170-406; Butler v. Butler, 169-584; Royal v. Southerland, 168-405; Patterson v. Franklin, 168-75; McKinnon v. Caulk, 167-411; Norwood v. Totten, 166-648; Jackson v. Beard, 162-105; Greenville v. Gornto, 161-341; Sipe v. Herman, 161-107; Flanner v. Flanner, 160-126; Rea v. Rea, 156-529; Council v. Pridgen, 153-443; Richardson v. Richardson, 150-549; Jones v. Smith, 149-317; State v. Robinson, 143-620; Hodgkin v. R. R., 143-93; Ball v. Paquin, 140-88; Smith v. Bruton, 137-83; Vann v. Edwards, 135-661; Perkins v. Brinkley, 133-154; State v. Jones, 132-1046; Hallyburton v. Slagle, 132-947; Ray v. Long, 132-891; Finger v. Hunter, 130-529; Watts ex parte, 120-237; Cawfield v. Owens, 129-286; Vann v. Edwards, 128-428; Coffin v. Smith, 128-255; Tiddy v. Graves, 126-620, 127-503; Toms v. Flack, 127-423; Brinkley v. Balance, 126-396; McLamb v. McPhail, 126-218; Jennings v. Hinton, 126-48; Walton v. Bristol, 125-419; Weathers v. Borders, 124-615; Strather v. R. R., 123-193; Slocumb v. Ray, 123-571; Moore v. Wolf, 122-716; McLeod v. Williams, 122-455; Green v. Bennett, 120-396; Barrett v. Barrett, 120-131; Houck v. Somers, 118-611; Hall v. Walker, 118-380; Bank v. Howell, 118-273; Kirby v. Boyett, 118-253, 116-165; Bates v. Salton, 117-101; Zimmerman v. Robinson, 114-39; Strouse v. Cohen, 113-349; Jones v. Coffey, 109-515; Walker v. Long, 109-510; Thompson v. Wiggins, 109-503; Osborne v. Withers, 108-677; Kirkpatrick v. Holmes, 108-209; Ferguson v. Kinsland, 93-337; Southerland v. Hunter, 93-310; Long v. Barnes, 87-329; Cecil v. Smith, 81-285; O'Connor v. Harris, 81-279; Hall v. Short, 81-273; Holliday v. McMillan, 79-315; Manning v. Manning, 79-300; Manning v. Manning, 79-293; Kirkman v. Bank, 77-394; King v. Little, 77-138; Atkinson v. Richardson, 74-455; Roundtree v. Gay, 74-447; Pippen v. Wessen, 74-437; Purvis v. Carstaphan, 73-575; Harris v. Jenkins, 72-133; Shuler v. Milsaps, 71-297; Teague v. Downs, 69-280; Woody v. Smith, 65-116; Rowland v. Perry, 64-578.

See, also, C. S., sec. 2506 et seq.

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

Const. 1868.

Herring v. Sutton, 129-112; Hooker v. Sugg, 102-115; Burton v. Farinholt, 86-260; Burwell v. Snow, 107-82.

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

Const. 1868.

Power Co. v. Power Co., 168-219; Dalrymple v. Cole, 156-353, 170-102; Davenport v. Fleming, 154-291; Sash Co. v. Parker, 153-130; Ball v. Paquin, 140-97; Joyner v. Sugg, 132-580; Cawfield v. Owen, 129-236, 130-644; Spence v. Goodwin, 128-276; Jordan v. Newsome, 126-558; Wittkowsky v. Gidney, 124-437; McLeod v. Williams, 122-455; Bevan v. Ellis, 121-224; Barrett v. Barrett, 120-131; Chitty v. Chitty, 118-648; Thomas v. Fulford, 117-673; Shaffer v. Bledsoe, 117-144; Stern v. Lee, 115-442; Allen v. Volen, 114-564; Vanstory v. Thornton, 112-196; Leak v. Gay, 107-482; Long v. Walker, 105-116; Hughes v. Hodges, 102-252; Adrian v. Shaw, 82-474; Littlejohn v. Egerton, 76-468; Beavan v. Speed, 74-544; Lambert v. Kinney, 74-348; Mayo v. Cotton, 69-289; Poe v. Hardie, 65-447.

See, also, C. S., sec. 729.

ARTICLE XI

PUNISHMENTS, PENAL INSTITUTIONS AND PUBLIC CHARITIES

Section 1. Punishments; convict labor; proviso. The following punishments only shall be known to the laws of this state, viz.: Death, imprisonment with or without hard labor, fines, removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under this state. The foregoing provision for imprisonment with hard labor shall be construed to authorize the employment of such convict labor on public works or highways, or other labor for public benefit, and the farming out thereof, where and in such manner as may be provided by law; but no convict shall be farmed out who has been sentenced on a charge of murder, manslaughter, rape, attempt to commit rape, or arson: Provided, that no convict whose labor may be farmed out shall be punished for any failure of duty as a laborer, except by a responsible officer of the state;

but the convicts so farmed out shall be at all times under the supervision and control, as to their government and discipline, of the penitentiary board or some officer of this state.

Const. 1868; Convention 1875.
State v. Nipper, 166-272; State v. Young, 138-574; State v. Burke, 73-83; State v. King, 69-419.

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

Const. 1868.
State v. Burnett, 179-735; State v. Lytle, 138-744; State v. Burke, 73-83; State v. King, 69-419.

Sec. 3. Penitentiary. The general assembly shall, at its first meeting, make provision for the erection and conduct of a state's prison or penitentiary, at some central and accessible point within the state.

Const. 1868.
Day's Case, 124-367; Welker v. Bledsoe, 68-457; R. R. v. Holden, 63-436.

Sec. 4. Houses of correction. The general assembly may provide for the erection of houses of correction, where vagrants and persons guilty of misdemeanors shall be restrained and usefully employed.

Const. 1868.
In re Watson, 157-340; Moffitt v. Asheville, 103-237.

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

Const. 1868.

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

Const. 1868.
Moffitt v. Asheville, 103-237.

Sec. 7. Provision for the poor and orphans. Beneficent provision for the poor, the unfortunate and orphan, being one of the first duties of a civilized and Christian state, the general assembly shall, at its first session, appoint and define the duties of a board of public charities, to whom shall be entrusted the supervision of all charitable and penal state institutions, and who shall annually report to the governor upon their condition, with suggestions for their improvement.

Const. 1868.
Comrs. v. Spitzer, 173-147; Bd. of Ed. v. Comrs., 137-314; Miller v. Atkinson, 63-540.

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

Const. 1868.
Miller v. Atkinson, 63-537.

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

Const. 1868.
Board of Education v. State Board, 114-313.

Sec. 10. Deaf-mutes, blind, and insane. 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.

Const. 1868; 1879, cc. 314, 254, 268.

In re Boyette, 136-418; Hospital v. Fountain, 128-25; In re Hybart, 119-359.

Sec. 11. Self-supporting. It shall be steadily kept in view by the legislature and the board of public charities that all penal and charitable institutions should be made as nearly self-supporting as is consistent with the purposes of their creation.

Const. 1868.

ARTICLE XII

MILITIA

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

Const. 1868.

Sec. 2. Organizing, etc. 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.

Const. 1868.

Winslow v. Morton, 118-486; Worth v. Comrs., 118-112.

Sec. 3. Governor commander-in-chief. The governor shall be commander-in-chief, and shall have power to call out the militia to execute the law, suppress riots or insurrection, and to repel invasion.

Const. 1868.

Winslow v. Morton, 118-486; Worth v. Comrs., 118-112.

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

Const. 1868.

ARTICLE XIII

AMENDMENTS

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

Const. 1868; Convention 1875; Convention 1835, art. IV, sec. 1.

Moose v. Comrs., 172-461.

Sec. 2. How the constitution may be altered. No part of the constitution of this state shall be altered unless a bill to alter the same shall have been agreed to by three-fifths of each house of the general assembly. And the amendment or amendments so agreed to shall be submitted at the next general election to the qualified voters of the whole state, in such manner

as may be prescribed by law. And in the event of their adoption by a majority of the votes cast, such amendment or amendments shall become a part of the constitution of this state.

Const. 1868; Convention 1875; Convention 1885, art. IV, sec. 1.
Reade v. Durham, 173-668; Moose v. Comrs., 172-461; University v. McIver, 72-76.

ARTICLE XIV

MISCELLANEOUS

Section 1. Indictments. 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.

Const. 1868.
Debnam v. Tel. Co., 126-835; Morris v. Hauser, 125-559; Day's Case, 124-365; State v. Moore, 120-567.

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

Const. 1868.
Cole v. Sanders, 174-112; State v. Lord, 145-479.

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

Const. 1868.
Martin v. Clark, 135-180; White v. Auditor, 126-602; White v. Hill, 125-200; Garner v. Worth, 122-252; Cotton Mills v. Comrs., 108-685.

Sec. 4. Mechanics' lien. The general assembly shall provide, by proper legislation, for giving to mechanics and laborers an adequate lien on the subject-matter of their labor.

Const. 1868.
Mfg. Co. v. Andrews, 165-285; Moore v. Industrial Co., 138-306; Finger v. Hunter, 130-529; Tedder v. R. R., 124-344; Lester v. Houston, 101-605; Whitaker v. Smith, 81-341.

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

Const. 1868.
Markham v. Simpson, 175-135.

Sec. 6. Seat of government. The seat of government in this state shall remain at the city of Raleigh.

Const. 1868.

Sec. 7. Holding office. 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.

Const. 1868; 1872-3, c. 88; Convention 1835, art. IV, sec. 4.
Kendall v. Stafford, 178-461; Cole v. Sanders, 174-112; Bank v. Redwine, 171-559; State v. Knight, 169-333; Graves v. Barden, 169-8; Whitehead v. Pittman, 165-89; Midgett v. Gray.

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See, also, C. S., sec. 3200.

Sec. 8. Intermarriage of whites and negroes prohibited. 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.

Convention 1875.

Johnson v. Bd. of Ed., 166-468; Ashe v. Mfg. Co., 154-241; Ferrall v. Ferrall, 153-174; Hopkins v. Bowers, 111-175.

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PUBLIC LAWS

OF THE

STATE OF NORTH CAROLINA

EXTRA SESSION 1921

PUBLIC LAWS
OF THE
STATE OF NORTH CAROLINA

EXTRA SESSION 1921

CHAPTER 1

AN ACT TO PROVIDE FOR MAKING EFFECTUAL THE MEANS OF PAYMENT PROVIDED FOR BONDS AND NOTES OF COUNTIES, TOWNSHIPS, SCHOOL DISTRICTS, AND MUNICIPAL CORPORATIONS, AND TO PROVIDE FOR SUPERVISION OF SUCH MEANS BY THE STATE AUDITOR AND MAKING NONCOMPLIANCE WITH ITS TERMS A MISDEMEANOR AND FIXING A PENALTY.

Whereas the default in payment for a single day of the interest or principal of bonds or notes issued by any county, township, school district, or municipal corporation results not only in discredit to the obligor, but seriously affects the credit of the State itself and all of its political subdivisions; and whereas, in order to protect the credit of the State and all of its subdivisions, it is imperative to provide State supervision of the means and methods for payment of such principal and interest promptly as the same falls due: Now, therefore,

Preamble:
defaults by
political sub-
divisions affecting
general credit.

Preamble:
State supervision
imperative.

The General Assembly of North Carolina do enact:

SECTION 1. That on or before March first, one thousand nine hundred and twenty-two, it shall be the duty of the clerk or secretary or other recording officer of each board in the State of North Carolina which has heretofore authorized the issuance of county, township, school district, or municipal bonds or notes having a fixed maturity of one year or more from the date thereof, to file with the State Auditor a statement giving the amount of such bonds or notes then outstanding, their date, the time or times of maturity thereof and of the interest payable thereon, the rate of interest borne, the place or places at which the principal and interest are payable, the denomination of the bonds or notes, and the purpose of issuance. The statement shall also contain the name of the board in which is vested the authority and power to

Dates for filing
statements.

Statements
filed with State
Auditor.
Contents of
statements.

Information as to
taxing power.

- levy the taxes for the payment of the principal and interest of said bonds or notes, and a reference to the law under which said bonds or notes are issued.
- Reference to law.
- Debts hereafter incurred.
- SEC. 2. That within thirty days after any bond or note having a fixed maturity at least one year after date thereof shall hereafter be issued by any county, township, school district, or municipal corporation, the recording officers of its governing body, or of the board thereof which has authorized such bonds or notes, shall file with the State Auditor a like statement as to such bonds or notes.
- Auditor to furnish forms.
- SEC. 3. That it shall be the duty of the State Auditor to prepare and furnish to all counties, townships, school districts, and municipal corporations throughout the State blank forms upon which such statements may be made, and to keep the statements made pursuant to this act in proper file, properly indexed, or to record the same in books to be kept by the State Auditor.
- To file and index statements.
- Auditor to certify necessary taxes.
- SEC. 4. It shall be the further duty of the State Auditor to mail to the recording officer of each board having the power to levy taxes for the payment of the principal or interest of such obligations, as to which statements have been so filed, at least thirty days before the time for the levy of taxes in each year, a statement of the amount to be provided by taxation or otherwise for the payment of the interest accruing upon such bonds or notes within the following year, and for the payment of the bonds then maturing, if serial bonds, or for a sinking fund if such bonds do not mature serially.
- Forfeit by members of boards failing to vote proper tax levy.
- SEC. 5. If any board whose duty it shall be to provide for the payment by taxation, or otherwise, of the principal or interest of any such bonds or notes mentioned in sections one and two of this act shall willfully fail or refuse to make provision for such payment by the levy of such taxes as are authorized to be levied therefor, or otherwise, at or before the time provided for such tax levy, any member thereof who shall be present at the time for such levy who shall not have voted in favor thereof, or who shall not have caused his request that such provision be made to be recorded in the minutes of the meeting, shall be subject to a penalty of two hundred dollars (\$200), which he shall forfeit and pay to any taxpayer or to any holder of such obligations or interest coupon who sues for the same.
- Diversion of funds a misdemeanor.
- SEC. 6. Any member of any board voting for any appropriation of money raised by taxation, or otherwise, for the payment of the interest and principal of any such bonds or notes to any other purpose until all of such principal and interest have been paid, and any disbursing officer who pays out any of such funds to any other purpose than the payment of such principal and interest

until all of such interest and principal have been paid, whether or not such payment shall have been ordered by any board, shall be guilty of a misdemeanor.

SEC. 7. If any officer whose duty it shall be to pay any of such principal or interest, or to remit funds for such payment to an agreed place for the payment thereof, shall fail or refuse to do so in sufficient time for such payment, funds for such payment being in his hands, whether or not such payment or remission for payment shall have been ordered by any board or officer, the officer so failing or refusing shall be deemed guilty of a misdemeanor.

Officer failing to make payments guilty of misdemeanor.

SEC. 8. It shall be the duty of the State Auditor to report to the solicitors of the respective districts for investigation and action thereon any violation of this act which may come to his attention. The State Auditor shall publish as a part of his annual report a statement of the bonded indebtedness of all the subdivisions mentioned in the bill in substance as herein required. That this act shall be immediately published, and a copy of same be sent forth by the Secretary of State to the clerk, secretary, or recording officer of each corporation included herein.

State Auditor to report to solicitors.

Auditor to make annual reports.

Act to be published.

Distribution of act.

SEC. 9. All laws or parts of laws in conflict herewith are hereby repealed.

Repealing clause.

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

Ratified this the 19th day of December, A.D. 1921.

CHAPTER 2

AN ACT TO PROVIDE FOR A COURT REPORTER FOR THE SUPERIOR COURT OF ALAMANCE COUNTY, AND TO PROVIDE MEANS FOR PAYING FOR THE WORK OF SUCH REPORTER.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of Alamance County shall employ a competent person to take notes and report at all terms of the court held in said county for the trial of civil cases, and they may employ such reporter for all or any part of the terms of court held in said county for the trial of criminal cases.

County commissioners to employ reporter.

Extent of employment.

SEC. 2. That there shall be charged as a part of the bill of costs in every civil case in which a jury is impaneled, a stenographic fee of five dollars for every day or fraction of a day consumed in the trial of said case, which shall be paid by the party paying the other part of the bill of costs in said case.

Fees taxed as costs.

Cases on appeal. SEC. 3. That in all cases in which an appeal to the Supreme Court shall be entered, the party appealing shall give such court reporter notice of the fact of such appeal, and such reporter shall transcribe and make one copy of the notes of the evidence and judge's charge and other matters occurring in said trial, and shall file the same in the office of the clerk of the Superior Court of Alamance County to be used in making up and settling a statement of case on appeal. Charges made by said reporter for such transcribing and making of said copy shall be as fixed by the county commissioners, and shall be paid by the party adjudged to pay the costs of said appeal by the Supreme Court. In case, after notice of appeal and the transcribing of the notes of the evidence and judge's charge and other matters, said appeal should for any cause not be perfected, then the charges for transcribing and making of said copy shall be paid by the party adjudged to pay the costs of said cause in the Superior Court.

Fees for cases on appeal. Payment of fees.

Charges in criminal cases. SEC. 4. That in all criminal cases where the commissioners shall deem it necessary and proper to employ a court reporter, bills of cost shall include charges for reporting and stenographic fee as is provided for in civil cases, and shall be paid in like manner by the defendant or the county.

Collection of fees. SEC. 5. That all costs charged or collected for stenographic or reporting fees shall be collected by the clerk of the Superior Court and paid to the county treasurer, and shall be turned into the general county funds of said county as a part of the general fund of said county to reimburse said county for the expense of employing such court reporter.

Repealing clause. SEC. 6. That all laws or parts of laws in conflict herewith are hereby repealed.

Ratified this the 14th day of December, A.D. 1921.

CHAPTER 3

AN ACT TO AMEND CHAPTER 386, PUBLIC LAWS OF 1909, IN REGARD TO THE COUNTY COURT OF ROWAN COUNTY.

The General Assembly of North Carolina do enact:

Eligibility of trial justice. SECTION 1. That chapter three hundred and eighty-six of the Public Laws of one thousand nine hundred and nine, section seventeen of said chapter, be amended by inserting between the word "for" and the word "two" in line eight the words "more than."

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

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

Ratified this the 12th day of December, A.D. 1921.

CHAPTER 4

AN ACT TO RATIFY THE ADVERTISEMENT AND SALE OF BONDS OF THE STATE.

The General Assembly of North Carolina do enact:

SECTION 1. That the advertisement and sale of four million five hundred thousand dollars road bonds of the State of North Carolina, under chapter two, Public Laws, one thousand nine hundred and twenty-one, and three million three hundred and seventy-two thousand educational and charitable institutions bonds, under chapter one hundred and sixty-five, Public Laws, one thousand nine hundred and twenty-one, at par, accrued interest and a premium, the said bonds bearing interest at five per centum per annum, and maturing July first, one thousand nine hundred and sixty-one, and being payable as to both principal and interest either at the National Park Bank in New York City or at the office of the State Treasurer in Raleigh, at the option of the holder, are hereby ratified, and said bonds, when payment of the sale price shall have been made, shall be valid obligations of the State of North Carolina.

Advertisement and sale ratified. Specifications.

Obligations of bonds.

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

Ratified this the 10th day of December, A.D. 1921.

CHAPTER 5

AN ACT TO VALIDATE TAX RATES LEVIED FOR THE SIX MONTHS SCHOOL FOR THE SEVERAL COUNTIES OF THE STATE FOR THE YEAR 1921, AND TO PROVIDE AN EQUALIZING FUND.

The General Assembly of North Carolina do enact:

SECTION 1. The tax rates levied for schools in the several counties of the State for the year nineteen hundred and twenty-one, in accordance with directions from the State Board of Education, are hereby validated and declared legal rates for the support of the constitutional public-school term of six months in the several counties making said levies. The board of county commissioners of every other county participating in the State public school fund for the purpose of supplementing the teachers salary fund, shall be required to levy for the teachers salary fund, for the school years 1921-22 and 1922-23, a tax rate of thirty-nine cents on the one hundred dollars valuation of property, real and personal, for said purpose; or in lieu of such levy the board of county commissioners may borrow or otherwise provide for any

Tax rates validated.

Tax rate for 1921-1922 and 1922-23.

Commissioners may borrow money.

Obligation binding.

portion of said sum for the year 1921-22, and such obligation as it shall incur for said amount shall be a legal and binding obligation on the county.

Apportionment from State Board of Education.

SEC. 2. That the State Board of Education shall apportion from the State public school fund to each county of the State unable to provide a six months school term, after levying the taxes validated and authorized in section one of this act, an amount to supplement the county funds sufficient to provide a six months term for every public school in the county. And the maximum

Maximum pay of teachers.

rate for teachers' salaries that shall be required of each county referred to in this section for the school year 1922-23 shall not exceed the rate validated or authorized in section one of this act for the school year 1921-22; and the boards of county commissioners shall not be required to levy for the building and incidental fund for the year 1922-23 more than seven and one-half cents on the one hundred dollars valuation of all property, real and personal.

Tax rate for building and incidental fund.

State Board to reduce special appropriations.

SEC. 3. The State Board of Education is hereby directed to reduce the special appropriations from the State public school fund, which amount to six hundred and forty-two thousand seven hundred and fifty dollars (\$642,750), and are specified as follows:

For Teacher Training.....	\$242,000
For High Schools.....	224,000
For Extension Work.....	50,000
For Division of Teacher Training.....	25,000
For Division of Certification of Teachers.....	25,000
For Division of Negro Education.....	15,000
For Division of Publication, etc. (approx)..	5,000
For Medical Examination of Children.....	50,000
For Expenses of Text-book Adoption (approx.)	3,000
For Appropriations for Rural Libraries.....	3,750
Total.....	<u>\$642,750</u>

Specific appropriation directed.

And to apply from these appropriations seventy-five thousand dollars (\$75,000) annually, which shall be apportioned to the counties referred to in section two of this act, making the annual appropriation for these purposes eight hundred and thirty-two thousand two hundred and fifty dollars (\$832,250): *Provided*, if any balance remains at the end of the school year 1921-22, such balance shall be carried forward for the school year 1922-23 for use according to provisions of section four of this act.

Proviso: balances carried over.

Amount of appropriation.

SEC. 4. That the sum of eight hundred and thirty-two thousand two hundred and fifty dollars (\$832,250), or so much thereof as may be needed, is hereby appropriated annually from the State public school fund, to be expended by the State Board of Education as follows:

First. To supplement the funds in those counties specified in section two of this act, in order to provide a six months school term in each of said counties:

Supplements to county funds.

Second. After the provisions of section two have been complied with, then the State Board of Education shall apportion the residue of the funds provided in this section in order to pay the salaries of the county superintendents and assistant superintendents for six months, and all city superintendents, all supervisors not otherwise provided for, all principals of elementary schools having ten or more teachers, and principals of standard high schools, for three months.

Apportionment of residue.

County superintendents and assistants.
City superintendents.
Supervisors.
Principals of elementary and high schools.

SEC. 5. That section five thousand four hundred and eighty-eight of the Consolidated Statutes, as amended, be and the same is hereby further amended by adding at the end thereof the following: "*Provided*, that no action in the nature of a writ of mandamus shall be brought against the board of county commissioners to compel said board to levy a rate of taxation greater than the rate authorized by the General Assembly."

Proviso: mandamus for increase of tax rate not to lie.

SEC. 6. All laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Repealing clause.

SEC. 7. This act shall be in full force and effect on and after the date of its ratification.

Ratified this the 20th day of December, A.D. 1921.

CHAPTER 6

AN ACT TO PROTECT ANIMALS AND GAME IN PARKS AND GAME RESERVATIONS IN EITHER PRIVATE OR PUBLIC PARKS OR PLACES.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person or persons to hunt, trap, capture, willfully disturb, or kill any animal or bird of any kind whatever, or take the eggs of any bird within the limits of any park or reservation for the protection, breeding, or keeping of any animals, game, or other birds, including buffalo, elk, deer, and such other animals or birds as may be kept in the aforesaid park or reservation, by any person or persons either in connection with the Government of the United States, or any department thereof, or held or owned by any private person or corporation.

Protection of game in parks or reservations.

SEC. 2. That any person or persons who shall hunt, trap, capture, willfully disturb, or kill any animal or bird, or take the eggs of any bird of any kind or description in any park or reservation

Misdemeanor.

- Punishment. as described in section one of this act, at any time during the year, shall be guilty of a misdemeanor, and shall be fined or imprisoned in the discretion of the court for each and every offense.
- Carrying weapons in parks or reservations. Misdemeanor. SEC. 3. That any person who shall carry a pistol, revolver, or gun in any park or reservation such as is described in section one of this act, without having first obtained the written permission of the owner or manager of said park or reservation, shall be guilty of a misdemeanor, or shall be fined or imprisoned, in the discretion of the court, for each and every offense.
- Punishment.
- Application of act. SEC. 4. That the provisions of this act shall apply only to that part of the State of North Carolina situated west of the main line of the Southern Railway running from Danville, Virginia, by Greensboro, Salisbury, Charlotte, and Atlanta, Georgia.
- Repealing clause. SEC. 5. All laws and clauses of laws in conflict with this act are hereby repealed.
- SEC. 6. That this act shall be in force from and after its ratification.
- Ratified this the 15th day of December, A.D. 1921.

CHAPTER 7

AN ACT TO CHANGE THE MONTH DURING WHICH ACCOUNTS OF STATE OFFICERS ARE EXAMINED BY COMMISSIONERS OF THE LEGISLATURE.

The General Assembly of North Carolina do enact:

- Date changed. SECTION 1. That section seven thousand six hundred and ninety-two of the Consolidated Statutes be and the same is hereby amended by striking out the word "December" in line six of said section and inserting in lieu thereof the word "July."
- SEC. 2. That this act shall be in force from and after its ratification.
- Ratified this the 10th day of December, A.D. 1921.

CHAPTER 8

AN ACT TO AUTHORIZE THE TREASURER TO BORROW NOT EXCEEDING \$710,000 FOR THE STATE PUBLIC SCHOOL FUND.

- Preamble: tax at special session. Whereas the special session of the General Assembly of one thousand nine hundred and twenty, chapter ninety-one, section one, Public Laws, provided a State tax of thirteen cents for the purpose of paying "one-half the annual salary of the county superintendents and three months salary of all teachers of all sorts
- Purpose.

employed in the public schools of the county, including the teachers of city, town, township, and all special chartered schools, and one-third of the annual salary of all city superintendents," according to section five thousand four hundred and eighty-two of the Consolidated Statutes; and,

Whereas great progress was made in the improvement of teachers during the year one thousand nine hundred and twenty and one thousand nine hundred and twenty-one, the total number having been increased in one year from fifteen thousand nine hundred ninety-three to seventeen thousand five hundred twenty-three, or ten per cent, and the number of trained teachers having been increased within one year from seven thousand four hundred ninety-one to ten thousand one hundred forty-one, or thirty-five per cent, thus making considerably heavier demands on the public school fund than was anticipated; and,

Whereas the amount to be derived from the thirteen-cent tax was insufficient to provide for the payment of the salaries of teachers and school officials in accordance with section five thousand four hundred and eighty-two of the Consolidated Statutes, the amount of the State public school fund, together with the balance brought forward from one thousand nine hundred and nineteen and one thousand nine hundred and twenty amounts to four million eleven thousand two hundred fifty-nine dollars and thirty-three cents, provided no further reductions in the settlement of taxes is allowed, and the total cost of all teachers and school officials, in accordance with law, amounts to four million seven hundred fifteen thousand eight hundred eighty-two dollars and ninety-two cents, thus leaving a balance due the counties of seven hundred four thousand six hundred twenty-three dollars and fifty-nine cents: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. The Treasurer of the State of North Carolina is hereby fully authorized, empowered, and directed, by and with the advice and consent of the Governor and Council of State, to borrow such sum of money, not to exceed seven hundred and ten thousand dollars, as may be required, and at the lowest obtainable rate of interest, not to exceed six per cent, to pay any and all of said deficit in the public school fund necessary to meet the salaries of teachers and school officials in accordance with the provisions of section five thousand four hundred eighty-two of the Consolidated Statutes; and to execute and deliver notes in the name of the State of North Carolina for the money so borrowed. The notes issued under this section of this act shall not run longer than a period of two years, and at maturity of said notes the Treasurer is authorized to use such surplus as may be in the State treasury for the

Preamble: great improvement in teachers.

Increase in numbers.

Preamble: income from tax insufficient.

State public school fund.

Cost of teachers and school officials.

Balance.

Treasurer of State to borrow money.

Consent of Governor and council. Amount. Interest.

Execution and delivery of notes. Maturity.

Proviso: power of renewal.

purpose of paying the same: *Provided*, that if the funds in the treasury are not sufficient to meet said notes when due, the Treasurer is authorized to issue new notes from time to time, to run for a period not to exceed two years, for each issue, until such time as the entire amount shall be paid out of the general fund.

Exemption from taxation.

SEC. 2. The said notes 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.

Legal investment for fiduciaries.

SEC. 3. It shall be lawful for all executors, administrators, guardians, or other fiduciaries, generally, to invest in said notes.

Obligation of notes.

SEC. 4. All the notes herein authorized when issued shall constitute valid obligations of the State of North Carolina, and said notes shall be subject to and possess all the exemptions and rights of exemptions from taxation, as provided in section two of this act, and the investment therein by executors, administrators, guardians, or other fiduciaries shall likewise possess all the exemptions and rights of exemptions from taxation, as provided in section two of this act.

Exemptions.

Teachers of adult illiterates.

SEC. 5. The State Board of Education is authorized to use not more than five hundred dollars of this fund, provided in section one, to pay the State's part of the salaries of the teachers of adult illiterates who continued their schools during the summer months after the close of the school year, July first, one thousand nine hundred and twenty-one.

Appropriation to Pembroke Normal School.

SEC. 6. In view of the fact in drawing "An act to issue bonds of the State for the permanent enlargement and improvement of the State's educational and charitable institutions," chapter one hundred sixty-five, Public Laws of one thousand nine hundred and twenty-one, the Pembroke Normal School for the Indians received only two thousand dollars for buildings and permanent improvements; and in view of the fact that the buildings and equipment of said Pembroke Normal School are totally inadequate and seriously dilapidated, being unsuitable even for a medium rate elementary school, there is hereby appropriated a sum of money not to exceed seventy-five thousand dollars out of the funds accruing to the State as a result of the sale of the bonds authorized in section six, chapter one hundred sixty-five, Public Laws of one thousand nine hundred and twenty-one, to be expended by the State Board of Education for buildings and repairs, and purchase of a principal's home and other purposes.

Expenditure.

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

Ratified this the 15th day of December, A.D. 1921.

CHAPTER 9

AN ACT TO PROVIDE AN ADDITIONAL TERM OF THE SUPERIOR COURT FOR SURRY COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That in addition to the terms of the Superior Court already provided for by law for Surry County, it shall have the following additional term of Superior Court: The sixteenth Monday after the first Monday in March, to continue for two weeks, for the trial of civil cases only.

Additional term.
Date, time, and jurisdiction.

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

Ratified this the 15th day of December, A.D. 1921.

CHAPTER 10

AN ACT TO AUTHORIZE THE ROAD COMMISSIONS IN EDGECOMBE COUNTY TO BUILD AND MAINTAIN BRIDGES UNDER TWENTY-FOOT SPAN.

The General Assembly of North Carolina do enact:

SECTION 1. That from and after the first day of October, one thousand nine hundred and twenty-two, the road commission of Edgecombe County, the Rocky Mount road commission, and the Whitakers road commission shall build and maintain all bridges in their respective road districts, the width of which do not require a span of more than twenty feet; and the several acts establishing and creating said road districts and commissions in this respect be and are hereby amended: *Provided*, this act shall not include those bridges taken over by the State Highway Commission.

Road commissions to build and maintain bridges.
Laws amended.
Proviso: bridges taken over by State.

SEC. 2. That for the purpose of enabling said several road commissions to carry out the intent and purpose of this act, the county commissioners of Edgecombe County, and the county commissioners of Nash County, are hereby authorized and empowered, upon petition of said respective road commissions, to levy and collect a special bridge tax on all taxable property within the boundaries of said road districts, in an amount not to exceed five cents on each and every one hundred dollars valuation of real and personal property therein, to be applied to the sole use of building and maintaining said bridges.

Special bridge tax.
Rate.

SEC. 3. That the county commissioners of Edgecombe County and the county commissioners of Nash County, upon petition of any one of said road commissions, are each hereby authorized and

Bridge bonds.

empowered to issue bridge bonds to build said bridges in any one of the said districts, under and by virtue of the general laws of North Carolina provided for the issuance of bridge bonds in counties, for and on account of the bridges in said districts, and thereafter to annually levy and collect a tax on all real and personal property within said districts, for and on account of which said bonds are issued, sufficient to pay the interest and principal of said bonds as the same shall accrue, according to the terms and conditions of said bonds.

Special tax.

Repealing clause.

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

Ratified this the 15th day of December, A.D. 1921.

CHAPTER 11

AN ACT TO APPOINT JUSTICES OF THE PEACE FOR THE SEVERAL COUNTIES OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Justices of the peace appointed.

Term.

Beginning of term.

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 January, one thousand nine hundred and twenty-two, or when their present terms of office expire:

Ashe County.

ASHE COUNTY

Clifton Township—W. H. Jones, for four years.

Pine Swamp Township—A. H. Church, for two years.

Chestnut Hill Township—James Oliver, for four years.

Buncombe County.

BUNCOMBE COUNTY

Swannanoa Township—Kelly Stevenson, Joe M. Patton, R. C. Arrowood.

Columbus County.

COLUMBUS COUNTY

Williams Township—W. C. Gore, M. J. Gibbs, for four years each.

Fair Bluff Township—J. B. High, R. G. Yates, for four years each.

South Williams Township—W. H. Shelly, for four years.

Clay County.

CLAY COUNTY

Shooting Creek Township—W. M. Anderson.

Hiawassee Township—E. D. Penland.

Hayesville Township—Bascom Pass.

Brasstown Township—John Hall.

	CHATHAM COUNTY	Chatham County.
• <i>New Hope Township</i> —E. D. Jacobs.		
	CLEVELAND COUNTY	Cleveland County.
<i>No. 2 Township</i> —J. W. Rhymer.		
	DARE COUNTY	Dare County.
<i>Hatteras Township</i> —O. C. Fulcher.		
	EDGECOMBE COUNTY	Edgecombe County.
<i>No. 12 Township</i> —L. D. Eason, for four years.		
	GRAHAM COUNTY	Graham County.
<i>Stecoah Township</i> —Arthur Fisher, for two years.		
	GATES COUNTY	Gates County.
<i>Gatesville Township</i> —J. A. Eason.		
	GASTON COUNTY	Gaston County.
<i>Gastonia Township</i> —A. C. Stroup.		
	GUILFORD COUNTY	Guilford County.
<i>Revolution Township</i> —N. P. Martin.		
<i>High Point Township</i> —C. L. Gray, P. L. Culler.		
	HAYWOOD COUNTY	Haywood County.
<i>Cecil Township</i> —J. F. Justice.		
<i>Cattaloocha Township</i> —Hubert Caldwell.		
	HALIFAX COUNTY	Halifax County.
<i>Butterwood Township</i> —W. J. Collier.		
<i>Scotland Neck Township</i> —R. F. Coleman.		
	HARNETT COUNTY	Harnett County.
.....—W. H. Gibert.		
	HYDE COUNTY	Hyde County.
<i>Lake Landing Township</i> —Samuel Neal, William Swindell.		
	JOHNSTON COUNTY	Johnston County.
<i>Micro Township</i> —H. J. Corbett.		
<i>Clayton Township</i> —J. W. Thomas, N. R. Pool.		
<i>Pine Level Township</i> —B. L. Strickland, N. B. Hales.		
<i>Wilder Township</i> —Mrs. Nancy Jeffrys.		

Jackson County.

JACKSON COUNTY

Webster Township—A. H. Davis, for four years.

Macon County.

MACON COUNTY

Franklin Township—Robert Stamey.

Cartoogechaye Township—George Moffit.

Sugarfork Township—Andy Evans, Alexa Shook.

Madison County.

MADISON COUNTY

No. 1 Township—Moody Brigman.

No. 2 Township—James A. Haynie, Major Tweede.

No. 8 Township—W. J. Cogdill.

Montgomery
County.

MONTGOMERY COUNTY

Rocky Spring Township—T. B. Rush.

Mecklenburg
County.

MECKLENBURG COUNTY

Huntersville Township—C. B. Mooney, for four years.

Nash County.

NASH COUNTY

Bailey Township—I. N. Glover, I. D. Boswell.

Dry Wells Township—S. E. High.

Northampton
County.

NORTHAMPTON COUNTY

J. S. Bryant, J. E. Tayloe, and M. S. Bridgers.

Polk County.

POLK COUNTY

Greenes Creek Township—S. B. Weaver.

Robeson County.

ROBESON COUNTY

Howellsville Township—Spurgeon Jones.

Saint Pauls Township—William Davis.

Whitehouse Township—Major Rogers.

Pembroke Township—J. A. McCormick.

Rutherford
County.

RUTHERFORD COUNTY

Camp Creek Township—Worth J. Morgan, for four years.

Rutherford Township—E. M. Deviny, for four years.

Stokes County.

STOKES COUNTY

Yadkin Township—Harrison Lawson, J. O. Bennett.

Meadows Township—R. S. Coleman, J. E. Warren.

Quaker Gap Township—D. C. Taylor, E. O. Shelton.

Big Creek Township—A. F. Christian, Walter Simmons.

Peters Creek Township—H. H. Reid. All for two years.

VANCE COUNTY

Vance County.

Middleburg Township—S. B. Mabry.
Williamsboro Township—John Bullock.
Townsville Township—S. R. Adams.
Dabney Township—H. B. Parrot.
Watkins Township—Ed. L. Wade.
Kittrell Township—J. L. Stone.

WAYNE COUNTY

Wayne County.

Grantham Township—George W. Westbrook, for two years.
Saulston Township—Troy Smith for two years.

WASHINGTON COUNTY

Washington
County.

Plymouth Township—J. H. Leggett, C. J. Norman.

WILKES COUNTY

Wilkes County.

Boomer Township—J. E. Howell, for six years.

YADKIN COUNTY

Yadkin County.

Knobs Township—K. M. Thompson.

SEC. 2. That upon the ratification of this act, the Secretary of State shall send a certified copy of same to the clerk of the Superior Court of the counties named in this act. Copy of acts to be sent to clerks.

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

Ratified this the 20th day of December, A.D. 1921.

CHAPTER 12

AN ACT TO REPEAL CHAPTER 63, PUBLIC-LOCAL LAWS OF REGULAR SESSION 1919, ENTITLED "AN ACT TO PROMOTE CATTLE RAISING IN WILKES COUNTY."

The General Assembly of North Carolina do enact:

SECTION 1. That chapter sixty-three, Public-Local Laws of regular session one thousand nine hundred and nineteen, be and the same is hereby repealed. Sale of veal calves.

SEC. 2. That chapter seven hundred and thirty-one, Public-Local Laws, regular session of nineteen hundred and thirteen, remain in full force and effect. Sale of heifer calves.

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

Ratified this the 15th day of December, A.D. 1921.

CHAPTER 13

AN ACT TO AUTHORIZE THE SALE OF 35 ACRES OF LAND
IN THE SOUTHEASTERN LIMITS OF THE CITY OF
RALEIGH, NOW USED BY THE INSTITUTIONS FOR THE
BLIND.

Preamble: land
owned by State.

Whereas the State now owns between thirty and thirty-five acres of land in the extreme southeastern section of the city of Raleigh, formerly known as the Watson place, bordering on Lenoir, South Haywood, and Smithfield streets, which has been used and is now used as a farm for the blind institutions; and,

Preamble: sale
desirable.

Whereas a sale thereof would promote the interest of said institutions: Now, therefore,

The General Assembly of North Carolina do enact:

Sale authorized.

SECTION 1. That the board of directors for the Blind Institution, by and with the approval of the Council of State, be and are hereby authorized and empowered to sell said land for the best price obtainable in their judgment, and on such terms and in such manner as said board may deem best, and to reinvest the proceeds in lands for institutional purposes.

Reinvestment of
proceeds.

SEC. 2. That the said board of directors are authorized and empowered to execute all proper and necessary conveyances in order to pass the title to said lands to the purchaser or purchasers thereof in fee simple.

Execution of
conveyances.

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

Ratified this 15th day of December, A.D. 1921.

CHAPTER 14

AN ACT TO REPEAL CHAPTER 168 OF THE PUBLIC LAWS
OF THE SESSION OF 1921, BEING "AN ACT TO PREVENT
THE FRAUDULENT SALE OF PAINT, VARNISH, OR STAIN,
AND TO PROVIDE FOR THE INSPECTION OF THE SAME."

The General Assembly of North Carolina do enact:

Specific repeal.

SECTION 1. That chapter one hundred and sixty-eight (168) of the Public Laws of the session of nineteen hundred and twenty-one be and the same is hereby repealed.

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

Ratified this the 15th day of December, A.D. 1921.

CHAPTER 15

AN ACT TO AMEND CHAPTER 69 OF THE PUBLIC LAWS OF 1921, RELATING TO THE GRAND JURIES IN CUMBERLAND COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of chapter sixty-nine of the Public Laws of one thousand nine hundred and twenty-one, ratified the twenty-sixth day of February, one thousand nine hundred and twenty-one, being "An act to provide for six months service for grand juries in New Hanover, McDowell, Durham, and Cumberland counties," be and the same is hereby so amended as to provide that the first nine members of the grand jury chosen at the first term of the Superior Court of Cumberland County for the trial of criminal causes in the year of one thousand nine hundred twenty-two shall serve during the spring and fall terms, and at the first of such courts of the fall and spring terms thereafter, nine additional jurors shall be chosen to serve for one year.

Service of grand jurors.

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

Ratified this the 15th day of December, A.D. 1921.

CHAPTER 16

AN ACT TO CHANGE THE DATES FOR HOLDING TERMS FOR THE SUPERIOR COURT IN ANSON AND RICHMOND COUNTIES IN THE THIRTEENTH JUDICIAL DISTRICT.

The General Assembly of North Carolina do enact:

SECTION 1. The Superior Court of Anson County and Richmond County shall be held at the following time, to wit:

Anson County—Seventh Monday before the first Monday in March, for criminal cases only; first Monday in March, for civil cases only; sixteenth Monday after first Monday in March, to continue for two weeks, the second week to be for civil cases only; first Monday after the first Monday in September, for criminal cases only; third Monday after the first Monday in September, for civil cases only; tenth Monday after the first Monday in September, for civil cases only.

Richmond County—Eighth Monday before the first Monday in March, fifth Monday after the first Monday in March, sixth Monday before the first Monday in September, fourth Monday after the first Monday in September, all for criminal cases; second Monday after the first Monday in March, twelfth Monday after the

first Monday in March, fifteenth Monday after the first Monday in March, seventh Monday before the first Monday in September, first Monday in September, ninth Monday after the first Monday in September, thirteenth Monday after the first Monday in September, all for civil cases.

Repealing clause. SEC. 2. That all clauses of laws in conflict with this act, to the extent of such conflict, be and the same are hereby repealed.

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

Ratified this the 15th day of December, A.D. 1921.

CHAPTER 17

AN ACT TO AMEND CHAPTER 90, SECTION 2, OF THE PUBLIC LAWS OF 1921, PROVIDING FOR THE SPEEDY TRIAL OF SUMMARY ACTIONS IN EJECTMENT, SO AS TO INCLUDE FORSYTH COUNTY.

The General Assembly of North Carolina do enact:

Forsyth stricken out.

SECTION 1. That chapter ninety, section two, of the Public Laws of one thousand nine hundred and twenty-one, amending chapter forty-six, article three, section two thousand three hundred and seventy-three of the Consolidated Statutes, providing for the speedy trial of summary actions in ejectment, be and the same is hereby amended by striking out the word "Forsyth" in the second line of said section.

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

Ratified this the 15th day of December, A.D. 1921.

CHAPTER 18

AN ACT TO AMEND SECTION 61 OF CHAPTER 4 OF THE PUBLIC LAWS OF 1921.

The General Assembly of North Carolina do enact:

Form of bonds.

SECTION 1. That section sixty-one of chapter four of Public Laws of one thousand nine hundred and twenty-one be amended by striking out all after the word "directors," in line five, down to and including the word "negligence," in line eleven, and inserting in lieu thereof the following: "in such form as may be prescribed or approved by the Corporation Commission."

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

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

Ratified this the 15th day of December, A.D. 1921.

CHAPTER 19

AN ACT TO GIVE TYRRELL COUNTY TWO MORE TERMS OF COURT, AND TO PROVIDE FOR THE OPENING OF THE COURTS IN THE SAID COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That there shall be for Tyrrell County two more terms of Superior Court, which shall be held on the following dates: the thirteenth Monday after the first Monday in March, for one week, and the first Monday before the first Monday in September, for one week. Both terms shall be for the trial of civil cases only.

Additional terms.

Jurisdiction.

SEC. 2. That these courts may not be held if it appear to the county commissioners of Tyrrell County that there are not enough cases on the civil docket to justify same. If the commissioners, at any time, shall find that there is not enough work on the civil docket to justify the holding of the said courts, they shall so certify to the judge riding the district that there will not be a court held at that time, and shall also notify the nonresident attorneys who actively practice in Tyrrell County. Such notification shall be at least fifteen days before the beginning of said court.

Discretion of county commissioners.

Certificate to judge.

Notice to nonresident attorneys.

SEC. 3. The Superior Courts of Tyrrell County shall be opened on Tuesday instead of Monday of the terms of court unless the judge says he will come and open courts on Monday.

Opening of court.

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

Repealing clause.

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

Ratified this the 15th day of December, A.D. 1921.

CHAPTER 20

AN ACT TO AMEND CHAPTER 125 OF THE PUBLIC LAWS OF 1921, PROVIDING FOR EMERGENCY JUDGES OF THE SUPERIOR COURT.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of chapter one hundred and twenty-five of the Public Laws of one thousand nine hundred and twenty-one be amended by inserting in line eight, between the words "salary" and "received," the word "now," and by striking out the words "such justice" in line nine and inserting in lieu thereof the words "the justices"; and by striking out the word "judge" in line

Retiring allowance.

nine and inserting in lieu thereof the word "judges"; and by striking out the following words in line ten, "at the date of his resignation or retirement."

When act effective.

SEC. 2. That section one of this act shall relate back to and become effective as of the fourth day of March, one thousand nine hundred and twenty-one, and the State Treasurer is authorized and directed to pay on the warrant of the State Auditor the salary of any justice or judge as affected by such section of this act, less any amount heretofore paid.

Compensation for holding special terms.

SEC. 3. That section two of said act be amended by striking out the period at the end of line eight and inserting a comma in lieu thereof, and adding after the word "same" the following words: "and to hold special terms when commissioned so to do by the Governor, and as compensation for holding such special terms shall receive their actual expenses and in addition thereto fifty dollars per week, to be paid by the county in which such special term is held."

SEC. 4. This act shall be in force from and after its ratification. Ratified this the 19th day of December, A.D. 1921.

CHAPTER 21

AN ACT TO AUTHORIZE AND EMPOWER MUNICIPAL CORPORATIONS TO PROVIDE FOR ADEQUATE DRAINAGE, AND TO ABATE NUISANCES, AND TO AMEND CHAPTER 56 OF THE CONSOLIDATED STATUTES.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter fifty-six of the Consolidated Statutes be amended as follows: By adding to article fifteen, part one, and section two thousand seven hundred and eighty-seven of the Consolidated Statutes, the following, to be known as subsection thirty-nine of section two thousand seven hundred and eighty-seven:

Cities and towns given additional powers.

SEC. 2. Every incorporated city or town in the State, in addition to the other powers granted unto it by chapter fifty-six of the Consolidated Statutes, shall have the following enumerated powers:

Undrained lots declared nuisance.

SEC. 3. Whenever there shall be in any incorporated city or town a lot or lots owned by one or more persons, upon which water shall collect, either by falling upon the said lot or lots or collected thereon by drainage or otherwise from adjacent lots, no adequate drainage from which is provided by natural means, the governing body of any such city or town, upon being advised by the health officer of the said city or town, or the health officer of the county in which the town is located, that the conditions so existing are, or are liable to become, a nuisance and a menace to

Abatement authorized.

health in such city or town, is authorized to abate the nuisance, and to that end may proceed to abate it in the following manner:

SEC. 4. Such city or town shall cause a survey to be made by a competent engineer to ascertain the means and methods and costs of providing an adequate drainage from such lot or lots and such engineer shall prepare plans and specifications to provide such drainage, with the estimated cost thereof and in making such survey he shall include therein the area of adjoining and adjacent lots which will be drained by such system of drainage. He shall also include in such survey the area of all adjoining and adjacent lots from which water flows and is gathered upon the lot or lots which are to be drained. The city or town shall thereupon cause notice to be served upon the owner of the lot or lots drained and the owners of such adjacent lots as shall be affected, as herein set forth, which notice shall state, in general and briefly, the fact that a nuisance had been created and so declared; that it is the purpose of the city or town to abate the same, by causing a system of drainage to be put in, and the assessed cost against every such owner as hereinafter provided; that the report of the engineer is on file and subject to inspection, and that on a date to be named in the notice a hearing will be had before the board as to whether the plan shall be adopted and the assessment shall be made, at which hearing the persons affected may be present and present such objections as they may have to the adoption of the report of the engineer and the doing of the work.

SEC. 5. At the hearing provided for, if the governing body of the city or town shall determine that the work shall be done, and that the plans and specifications of the engineer are proper, it may adopt the said plans and specifications, and have the work done, either by letting a contract therefor or otherwise, and in the event a contract is let, it shall be advertised as is provided for in other cases of municipal work.

SEC. 6. Each and every owner of a lot affected by the plan or system shall be assessed with the costs thereof, upon the following basis, that is to say: He or she shall pay such proportion of the total cost as the area of his or her lot may bear to the total area, as shown by the plans of the engineer when adopted by the governing body, which said sum shall be due in such annual installments as the governing body may determine, which shall not exceed five in number, and such installments shall bear interest.

SEC. 7. The area which shall be included within and drained by the plans and specifications as herein provided for is hereby declared to be a "special improvement district."

SEC. 8. For the purpose of enabling the governing body of the city or town to obtain money with which to pay for the improvements herein authorized to be made, such governing body is

Survey.

Plans and specifications for drainage.
Estimate of cost.

Extent of survey.

Notice to owners of lots.

Date for hearing.

Order for drainage.

Work let to contract.

Costs to be assessed on lots.

Apportionment of cost.

Payments.

Special improvement districts.

Notes to be issued by municipality.

Assessments pledged for notes.	hereby authorized and empowered to execute the notes of such city or town, payable in such installments as are the assessments, and the assessments made shall be pledged for the payment of the said notes; such notes shall bear a rate of interest not exceeding six per cent, and may be sold publicly or privately at not less than par and accrued interest, and shall be due in not more than five years, and at such time and in such installments as the assessments made shall be due: <i>Provided</i> , the due date of the notes may be made sixty days after the due date of any of the assessments.
Interest.	
Sale of notes.	
Maturity.	
Proviso: date of maturity.	
Pledge of credit.	SEC. 9. The full faith and credit of such city or town shall be pledged for the payment of the said notes and interest when due.
Powers additional.	SEC. 10. The powers herein contained and hereby conferred are additional to any other powers conferred by any other law or laws, and are not affected by any limitations imposed by any other act, including acts already or hereafter passed at this session of the General Assembly.
Lien of assessments on property.	SEC. 11. The assessments, when made, shall be a lien upon the property benefited, and shall be collectible by the same means and methods as are other assessments for local or special improvements as is provided for in article nine of chapter fifty-six of the Consolidated Statutes.
	SEC. 12. This act shall be in force from and after its ratification.
	Ratified this the 19th day of December, A.D. 1921.

CHAPTER 22

AN ACT TO AMEND THE LAW RELATING TO TERMS OF SUPERIOR COURT IN RANDOLPH COUNTY.

The General Assembly of North Carolina do enact:

Additional term.	SECTION 1. That article six, chapter twenty-seven, of the Consolidated Statutes of North Carolina, be and the same is hereby amended as follows: In the fifth line of paragraph relating to Randolph County terms of court, immediately following the semicolon, insert "eighth Monday after the first Monday in September, to continue for one week, for criminal cases only"; and, in the sixth line of said paragraph, just before the period, insert a semicolon, followed by the following words, to wit: "for the trial of civil cases only."
Jurisdiction.	
When act effective.	SEC. 2. This act shall be in effect on and after the first day of January, one thousand nine hundred and twenty-two.
	Ratified this the 19th day of December, A.D. 1921.

CHAPTER 23

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF CARTERET COUNTY TO CONSTRUCT OR CAUSE TO BE CONSTRUCTED OR PERMIT TO BE CONSTRUCTED A BRIDGE OR CAUSEWAY OVER TOWN CREEK IN CARTERET COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of county commissioners of Carteret County is hereby authorized and empowered to construct, to cause to be constructed, or to permit to be constructed under such arrangement and agreement as the said board of county commissioners may see fit to make, a certain bridge or causeway across Town Creek near the town of Beaufort, Carteret County, and near Gallant's Creek.

Bridge or causeway to be constructed.

Location.

SEC. 2. That if said board of county commissioners of Carteret County shall see fit to construct said bridge, the total or partial cost of said construction may be borne out of the general county funds of Carteret County or out of the road funds of Carteret County as said board of county commissioners may determine.

Funds for construction.

SEC. 3. This act shall be in force from and after its ratification. Ratified this the 19th day of December, A.D. 1921.

CHAPTER 24

AN ACT TO TAKE POLK COUNTY OUT OF THE SIXTEENTH JUDICIAL DISTRICT AND PLACE IT IN THE EIGHTEENTH JUDICIAL DISTRICT, AND PRESCRIBING THE TIME FOR HOLDING THE COURTS IN THE EIGHTEENTH JUDICIAL DISTRICT.

The General Assembly of North Carolina do enact:

SECTION 1. That the Eighteenth Judicial District shall be composed of the following counties, and the Superior Courts thereof shall be held at the following times, to wit:

Eighteenth Judicial District.

Transylvania—Fifth Monday after the first Monday in March, sixth Monday before the first Monday in September, each to continue for two weeks; twelfth Monday after the first Monday in September, for three weeks. The board of commissioners of Transylvania County may, for good cause, decline to draw the grand jury for the July term of court provided for in this section.

Transylvania.

Henderson—First Monday in March, to continue for three weeks; fourth Monday after the first Monday in September, to continue for two weeks; twelfth Monday after the first Monday

Henderson.

in March, to continue for two weeks, for civil cases only; tenth Monday after the first Monday in September, to continue for two weeks, for civil cases only.

Rutherford.

Rutherford—Tenth Monday after the first Monday in March, and eighth Monday after the first Monday in September, each to continue for two weeks; fourth Monday before the first Monday in March, and second Monday before the first Monday in September, each to continue for two weeks, for civil cases only.

McDowell.

McDowell—Second Monday before the first Monday in March, eighth Monday before the first Monday in September, second Monday after the first Monday in September, each to continue for two weeks; sixth Monday before the first Monday in March, to continue for two weeks, for civil cases only.

Yancey.

Yancey—Third Monday after the first Monday in March, sixth Monday after the first Monday in September, each to continue for two weeks; the second Monday in August, for civil cases only.

Polk.

Polk—Seventh Monday after the first Monday in March, and first Monday in September, each to continue for two weeks.

Repealing clause.

SEC. 2. All laws and parts or clauses 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 January, one thousand nine hundred and twenty-two.

Ratified this the 19th day of December, A.D. 1921.

CHAPTER 25

AN ACT FOR THE APPOINTMENT OF A COMMISSION TO INVESTIGATE THE LAWS RELATING TO TAXATION FOR SCHOOL PURPOSES, AND MAKE A REPORT AND SUGGEST STATUTES TO THE NEXT SESSION OF THE GENERAL ASSEMBLY.

The General Assembly of North Carolina do enact:

Commission created. Number and appointment.

Commission to meet and organize.

Commission to study laws, statutes and decisions.

SECTION 1. That a commission of five, three of whom shall be appointed by the Speaker of the House and two of whom shall be appointed by the President of the Senate, and one of whom shall be a member of the minority party, is hereby created, which commission, as soon as convenient, shall meet in the city of Raleigh and organize by electing one of their number chairman and another secretary. The said commission shall proceed to study the laws, statutes, and decisions of the Supreme Court touching the levy of taxes for the purpose of maintaining a six months school term, in accordance with the requirements of the Constitution, of establishing and maintaining high schools, teachers' salaries, and kindred subjects, and of raising and maintaining an equalization fund.

The said commission shall have the power to call to their assistance any officer of the State or the various counties and any other person, who, when called upon, shall furnish such information as is required. The Supreme Court of the State is hereby authorized and empowered to give to the said commission advisory opinions upon any question which may be submitted to the court by such commission touching any matter of which the Supreme Court has jurisdiction.

Commission to call for information.

Advisory opinions from Supreme Court.

SEC. 2. The said commission shall make a report of their proceedings and conclusions to the next session of the General Assembly, and shall submit with their report such a bill or bills as in the opinion of the commission will carry into effect the objects sought. Such report shall be made to the next regular session of the General Assembly, but the said commission shall cause the said report to be published and a copy to be mailed to each and every person who shall be elected to the next General Assembly at least thirty days prior to the convening thereof, and shall also furnish the Governor, the Superintendent of Public Instruction, the Commissioner of Revenue, and other State officers with a printed copy thereof.

Report of commission.

Bill to be submitted with report.

Report to General Assembly.

Report to be published.

Copy mailed to members elect.

Copies to State officers.

SEC. 3. The said commission is authorized to employ such clerical assistants as may be needed and fix the compensation, and the action of the commission shall be conclusive.

Clerical assistants.

SEC. 4. Each member of the commission shall be paid ten dollars per day and expenses during the time in which they are engaged upon their duties.

Pay of commissioners.

SEC. 5. The chairman and secretary shall issue vouchers for the payment of the expenses of the commission to the State Auditor, who shall cause the same to be paid according to law.

Vouchers.

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

Ratified this the 19th day of December, A.D. 1921.

CHAPTER 26

AN ACT TO RECOMPENSE C. E. BARROW FOR SERVICES.

The General Assembly of North Carolina do enact:

SECTION 1. That the State Treasurer is hereby ordered to pay, upon the order of the Auditor, to C. E. Barrow the sum of one hundred dollars for his extra services as custodian of the State Departments Building during the regular session of one thousand nine hundred and twenty-one and the special session of one thousand nine hundred and twenty-one.

Payment ordered.

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

Ratified this the 19th day of December, A.D. 1921.

CHAPTER 27

AN ACT TO AMEND SECTION 5863 AND SECTION 5870 OF THE CONSOLIDATED STATUTES OF NORTH CAROLINA, RELATING TO THE NAME OF THE EAST CAROLINA TEACHERS' TRAINING SCHOOL.

The General Assembly of North Carolina do enact:

Change of name. SECTION 1. That section five thousand eight hundred and sixty-three of the Consolidated Statutes of North Carolina be and the same is hereby amended by striking out the words "Training School" in the second line of said section and inserting in lieu thereof the word "College"; and by striking out the words "Training School" in the sixth line of said section and inserting in lieu thereof the word "College."

Change of name. SEC. 2. That section five thousand eight hundred and seventy of the Consolidated Statutes of North Carolina be and the same is hereby amended by striking out the words "Training School" in the second line of said section and inserting in lieu thereof the word "College."

Change of name. SEC. 3. That the name of the East Carolina Teachers' Training School be and the same is hereby changed to East Carolina Teachers' College.

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

Ratified this the 19th day of December, A.D. 1921.

CHAPTER 28

AN ACT TO AMEND CHAPTER 137 OF THE PUBLIC LAWS OF 1921, RELATIVE TO THE STATE WAREHOUSE SYSTEM, BY PROVIDING FOR THE DISCONTINUANCE OF THE TWENTY-FIVE CENT TAX ON COTTON.

The General Assembly of North Carolina do enact:

Date changed. SECTION 1. That chapter one hundred and thirty-seven of the Public Laws of nineteen hundred and twenty-one be and the same is hereby amended by striking out in line ten of section five the word "twenty-three" between the words "and" and "twenty-five," and insert in lieu thereof the words "twenty-two."

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

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

Ratified this the 19th day of December, A.D. 1921.

CHAPTER 29

AN ACT TO AMEND CHAPTER 143, PUBLIC LAWS 1921.

The General Assembly of North Carolina do enact:

SECTION 1. That section one, chapter one hundred and forty-three, Public Laws nineteen hundred and twenty-one, be and the same is hereby amended by inserting in line five between the word "forty-seven" and the word "public" the words "and chapter one hundred and forty-nine."

Reference intended.

SEC. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby modified in such manner as to conform to this act.

Laws modified.

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

Ratified this the 19th day of December, A.D. 1921.

CHAPTER 30

AN ACT TO PROVIDE FOR A CALENDAR FOR THE CRIMINAL COURTS OF DAVIDSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That after the ratification of this act the clerks of the recorders' courts of Thomasville, Denton, and Lexington townships in Davidson County, and all justices of the peace in and for Davidson County, shall on the tenth day before the date of convening of any criminal term of the Superior Court of Davidson County make out and deliver to the clerk of the Superior Court of Davidson County their returns and the papers in all cases in which the defendants have appealed from the judgments rendered in their respective courts, or have been recognized to appear at said term of the Superior Court of Davidson County.

Returns of recorders' courts and justices of the peace.

SEC. 2. That any clerk of the recorders' courts or any justices of the peace in the said county who shall willfully fail to comply with the provision of section one of this act shall be guilty of malfeasance in office, and upon conviction shall be removed from office.

Failure malfeasance.

Removal.

SEC. 3. That on the second Monday before the convening of any criminal term of the Superior Court for Davidson County the clerk of the said court shall make out a calendar for the first five days of a one-week term and the first ten days of a two-weeks term; that cases shall be placed upon the calendar in the following order: (1) cases in which the defendant have been bound over by the inferior courts, and are in jail in default of bail; (2) all other

Time for making calendar.

Order of cases.

Jail cases from inferior courts. Other jail cases.

Nonjail cases.

Sci. fa.

Calendar to be printed.

Copy to solicitor.

Copies to court officers and attorneys.

Solicitor to prepare and present bills.

Appearances of defendants and witnesses.

Proof of attendance.

Capital felonies.

Cases docketed after calendar set.

Payment of expenses.

Repealing clause.

cases in which the defendants are in jail; (3) all cases which the defendants are not in jail; and (4) *sci. fa.* and forfeited recognizances; that immediately upon completion of the calendar the clerk shall have the same printed, giving the names of the defendants, the offense charged, and the day of the week and month upon which the case is set for trial, and shall mail a copy of the printed calendar to the solicitor of the said district, and, upon request, deliver a copy each to the officers of the court, and to the attorneys practicing at the Davidson County bar.

SEC. 4. That it shall be the duty of the solicitor of the district to have all bills for each day's calendar prepared and present the same to the grand jury on or before the opening of court each day of the term except Monday of the first week of the term, when they shall be prepared and presented to the grand jury immediately upon the completion of the charge of the court.

SEC. 5. That the defendants and witnesses recognized to appear at any term of criminal court shall, in the recognizances, be ordered to appear on the first day of the term, as now provided by law, but, in fact, shall not be required to appear until the day on which the case is set for trial, and no witness shall prove for attendance prior to the day on which the case is set on the calendar.

SEC. 6. That the provision of this act shall not apply to capital felonies.

SEC. 7. That cases docketed in the Superior Court after the formation of the calendar shall stand for trial at the approaching term, and shall be heard in the discretion of the court.

SEC. 8. That the county commissioners of Davidson County shall pay all the expenses incurred by the clerk in carrying out the provisions of this act.

SEC. 9. That all laws and clauses of laws in conflict with this act are hereby repealed.

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

Ratified this the 19th day of December, A.D. 1921.

CHAPTER 31

AN ACT TO VALIDATE THE ACTS OF JUSTICES OF THE PEACE OF CRAVEN COUNTY.

The General Assembly of North Carolina do enact:

Acts validated.

SECTION 1. That all official acts performed in Craven County, from and after January one, one thousand nine hundred and seventeen, to December sixth, one thousand nine hundred and twenty-one, by justices of the peace whose terms of office have expired

are hereby validated, legalized, and made as effective as if such person had been duly elected and duly qualified as required by law.

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

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

Ratified this the 19th day of December, A.D. 1921.

CHAPTER 32

AN ACT TO REGULATE THE HOLDING OF SUPERIOR COURTS OF ASHE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the July terms of the Superior Court of Ashe County shall hereafter be held for the trial of civil cases only. Terms for civil cases only.

SEC. 2. That the October terms of the Superior Court of Ashe County shall hereafter be held for the trial of criminal cases only: Terms for criminal cases only.

Provided, that motion and uncontested civil cases may be heard at said term. Proviso: motions and uncontested cases.

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

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

Ratified this the 19th day of December, A.D. 1921.

CHAPTER 33

AN ACT TO AMEND CHAPTER 166, PUBLIC LAWS OF 1921, CHANGING THE TIME FOR HOLDING THE COURTS IN MITCHELL AND AVERY COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. That section one, chapter one hundred and sixty-six of the Public Laws of one thousand nine hundred and twenty-one, be and the same is hereby amended by striking out the word "fifth" in line thirty-two of said section and inserting in lieu thereof the word "sixth"; and by striking out the words "two weeks" in line thirty-seven of said section and inserting in lieu thereof the words "one week." Mitchell County.
Avery County.

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

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

Ratified this the 19th day of December, A.D. 1921.

CHAPTER 34

AN ACT TO PLACE BRUNSWICK COUNTY UNDER THE STOCK LAW.

The General Assembly of North Carolina do enact:

Time for operation.

Laws governing.

Repealing clause.

SECTION 1. That on and after the first day of July, one thousand nine hundred and twenty-two, the entire county of Brunswick is hereby declared to be in "stock-law territory," and shall be subject to all the provisions of article three, chapter thirty-six, Consolidated Statutes, the same being sections one thousand eight hundred and forty-one to one thousand eight hundred and sixty-four of the Consolidated Statutes.

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 July first, one thousand nine hundred and twenty-two.

Ratified this the 19th day of December, A.D. 1921.

CHAPTER 35

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF CAMDEN COUNTY TO LEVY AND HAVE COLLECTED 20 CENTS TAX FOR COUNTY PURPOSES FOR THE YEAR 1921.

Preamble: tax levy.

Preamble: tax for special purposes.

Levy declared valid.

Collection authorized.

Tax for special purposes validated.

Whereas the board of county commissioners of Camden County, on July eleventh, one thousand nine hundred and twenty-one, levied a tax of twenty cents for county purposes; and whereas five cents of the said twenty-cent levy is for special purpose of building and repairing the county home, jail, courthouse, and other county buildings in said county: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the levy of twenty cents on the hundred dollars valuation of property made by the county commissioners of Camden County, on July eleventh, one thousand nine hundred and twenty-one, be and it is hereby declared a valid levy against all property in Camden County, North Carolina, and that said levy of twenty cents on the hundred dollars valuation of all property in Camden County be collected as one thousand nine hundred and twenty-one taxes by said county through its sheriff or other proper officer for collecting taxes. That five cents of the aforesaid twenty cents on the hundred dollars is levied for a special purpose, and the county commissioners are hereby authorized and empowered to levy said five cents on the hundred dollars for the year one

thousand nine hundred and twenty-one in addition to the fifteen cents allowed by the Constitution, for the purpose of repairing the county home, the courthouse, and jail and other county buildings.

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

SEC. 3. This act shall be in force from and after its ratification. Ratified this the 19th day of December, A.D. 1921.

CHAPTER 36

AN ACT TO FIX THE TIME FOR HOLDING THE COURTS OF THE TENTH JUDICIAL DISTRICT OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That section fourteen hundred and forty-three of Consolidated Statutes be amended by striking out of said section that part relating to the dates for holding the courts of the several counties in the Tenth Judicial District and inserting in lieu thereof the following: Terms of court.

Alamance—First Monday before the first Monday in March, fifteenth Monday after the first Monday in March, third Monday before the first Monday in September, and the twelfth Monday after the first Monday in September, for the trial of criminal cases: fourth Monday after the first Monday in March, one week; ninth Monday after the first Monday in March, one week; twelfth Monday after the first Monday in March, two weeks; and the first Monday in September, two weeks, each for the trial of civil cases only. Alamance County.

Durham—Second Monday before the first Monday in March, eleventh Monday after the first Monday in March, fifth Monday after the first Monday in September, and the thirteenth Monday after the first Monday in September, each for the trial of criminal cases only: eighth Monday before the first Monday in March, first Monday in March, second Monday after the first Monday in September, eighth Monday after the first Monday in September (each term two weeks), and eighth Monday after the first Monday in March, for the trial of civil cases. Durham County.

Granville—Fourth Monday before the first Monday in March, fifth Monday after the first Monday in March, tenth Monday after the first Monday in September, each term for two weeks: sixth Monday before the first Monday in September, seventh Monday after the first Monday in September, for civil cases only. Granville County.

Orange—Tenth Monday after the first Monday in March, fourth Monday after the first Monday in September, for civil cases only; second Monday after the first Monday in March, first Monday Orange County.

before the first Monday in September, fourteenth Monday after the first Monday in September.

Person County.

Person—Fifth Monday before the first Monday in March, seventh Monday after the first Monday in March, fourth Monday before the first Monday in September, sixth Monday after the first Monday in September.

Repealing clause.

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

When act effective.

SEC. 3. This act shall go into effect the first day of January, one thousand nine hundred and twenty-two.

Ratified this the 19th day of December, A.D. 1921.

CHAPTER 37

AN ACT RELATING TO COUNTY NOTES IN ANTICIPATION OF THE COLLECTION OF CERTAIN SCHOOL AND OTHER TAXES.

The General Assembly of North Carolina do enact:

Issue and sale of notes in anticipation of tax collections.

SECTION 1. The board of county commissioners of any county may issue and sell at public or private sale, and on such terms as they may determine, notes of the county in anticipation of the collection of taxes levied or to be levied to maintain the public schools in the said county for a six months term, and for any other purpose for which such board of county commissioners have or will levy taxes, the amount of such notes not to exceed seventy-five per centum of the amount of such taxes for the preceding fiscal year. Such notes, and any notes issued in renewal thereof, shall mature not later than the first October following the close of the fiscal year for which such taxes may be levied. The proceeds of such notes shall be applied in the same manner in which such taxes are authorized by law to be applied, and the said taxes when collected shall, to the extent required to pay such notes and any interest thereon, be retained by the county treasurer, or any other official or any corporation, bank or trust company designated as fiscal or financial agent or otherwise; and acting in the capacity of county treasurer for such county, and be applied to such payment. Such note or notes issued in renewal thereof shall not be considered a part of the indebtedness of the county in reckoning any limit of indebtedness: *Provided*, that all notes sold under this act shall not be sold for less than their par value.

Limit of amount.

Maturity of notes.

Application of proceeds.

Limit of indebtedness.

Proviso: sale below par forbidden.
Notes heretofore issued.

SEC. 2. All notes heretofore issued by counties in anticipation of the collection of school taxes are hereby validated and confirmed.

SEC. 3. This act shall be in force from and after its ratification. Ratified this the 19th day of December, A.D. 1921.

CHAPTER 38AN ACT TO AMEND CHAPTER 113 OF THE PUBLIC LAWS
OF 1921.*The General Assembly of North Carolina do enact:*

SECTION 1. That section two, chapter one hundred and thirteen of the Public Laws of one thousand nine hundred and twenty-one, be amended by striking out the word "and" in line eight of said section two, and insert "and Richmond." Law extended.

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

Ratified this the 19th day of December, A.D. 1921.

CHAPTER 39

AN ACT TO AMEND SECTION 4151, CONSOLIDATED STATUTES, RELATIVE TO PROBATE OF WILLS OF SOLDIERS AND SAILORS.

The General Assembly of North Carolina do enact:

SECTION 1. That section four thousand one hundred and fifty-one of the Consolidated Statutes be amended by striking out the word "twenty" at the end of said section and inserting in lieu thereof the word "twenty-two." Expiration of section.

SEC. 2. This act shall not apply to pending actions. Pending actions excepted.

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

Ratified this the 19th day of December, A.D. 1921.

CHAPTER 40

AN ACT TO AMEND SECTION 1443 OF THE CONSOLIDATED STATUTES, ABOLISHING THE DECEMBER TERM OF COURT OF COLUMBUS COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section one thousand four hundred and forty-three of the Consolidated Statutes be and the same is hereby amended by striking from the paragraph following the word "Columbus" the last clause, reading as follows: "Fifteenth Monday after the first Monday in September, for criminal cases only." Term abolished.

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

Ratified this the 19th day of December, A.D. 1921.

CHAPTER 41

AN ACT TO AMEND SECTION 1864 OF THE CONSOLIDATED STATUTES, SO AS TO APPLY TO TYRRELL COUNTY.

The General Assembly of North Carolina do enact:

Law extended.

SECTION 1. That section one thousand eight hundred and sixty-four, Consolidated Statutes, is hereby amended so the same will apply to Tyrrell County.

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

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

Ratified this the 19th day of December, A.D. 1921.

CHAPTER 42

AN ACT TO AMEND CERTAIN SECTIONS OF THE CONSOLIDATED STATUTES, AND PUBLIC LAWS AMENDATORY THEREOF, RELATING TO THE FISHERIES COMMISSION BOARD AND FISH AND FISHERIES.

The General Assembly of North Carolina do enact:

Salary of chairman.

SECTION 1. That section one thousand eight hundred and sixty-nine (1869) of the Consolidated Statutes be and the same hereby is amended by striking out all of the last paragraph of the said section relating to the pay of the members of the Fisheries Commission Board and substituting therefor the following: "The chairman of the Fisheries Commission Board shall receive a salary of three hundred dollars (\$300) per year, payable monthly, together with traveling expenses while attending meetings of the board. The other four (4) members of the board shall receive five dollars (\$5) per day each and traveling expenses while attending meetings of the board."

Pay of members.

Power to reduce tax.

SEC. 2. That the last paragraph of section two (2) of chapter one hundred and ninety-four (194), Public Laws of one thousand nine hundred and twenty-one, relating to tax on oysters, be and the same hereby is repealed.

Tax on coon oysters.

SEC. 3. That section one thousand eight hundred and ninety-three (1893) of the Consolidated Statutes, relating to tax on oysters be and the same hereby is amended by striking out after the words "coon oysters" in line five (5) of said section, the words "three-quarters of a cent," and substituting therefor the words "one cent," so that part of the said section as amended shall read, "oysters, two cents a bushel, except coon oysters, one cent a bushel."

SEC. 4. That said section one thousand eight hundred and ninety-three (1893) of the Consolidated Statutes be and the same hereby is further amended by striking out all of line twelve (12) of said section and substituting therefor the following: "Shrimps, Shrimps, when cooked, one-quarter of a cent per pound; when green, one-eighth of a cent per pound."

SEC. 5. That section five (5) of chapter two hundred and ninety (290), Public Laws of one thousand nine hundred and seventeen, be and the same is hereby amended by striking out all those words beginning with the word "provided" in line fifty-two (52) and ending with the word "section" in line fifty-six (56).

SEC. 6. That chapter one hundred and fourteen (114), Public-Local Laws of one thousand nine hundred and twenty-one, be and the same is repealed.

Ratified this the 19th day of December, A.D. 1921.

CHAPTER 43

AN ACT TO ESTABLISH A BOUNDARY LINE BETWEEN THE COUNTIES OF HYDE AND TYRRELL.

Whereas there has been a line between the counties of Tyrrell and Hyde laid out and surveyed, which line has been mutually agreed upon by the two counties, and which was adopted by the said counties in an agreement between the two counties dated on the part of Hyde County April seventh, one thousand eight hundred and ninety, and on the part of Tyrrell County May fifth, one thousand eight hundred and ninety, which line has been recorded in the register of deeds' office of the two counties; and,

Whereas there has never been a legislative enactment ratifying and declaring the said line to be the lawful and legal dividing line between the two said counties: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the true dividing line between the two said counties shall be and is hereby declared to be as follows: Beginning at a post marked Hyde and Tyrrell, which stands on the east bank of Pungo Lake at the mouth of the tributary nearest the State Canal leading from Pungo Lake to Pungo River, running thence through State lands in an easterly direction and in a straight line to another post marked Hyde and Tyrrell, which stands on Long Ridge and on the northwest bank of the Dunbar Canal eight hundred and ninety-eight poles from a marked pine standing on same side of canal at last described post near John A. Dunbar's home, running thence south sixteen degrees west (time bearing as of the above date), one thousand eight hundred and

sixty-three poles to another pole marked Hyde and Tyrrell, which stands at the head of New Lake Fork or Creek where Squyers Canal enters therein, thence with said New Lake Fork or Creek and the Alligator River with all the windings thereof to where the Dare County line strikes said Alligator River.

Repealing clause.

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

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

Ratified this the 19th day of December, A.D. 1921.

CHAPTER 44

AN ACT TO AMEND THE MEDICAL LICENSURE AND MEDICAL PRACTICE LAWS OF CHAPTER 110, ARTICLE 1, OF THE CONSOLIDATED STATUTES OF NORTH CAROLINA OF THE YEAR 1919, AND CHAPTER 47 OF THE PUBLIC LAWS OF THE YEAR 1921, AMENDATORY THERETO.

The General Assembly of North Carolina do enact:

Verbiage changed.

SECTION 1. That section number six thousand six hundred and six of the Consolidated Statutes of one thousand nine hundred and nineteen is hereby amended by striking out the clause "the proper regulation of" in line one and substituting therefor the words "properly regulate."

SEC. 2. That the following section shall be known and designated as section number six thousand six hundred and ten, to replace the section of like serial number repealed by section five, chapter forty-seven, of the Public Laws of one thousand nine hundred and twenty-one:

Applicants and examinations.

"The Board of Medical Examiners of the State of North Carolina is hereby empowered to prescribe such regulations as it may deem proper, governing applicants for license, admission to examinations, the conduct of applicants during examinations, and the conduct of the examinations proper."

Affidavits.

SEC. 3. That section number six thousand six hundred and twelve of the Consolidated Statutes of one thousand nine hundred and nineteen is hereby amended by changing the period to a comma at the end of the section and adding the words "or to any other persons deemed necessary in connection with performing the duties of the board as imposed by law. The board shall have power to summon any witnesses deemed necessary to testify under oath in connection with any cause to be heard before it; or to summon any licentiate against whom charges are preferred in writing, and the failure of the licentiate, against whom charges are preferred,

Power to summon witnesses.

To summon licentiates under charges.

to appear at the stated time and place to answer to the charges, after due notice or summons has been served in writing, shall be deemed a waiver of his right to said hearing, as provided in section six thousand six hundred and eighteen of chapter forty-seven, section four of the Public Laws of one thousand nine hundred and twenty-one.”

SEC. 4. That section number six thousand six hundred and fourteen, as enacted in section two, chapter forty-seven, of the Public Laws of one thousand nine hundred and twenty-one, is hereby amended by striking out the words “medical hygiene,” in line sixteen, and inserting them between the word “pathology” and the word “and” in line four. This same section is further amended by striking out the last sentence of the section entirely.

SEC. 5. That the following section shall be known and designated as section six thousand six hundred and fifteen, and shall replace the section of like serial number repealed by section three, chapter forty-seven, of the Public Laws of one thousand nine hundred and twenty-one:

“Every person making application for a license to practice medicine or surgery in the State shall be not less than twenty-one years of age, and of good moral character, before any license can be granted by the Board of Medical Examiners: *Provided*, that the age requirement shall not apply to students taking the examinations of the first two years in medicine.”

SEC. 6. That section six thousand six hundred and eighteen, as enacted in section four of chapter forty-seven of the Public Laws of one thousand nine hundred and twenty-one, is hereby amended by striking out the word “convicted” in line four of said newly enacted section and inserting the word “guilty” in lieu thereof.

SEC. 7. That section six thousand six hundred and nineteen, as enacted in section five of chapter forty-seven of the Public Laws of one thousand nine hundred and twenty-one, is hereby repealed and a new section six thousand six hundred and nineteen is substituted therefor, as follows:

“Each applicant for examinations shall pay to the treasurer of the Board of Medical Examiners of the State of North Carolina a fee of fifteen dollars (\$15) before being admitted to the examinations: *Provided, however*, that in the case of applicants taking the examinations in two halves, as provided in section six thousand six hundred and fourteen, the fee shall be seven and one-half dollars (\$7.50) for each of the two half examinations. Whenever any license is granted without examination, as authorized in section six thousand six hundred and seventeen, the applicant shall pay to the treasurer of the board a fee of fifty dollars (\$50). Whenever a limited license is granted, as provided in section six thousand six hundred and sixteen, the person shall

Waiver.

Medical hygiene.

Examination fee.

Requirements of applicants.

Proviso: age requirement.

Power to rescind license.

Fee for examination.

Fee for license without examination.

Fee for limited license.

Fee for duplicates.

Fees paid in advance.

Compensation and expenses of board.

Salaries and fees.

Expense not to exceed fees.

Balances.

Physicians not graduates of college.

License to be exhibited upon registration.

Clerks of Superior Courts to furnish lists.

pay to the treasurer of the board a fee of fifteen dollars (\$15). A fee of five dollars (\$5) shall be paid for each duplicate license. All fees shall be paid in advance to the treasurer of the Board of Medical Examiners of the State of North Carolina, to be by him held as a fund for the use of said board. The compensation and expenses of the members and officers of said board, and all expenses proper and necessary in the opinion of said board, to the discharge of its duties under and to enforce the laws regulating the practice of medicine or surgery shall be paid out of such funds, upon the warrant of the president and secretary of said board. The salaries and fees of the officers and members of the said board shall be fixed by the board, but shall not exceed ten dollars (\$10) per day per member, and railroad fare and hotel expenses; and no expense shall be created to exceed the income from fees herein provided. Any unexpended sum or sums of money remaining in the treasury of the said board at the expiration of the terms of office of the members thereof, shall be paid over to their successors after their election and qualification as such."

SEC. 8. That subsection twelve of section six thousand six hundred and twenty-two, as enacted in section seven, chapter forty-seven, of the Public Laws of one thousand nine hundred and twenty-one, is hereby amended by striking out the word "and" in line two of this subsection between the words "college" and "were" and inserting the word "or" in lieu thereof. This same subsection is hereby further amended by changing the period to a comma at the end of the subsection and adding the words "and who are properly registered as required by law."

SEC. 9. That section six thousand six hundred and twenty-three of the Consolidated Statutes of one thousand nine hundred and nineteen is hereby amended by changing the comma occurring after the word "State" in line six to a period, and striking out all the succeeding words in this sentence on lines six, seven, eight, and nine down to the sentence beginning with the words "The clerk shall."

SEC. 10. That the following section shall be known and designated as section number six thousand six hundred and twenty-five-A (6625-A):

"In order to provide for the compilation of a complete list of all physicians who have been or are qualified by law to practice medicine and surgery in this State, either by virtue of license and registration, or registration on presentation of diploma, or after oath of practice prior to March the seventh, one thousand eight hundred and eighty-five, the clerk of the Superior Court in every county in the State is hereby required to furnish to the Board of Medical Examiners of the State of North Carolina a complete list of all persons registered in his office to practice medicine and sur-

gery from February twenty-eighth, one thousand eight hundred and eighty-nine, to January first, one thousand nine hundred and twenty-two, on blank forms to be supplied to him by the secretary of the Board of Medical Examiners. Such lists shall be mailed to the office of the secretary of the Board of Medical Examiners not later than thirty days after the receipt of the blanks upon which the names are to be entered. Failure of the secretary of the Board to furnish the blank forms to the clerks, and failure of any clerk of Superior Court to furnish a complete list of the registered practitioners of medicine and surgery in his county, shall constitute a misdemeanor, and shall be punishable as such.”

Time of mailing lists.

Failure to send blank or return lists a misdemeanor.

SEC. 11. All laws and clauses of laws in conflict with any of the provisions of this act are hereby repealed.

Repealing clause.

SEC. 12. This act shall be in force and effect from and after its ratification.

Ratified this the 19th day of December, A.D. 1921.

CHAPTER 45

AN ACT TO ADD ONE WEEK TO THE FEBRUARY TERM OF THE SUPERIOR COURT OF BERTIE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the February term of the Superior Court of Bertie County shall hereafter begin on the third Monday before the first Monday in March, and continue for two weeks.

Term of court.

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

Repealing clause.

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

Ratified this the 19th day of December, A.D. 1921.

CHAPTER 46

AN ACT TO CORRECT SECTION 1905 OF THE CONSOLIDATED STATUTES, RELATIVE TO SHELLFISH.

The General Assembly of North Carolina do enact:

SECTION 1. That section one thousand nine hundred and five of the Consolidated Statutes be amended by striking out the word “minimum” at the end of line eighteen and beginning of line nineteen and inserting in lieu thereof the word “maximum.”

Maximum.

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

Repealing clause.

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

Ratified this the 19th day of December, A.D. 1921.

CHAPTER 47

AN ACT TO PLACE CATAWBA COUNTY IN THE SIXTEENTH JUDICIAL DISTRICT.

The General Assembly of North Carolina do enact:

Transfer of county.

SECTION 1. That Catawba County be and the same is hereby taken out of the Seventeenth Judicial District, and the same is hereby placed in the Sixteenth Judicial District of said State.

Schedule of courts.

SEC. 2. The courts in the county of Catawba shall be held as follows: Fourth Monday before the first Monday in March, to continue for two weeks; ninth Monday after the first Monday in March, to continue for two weeks, and for the trial of civil cases only; ninth Monday before the first Monday in September, to continue for two weeks; first Monday in September, to continue for two weeks; twelfth Monday after the first Monday in September, and to continue for one week, and for the trial of criminal cases only.

Repealing clause.

SEC. 3. That all laws in conflict herewith are hereby repealed.

When act effective.

SEC. 4. That this act shall be in force from and after the first day of July, A.D. one thousand nine hundred and twenty-two.

Ratified this the 19th day of December, A.D. 1921.

CHAPTER 48

AN ACT TO AMEND CHAPTER 103, PUBLIC LAWS 1919. IN RELATION TO THE ADVERTISEMENT OF SALE OF BONDS AUTHORIZED BY SAID CHAPTER.

The General Assembly of North Carolina do enact:

Proviso: advertisement of bond sale.

SECTION 1. That section three of chapter one hundred and three, Public Laws one thousand nine hundred and nineteen, be and the same is hereby amended by changing the period at the end of said section to a comma, and adding the following: "and, *Provided further*, that none of said bonds shall be disposed of until after the expiration of a period for the receipt of bids therefor and advertisement naming said date and reasonably describing said bonds, which advertisement shall be deemed sufficiently promulgated if published once at least ten days before said date in a newspaper published in the county, and a newspaper published in the State and in general circulation throughout the State."

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

Ratified this the 19th day of December, A.D. 1921.

CHAPTER 49

AN ACT TO AMEND SECTIONS 7121, 7130, AND 7142, CONSOLIDATED STATUTES.

The General Assembly of North Carolina do enact:

SECTION 1. That section seven thousand one hundred and twenty-one, Consolidated Statutes, shall be amended by striking out the words "State Board of Health" in line one and in lines eleven and twelve and inserting in lieu thereof the words "municipality or water company," in each of said lines. Inspection of watersheds.

SEC. 2. That section seven thousand one hundred and thirty, Consolidated Statutes, be amended by adding the following words: "*Provided, however,* that nothing in this act shall curtail the right of a municipality to require and enforce immediate sewer connection." Enforcement of sewer connections.

SEC. 3. That section seven thousand one hundred and forty-two, Consolidated Statutes, is hereby repealed. Surface supply companies.

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

Ratified this the 19th day of December, A.D. 1921.

CHAPTER 50

AN ACT RELATING TO THE FUNDED DEBT OF THE STATE OF NORTH CAROLINA AND TO AMEND SECTIONS 7401, 7404, 7405, 7406, 7407, 7408, AND 7409, CONSOLIDATED STATUTES.

The General Assembly of North Carolina do enact:

SECTION 1. That section seven thousand four hundred and one, Consolidated Statutes, be and is amended by striking therefrom all of the words beginning "and coupons of interest" in the eighth line, and ending with the words "bonds of less amount" in the sixteenth line, and that in lieu of the words so stricken, there be inserted the words "Interest coupons shall be attached to the bonds or certificates unless they be bonds or certificates registered as to both principal and interest, and the bonds, certificates and coupons shall be made payable either at a bank in the City of New York to be designated by the State Treasurer, or at the office of the State Treasurer in Raleigh, as may be designated by the Treasurer, or shall be made payable, at the option of the holder, either at such bank in New York or at the office of the State Treasurer." Interest coupons.

Place of payment.

Bonds payable to bearer.

SEC. 2. That section seven thousand four hundred and one, Consolidated Statutes, be and is further amended by striking therefrom the words "and shall be made payable to such person by name as may be the purchaser, or to bearer" in the sixth and seventh lines, and by inserting in lieu thereof the words "and shall be made payable to bearer unless registered as hereinafter provided."

Books for registration and transfer.

SEC. 3. That section seven thousand four hundred and four, Consolidated Statutes, be and is amended so as to read as follows:

Registration.

"7404. *Books for Registration and Transfer.* The State Treasurer shall keep in his office a register or registers for the registration and transfer of all bonds and certificates of the State heretofore or hereafter issued, in which he may register any bond or certificate at the time of its issue or, at the request of the holder, thereafter. When any bond or certificate shall have been registered as hereinafter provided, the State Treasurer shall enter in a manner to be of easy and ready reference, a description of said bond or certificate, giving the number, series, date of issue, denomination, by whom signed, and such other data as may be necessary for the ready identification thereof, together with the name of the person in whose name the same is then to be registered and whether in his individual capacity or in a fiduciary relation, and if the latter, for whose benefit the same is to be registered."

Registration as to principal.

SEC. 4. That section seven thousand four hundred and five, Consolidated Statutes, be and is amended to read as follows:

Payment of bonds so registered.

Transfer.

"7405. *Registration as to Principal.* Upon the presentation at the office of the State Treasurer of any bond or certificate that has heretofore been or may hereafter be issued by the State, or upon the first issuance of any bond or certificate, the same may be registered as to principal in the name of the holder upon such register, such registration to be noted on the reverse of the bond or certificate by the State Treasurer. The principal of any bond or certificates so registered shall be payable only to the registered payee or his legal representative, and such bond or certificate shall be transferable to another holder or back to bearer only upon presentation to the State Treasurer with a written assignment acknowledged or approved in a form satisfactory to the Treasurer. The name of the registered assignee shall be written in said register and upon any bond or certificate so transferred. A bond or certificate so transferred to bearer shall be subject to future registration and transfer as before."

SEC. 5. That section seven thousand four hundred and six, Consolidated Statutes, be and is amended to read as follows:

"7406. *Registration as to Principal and Interest.* If, upon the registration of any such bond or certificate, or at any time thereafter, the coupons thereto attached, evidencing all interest to be paid thereon to the date of maturity, shall be surrendered, such coupons shall be canceled by the Treasurer and he shall sign a statement endorsed upon such bond or certificate of the cancellation of all unmatured coupons and of the fact that such bond has been converted into a fully registered bond, and shall make like entry in the said register. Thereafter the interest evidenced by such cancelled coupons shall be paid at the times provided therein, to the registered owner or his legal representatives, in New York Exchange, mailed to his address, unless he shall have requested the State Treasurer to pay such interest in funds current at the State Capital, which request shall be entered in the said register."

Registration as to principal and interest.

Cancellation of coupons.

Payment of interest.

SEC. 6. That section seven thousand four hundred and seven, Consolidated Statutes, be and is amended to read as follows:

"7407. *Fees for Registration.* There shall be no charge for the registration of a bond or certificate registered at the time of issuance. A fee of twenty-five cents shall be paid to the State Treasurer, to meet the expense of registration, for every bond or certificate presented for registration, either as to principal alone or both principal and interest, after the original issuance thereof, and a like fee shall be paid for the transfer of each bond or certificate."

Fees for registration.

Fee for transfer.

SEC. 7. That section seven thousand four hundred and eight, Consolidated Statutes, be and is amended to read as follows:

"7408. *Application of Sections Seven Thousand Four Hundred and One to Seven Thousand Four Hundred and Nine.* That sections seven thousand four hundred and one to seven thousand four hundred and nine, both inclusive, as amended by this act, shall be applicable to all bonds or certificates of the State heretofore issued and now outstanding, and to all bonds or certificates of the State that may hereafter be issued in accordance with any law now in force or hereafter to be enacted."

Application of sections.

SEC. 8. That section seven thousand four hundred and nine, Consolidated Statutes, be and is amended to read as follows:

"7409. *Duties Performed by Other Officers.* If the Council of State shall at any time find that either the Governor or the State Treasurer is unable by reason of absence, disability, or otherwise, to sign any bonds or certificates, the Lieutenant-Governor may sign the same in lieu of the Governor, and they may be signed in lieu of the Treasurer by any member of the Council of State designated by it."

Duties performed by other officers.

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

Ratified this the 19th day of December, A.D. 1921.

CHAPTER 51

AN ACT TO VALIDATE A BOND ISSUE OF HALIFAX COUNTY.

Preamble: issue of bonds and contract for sale.

Whereas the board of county commissioners of Halifax County have, pursuant to an act of the General Assembly of North Carolina, entitled "An act to authorize Halifax County to issue road and bridge bonds, and to provide for the payment thereof." ratified March tenth, nineteen hundred and nineteen, authorized to be issued two hundred and fifty thousand dollars bonds of Halifax County, bearing interest at the rate of six per centum per annum, payable semiannually, dated May first, nineteen hundred and twenty-one, and maturing serially, and having received no bids after public advertisement of the sale of said bonds, have awarded said bonds on November seventh, nineteen hundred and twenty-one, to purchasers who agreed to pay therefor not less than par and accrued interest: Now, therefore,

The General Assembly of North Carolina do enact:

Acts and proceedings validated.

SECTION 1. All acts and proceedings done or taken by the said board of county commissioners of Halifax County relating to the issuance of said two hundred and fifty thousand dollars of bonds, including the award of said bonds on November seventh, nineteen hundred and twenty-one, are hereby legalized and validated, and the chairman and clerk of said board are hereby authorized and directed to execute and deliver said bonds to the purchasers thereof upon receipt of the purchase price; and the board of commissioners of Halifax County are hereby authorized and directed to levy an annual tax for the purpose of paying the principal and interest of said bonds in accordance with the provisions of said act ratified March tenth, nineteen hundred and nineteen.

Execution and delivery directed.

Special tax.

Repealing clause.

SEC. 2. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 3. This act shall be in force from and after its ratification. Ratified this the 19th day of December, A.D. 1921.

CHAPTER 52

AN ACT TO PLACE THE NAME OF JANE ROBERSON ON THE PENSION ROLL.

Preamble: services performed.

Whereas Jane Roberson, colored, of Raleigh, Wake County, when the War between the States broke out did the washing and ironing for the First North Carolina Artillery at Raleigh, and later washed and ironed for the sick and wounded Confederate soldiers who

were inmates at Pettigrew Hospital, Raleigh, and continued to perform such service until the end of the war; and.

Whereas the husband of Jane Roberson, to wit, Profus Roberson, at the beginning of the war served as a laborer and body-servant to Capt. John Nichols of the First North Carolina Artillery, and accompanied this command to the battlefields of Virginia where he was killed at Manassas Gap, since which time his widow, Jane Roberson, has remained unmarried; and,

Preamble: service and death of husband.

Whereas the said Jane Roberson is now past ninety-one years of age, is in poor health, and too enfeebled to longer earn a living for herself at any labor which she is fitted to perform; and,

Preamble: age and disability.

Whereas reputable persons in Wake County, who know about the services the said Jane Roberson and her husband, Profus Roberson, performed during the time above specified, believe that the said Jane Roberson should be placed on the pension roll: Therefore,

Preamble: recommendation.

The General Assembly of North Carolina do enact:

SECTION 1. That Jane Roberson, colored, of Raleigh, Wake County, be placed on the pension roll as a fourth-class pensioner, and that she be paid the same amount as other pensioners of said class receive, and that said amount be paid her at the same time and in the same manner as the pensions of other fourth-class pensioners are paid, and that this be applicable beginning with the year one thousand nine hundred and twenty-one.

Placed on pension roll. Class.

Payment.

Beginning.

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

Ratified this the 19th day of December, A.D. 1921.

CHAPTER 53

AN ACT TO AMEND SECTION 3877 OF THE CONSOLIDATED STATUTES, RELATING TO THE SALARY OF THE ADJUTANT GENERAL.

The General Assembly of North Carolina do enact:

SECTION 1. That section three thousand eight hundred and seventy-seven of the Consolidated Statutes be and the same is hereby amended by striking from lines one and two of said section the words "three thousand" and inserting in lieu thereof the words "four thousand five hundred."

Amendment.

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

Repealing clause.

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

Ratified this the 19th day of December, A.D. 1921.

CHAPTER 54

AN ACT TO PROVIDE FOR A CALENDAR FOR THE CRIMINAL COURTS OF ALAMANCE COUNTY.

The General Assembly of North Carolina do enact:

Time for making calendar.

SECTION 1. That on the second Monday before the convening of any criminal term of the Superior Court for Alamance County the clerk of the said court shall make out a calendar for the first five days of said term; that cases shall be placed upon the calendar in the following order: (1) Cases in which the defendant has been bound over by the inferior courts and are in jail in default of bail; (2) all other cases in which the defendants are in jail; (3) all cases which the defendants are not in jail; and (4) *sci. fa.* and forfeited recognizances. Immediately upon completion of the calendar the clerk shall have the same printed, giving the names of the defendants, the offense charged, and the day of the week upon which the case is set for trial, together with the attorney appearing for the State or the defendant, and shall mail a copy of the printed calendar to the solicitor of the said district, and, upon request, deliver a copy each to the officers of the court and the attorneys practicing at the Alamance County bar.

Order of cases.

Jail cases from inferior courts.

Other jail cases. Cases where defendants not in jail.

Sci. fa. and forfeited recognizances.

Calendar to be printed.

Details. Copy to solicitor. Copies to court officers and attorneys.

Solicitor to draw and present bills.

SEC. 2. That it shall be the duty of the solicitor of the district to have all bills for each day's calendar prepared and present same to the grand jury upon the opening of the court each day of the term.

Order of trial.

Continuance.

SEC. 3. That cases shall be tried in the order in which they are calendared. If for sufficient reason the State or the defendant is not ready for trial at the time the case is reached, the same shall be continued for the term unless otherwise set for trial by the court.

Appearance of defendants and witnesses.

SEC. 4. That the defendants and witnesses recognized to appear at any term of criminal court shall, in the recognizances, be ordered to appear on the first day of the term, as now provided by law, but in fact shall not be required to appear until the day on which the case is set for trial, and no witness shall prove for attendance prior to the day on which the case is set on the calendar.

Witness to prove attendance.

Capital felonies.

SEC. 5. That the provisions of this act shall not apply to capital felonies.

Cases docketed after calendar.

SEC. 6. That cases docketed in the Superior Court after the formation of the calendar shall stand for trial at the approaching term, and shall be heard in the discretion of the court.

Payment of expenses.

SEC. 7. That the county commissioners of Alamance County shall pay all the expenses incurred by the clerk in carrying out the provisions of this act.

SEC. 8. All laws and clauses of laws in conflict with this act Repealing clause. are hereby repealed.

SEC. 9. That this act shall be in force from and after its ratification.

Ratified this the 19th day of December, A.D. 1921.

CHAPTER 55

AN ACT TO AMEND CHAPTER 831 OF THE PUBLIC LAWS OF 1907, RELATIVE TO "FIREMEN'S RELIEF FUND," CHANGING TERM OF SERVICE FROM TEN YEARS TO FIVE YEARS TO ENTITLE MEMBERS TO BENEFIT OF FUND.

The General Assembly of North Carolina do enact:

SECTION 1. That the word "ten" in line two of paragraph three Term of service. of section six of chapter eight hundred and thirty-one, Public Laws of one thousand nine hundred and seven, be stricken out and the word "five" inserted in lieu thereof.

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

Ratified this the 19th day of December, A.D. 1921.

CHAPTER 56

AN ACT TO AMEND THE BANKING LAW OF 1921.

The General Assembly of North Carolina do enact:

SECTION 1. That section four of chapter four of the Public Grounds for re- Laws of one thousand nine hundred and twenty-one be amended fusal of charter. as follows: Strike out the period at the end of said section and substitute a semicolon and add thereto "or that the public convenience and advantage will not be promoted by its establishment, or that the name of the proposed corporation is likely to mislead the public as to its character or purpose; or if the proposed name is the same as one already adopted, or appropriated by an existing bank in this State, or so similar thereto as to be likely to mislead the public."

SEC. 2. Strike out the words "at least twenty thousand" at the Capital of end of line twenty-one of section forty-three of chapter four, Public branches. Laws, one thousand nine hundred and twenty-one, and substitute therefor "at least fifteen thousand."

SEC. 3. Add another section between twenty-five and twenty-six, to be marked 25a, as follows: "The Corporation Commission shall Notice to make notify every bank whose capital shall have become impaired from good impaired capital."

Special meeting of stockholders.	losses or any other cause, and the surplus and undivided profits of such bank are insufficient to make good such impairment, to make the impairment good within sixty days of such notice by an assessment upon the stockholders thereof, and it shall be the duty of the officers and directors of the bank receiving such notice to immediately call a special meeting of the stockholders for the
Assessment.	purpose of making an assessment upon its stockholders sufficient to cover the impairment of the capital, payable in cash, at which
Proviso: reduction of capital.	meeting such assessment shall be made: <i>Provided</i> , that such bank may reduce its capital to the extent of the impairment, as provided in chapter four, section eleven, Public Laws one thousand nine hundred and twenty-one.
Enforcement of payment of assessment.	“If any stockholder of such bank neglects or refuses to pay such assessment as herein provided, it shall be the duty of the board of directors to cause a sufficient amount of the capital stock of such stockholder or stockholders to be sold at public auction, upon thirty days notice given by posting such notice of sale in the office of the bank and by publishing such notice in a newspaper in the place where the bank is located, and if none therein, a newspaper circulating in the county in which the bank is located, to make good the deficiency, and the balance, if any, shall be returned to the delinquent shareholder or shareholders.
Failure to make good deficiency.	“If any such bank shall fail to cause to be paid in such deficiency in its capital stock for three months after receiving such
Liquidation.	notice from the Corporation Commission, the Corporation Commission may forthwith take possession of the property and business of such bank until its affairs be finally liquidated as provided by law.
Certificates canceled.	“A sale of stock, as provided in this section, shall effect an absolute cancellation of the outstanding certificate or certificates evidencing the stock so sold, and shall make the certificate null and void, and a new certificate shall be issued by the bank to the purchaser of such stock.”
New certificate.	SEC. 4. Add another section between section eighty-six and section eighty-seven, to be marked 86a, as follows: “Any offense against the banking laws of the State of North Carolina which is not elsewhere specifically declared to be a crime, or for which elsewhere a penalty is not specifically provided, is hereby declared to be a misdemeanor, and shall be punishable at the discretion of the court. The Corporation Commission is authorized and directed to prosecute all offenses against the banking laws of the State, and to that end are expressly authorized to employ counsel to prosecute in the inferior courts, and to aid the solicitor in the Superior Courts. The Auditor of the State shall, upon the certificate of the chairman of the Corporation Commission, accompanied by an itemized statement of the account, draw his warrant upon the
Offenses declared misdemeanors.	
Punishment.	
Prosecution for offenses.	
Employment of counsel.	
Payment of counsel.	

State Treasurer to compensate the counsel so employed, and the State Treasurer shall pay the same out of the funds in the Treasury and not otherwise appropriated."

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

Ratified this the 19th day of December, A.D. 1921.

CHAPTER 57

AN ACT TO AMEND SECTION 1461, CONSOLIDATED STATUTES OF NORTH CAROLINA, CONCERNING STENOGRAPHERS' FEES IN SIXTEENTH DISTRICT.

The General Assembly of North Carolina do enact:

SECTION 1. Strike out of said section the word "five" in line four thereof and insert in lieu thereof the word "ten." Pay.

SEC. 2. Strike out in paragraph three the words "without extra charge" in line two of said paragraph. Pay for case on appeal.

SEC. 3. That all laws and clauses of laws in conflict herewith be and the same are hereby repealed. Repealing clause.

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

SEC. 5. That this act shall apply to counties composing Sixteenth District only. Application of act.

Ratified this the 19th day of December, A.D. 1921.

CHAPTER 58

AN ACT TO AMEND SECTION 2623, SUBSECTION 6 OF THE CONSOLIDATED STATUTES, SO AS TO PERMIT CITIES AND TOWNS DESIRING TO SELL ANY PUBLIC UTILITY OWNED BY IT, TO PRESCRIBE TERMS OF PAYMENT. AND TO ACCEPT PAYMENT IN INSTALLMENTS INSTEAD OF CASH.

The General Assembly of North Carolina do enact:

SECTION 1. That subsection six (6) of section two thousand six hundred and twenty-three (2623) of the Consolidated Statutes be amended as follows, to wit: By inserting in the third line thereof following the word "lease" and before the word "any" the following words: "upon such conditions and with such terms of payment as the city or town may prescribe." Section amended.

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

Ratified this the 19th day of December, A.D. 1921.

CHAPTER 59

AN ACT TO AMEND SECTION 1608 OF THE CONSOLIDATED STATUTES, BY EXCEPTING CERTAIN COUNTIES THEREFROM IN THE SIXTEENTH JUDICIAL DISTRICT.

The General Assembly of North Carolina do enact:

Exception
extended.

SECTION 1. That section one thousand six hundred and eight (1608) of the Consolidated Statutes be amended by adding after the word "Fifteenth" in the second line thereof the word "Sixteenth."

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

SEC. 3. That all laws and clauses of laws in conflict herewith are hereby repealed.

Ratified this the 19th day of December, A.D. 1921.

CHAPTER 60

AN ACT TO PROVIDE FOR THE CREATION OF HIGH SCHOOL DISTRICTS BY COUNTY BOARDS OF EDUCATION.

The General Assembly of North Carolina do enact:

Petition.

SECTION 1. Upon petition, signed by a majority of the members of the board, or body, having the administration of schools in each of two or more contiguous school districts in any county, the county board of education of such county shall cause notice to be given by posting at the courthouse door and at three public places in each of said districts, and by three weekly publications in a newspaper or newspapers circulating in the said districts, if any, that on a date to be named in said notice, which shall not be earlier than twenty days after the first posting and publication aforesaid, it will hold a public hearing upon the question of creating a high school district comprising all the territory within said school districts, and that any taxpayer or other interested person may appear and be heard.

Notice of hearing.

Date of hearing.

Question.

Hearing
advisory only.

Order creating
high school
district.

SEC. 2. Such hearing shall be advisory only to the county board of education, and if said board shall then determine that the creation of such high school district will be for the interest of the inhabitants of all of said school districts to be embraced in such high school district, it shall pass an order declaring that all the territory contained in said districts or in any two or more of them which are contiguous shall be and is constituted and created a high school district, under a name then to be given to such newly created district by the county board of education.

SEC. 3. That such high school district shall be under the administration of a board of trustees, consisting of five members, to be appointed by the county board of education at the time of the creation of said district; three of said trustees shall be appointed from the governing board of the school-taxing unit within said high school district having the largest assessed valuation of all the school-taxing units therein. The successors to the original trustees shall be appointed by the county board of education, in accordance herewith, with respect to location of residence, who shall hold office for a term of four years.

Board of trustees.

Apportionment of trustees.

Appointment of successors.

Term of office.

SEC. 4. That the board of trustees shall appoint a chairman and secretary to hold office for the period of one year, and until their successors are appointed and qualify; the chairman shall be a member of said board.

Chairman and secretary.

SEC. 5. That for the purposes of issuing bonds and providing for the payment of same by taxation, all the provisions of chapter eighty-seven, Public Laws nineteen hundred and twenty, and any amendments thereto then in force, shall apply to high school districts created under this act.

Bond issue.

SEC. 6. Any high school district created under this act may be made subject to the levy of a special tax for the construction, equipment, and maintenance of the high school or schools by compliance with the laws then in force for the levy of special taxes in school districts.

Special tax.

SEC. 7. Upon and after a vote of the qualified voters of such high school district, in favor of taxes or bonds, such district shall become and be a body politic and corporate and its board of trustees may adopt and use a common seal, and in the name of the district may sue and be sued, contract and be contracted with, acquire by gift, purchase, or devise real or personal property, hold, exchange, or sell the same, and exercise such other rights and privileges as may be necessary or proper to carry out the powers and purposes of this act. The said trustees shall have entire and exclusive control of the high school property, shall prescribe rules and regulations for their own government and for the government of said schools. They shall have the power to establish and maintain such high school or schools as they may deem necessary, employ and fix the compensation of all officers and trustees of said school, and shall exercise such other powers as shall be necessary for the successful control and operation of said high school, and shall provide for the transportation of pupils when necessary.

Incorporation.

Corporate powers.

Control of property and school.

Enumeration of powers.

SEC. 8. That all moneys of the district shall be held by the county treasurer for its credit and be paid out only upon warrants or vouchers signed by two members of the board of trustees who shall be designated by resolution of said board.

Moneys.

Warrants for payment.

Districts heretofore consolidated. Pending litigation.

SEC. 9. The provisions of this act shall not apply to or affect districts heretofore legally consolidated, nor shall the act affect pending litigation.

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

Ratified this the 19th day of December, A.D. 1921.

CHAPTER 61

AN ACT TO PROVIDE MORE NEARLY ADEQUATE INSURANCE FOR STATE PROPERTY.

The General Assembly of North Carolina do enact:

Appropriations.

SECTION 1. Amend section six thousand four hundred and fifty of the Consolidated Statutes by striking out the word "twenty" in line five and inserting in lieu thereof the word "thirty."

Repealing clause.

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

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

Ratified this the 19th day of December, A.D. 1921.

CHAPTER 62

AN ACT TO AUTHORIZE THE GOVERNOR AND COUNCIL OF STATE TO INVESTIGATE THE CLAIM OF CHARLES H. SYER & COMPANY FOR GOODS BOUGHT BY THE STATE PURCHASING COMMITTEE.

Preamble: purchase.

Whereas the Coöperating Purchasing Committee of the State of North Carolina did, under the authority vested in it by chapter one hundred and fifty of the Public Laws of one thousand nine hundred and seventeen, and chapter two hundred and ninety-eight of the Public Laws of one thousand nine hundred and nineteen, purchase, through Charles H. Syer & Company of Norfolk, goods for the North Carolina State College of Agriculture and Engineering to the amount of five thousand thirty-four and eighty-eight one hundredths dollars (\$5,034.88), and agreed to pay said Charles H. Syer & Company for the goods so purchased, and also to pay a commission of three (3) per cent; and,

Purchase price.

Commission.

Preamble: controversy as to liability.

Whereas a controversy has arisen between the said college and the other State institutions represented on and by said State Purchasing Committee, as to whether or not the said college is liable for the purchase price of said goods, or whether the bill should be paid by all the institutions represented on and by said State Purchasing Committee, as to whether or not the said college is

liable for the purchase price of said goods, or whether the bill should be paid by all the institutions represented by said committee, there being no contention that Charles H. Syer & Company is not entitled to be paid by one or all of said State institutions or the State of North Carolina: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the Governor and Council of State be and they are hereby authorized and directed to hear and determine the controversy between the State Purchasing Committee and the several institutions represented by it, and that they order whatever sum they find to be justly due Charles H. Syer & Company for goods purchased and interest and commissions to be paid by the said North Carolina State College of Agriculture and Engineering, or by all the institutions represented by the said State Purchasing Committee according to the findings of fact and conclusions of justice reached by the Governor and Council of State.

Governor and council to hear and determine controversy.

Order for payment.

SEC. 2. This act shall be in force from and after its ratification. Ratified this the 19th day of December, A.D. 1921.

CHAPTER 63

AN ACT TO AUTHORIZE GUARDIANS, EXECUTORS, ADMINISTRATORS, TRUSTEES, AND OTHERS ACTING IN A FIDUCIARY CAPACITY, TO INVEST FUNDS IN THEIR HANDS IN THE BONDS OF THE VARIOUS COUNTIES OF THE STATE OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That guardians, executors, administrators, trustees, and others acting in a fiduciary capacity, be and they are hereby authorized to invest funds in their hands as such fiduciaries in bonds issued by any county of the State of North Carolina subsequent to January first, one thousand nine hundred and fifteen, in the same manner, to the same extent and with the same legal consequence as fiduciaries are now authorized to invest such funds in bonds of the State of North Carolina under the provisions of section four thousand and eighteen of the Consolidated Statutes.

Investment of trust funds.

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

Repealing clause.

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

Ratified this the 19th day of December, A.D. 1921.

CHAPTER 64

AN ACT TO AMEND CHAPTER 113 OF THE PUBLIC LAWS OF NORTH CAROLINA, SESSION 1921, RELATING TO THE FEES OF JUSTICES OF THE PEACE IN CABARRUS COUNTY.

The General Assembly of North Carolina do enact:

Law extended.

SECTION 1. That section two of chapter one hundred and thirteen of the Public Laws of North Carolina, session of one thousand nine hundred and twenty-one, be amended by inserting between the words "Jones" and "and" in line eight of said section the word "Cabarrus."

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

Ratified this the 19th day of December, A.D. 1921.

CHAPTER 65

AN ACT TO AMEND CHAPTER 93 OF PUBLIC LAWS OF 1921, RELATING TO PAYMENT OF MONEY, NOT EXCEEDING \$300, OWING TO ESTATES OF INTESTATES, TO THE CLERK OF THE SUPERIOR COURT.

The General Assembly of North Carolina do enact:

Law extended.

SECTION 1. That chapter ninety-three of the Public Laws of one thousand nine hundred and twenty-one be and the same is hereby amended by adding at the end of section two of said act the words "and Pasquotank."

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

Ratified this the 19th day of December, A.D. 1921.

CHAPTER 66

AN ACT RELATING TO THE FUNDED DEBT OF THE STATE OF NORTH CAROLINA AND TO AMEND SECTIONS 7401, 7404, 7405, 7406, 7407, 7408, AND 7409, CONSOLIDATED STATUTES.

The General Assembly of North Carolina do enact:

SECTION 1. That section sever thousand four hundred and one, Consolidated Statutes, be and is amended by striking therefrom all of the words beginning "And coupons of interest" in the eighth line, and ending with the words "bonds of less amount" in the

sixteenth line, and that in lieu of the words so stricken, there be inserted the words "Interest coupons shall be attached to the bonds or certificates unless they be bonds or certificates registered as to both principal and interest, and the bonds, certificates and coupons shall be made payable either at a bank in the City of New York to be designated by the State Treasurer, or at the office of the State Treasurer in Raleigh, as may be designated by the Treasurer, or shall be made payable at the option of the holder, either at such bank in New York or at the office of the State Treasurer."

Interest coupons.

Place of payment.

SEC. 2. That section seven thousand four hundred and one. Consolidated Statutes, be and is further amended by striking therefrom the words "and shall be made payable to such person by name as may be the purchaser, or to bearer" in the sixth and seventh lines, and by inserting in lieu thereof the words "and shall be made payable to bearer unless registered as hereinafter provided."

Payment to bearer.

SEC. 3. That section seven thousand four hundred and four. Consolidated Statutes, be and is amended so as to read as follows:

"7404. *Books for Registration and Transfer.* The State Treasurer shall keep in his office a register or registers for the registration and transfer of all bonds and certificates of the State heretofore or hereafter issued, in which he may register any bond or certificate at the time of its issue or at the request of the holder, thereafter. When any bond or certificate shall have been registered as hereinafter provided, the State Treasurer shall enter in a manner to be of easy and ready reference, a description of said bond or certificate, giving the number, series, date of issue, denomination, by whom signed, and such other data as may be necessary for the ready identification thereof, together with the name of the person in whose name the same is then to be registered and whether in his individual capacity or in a fiduciary relation, and if the latter, for whose benefit the same is to be registered."

Record for registration and transfer of bonds.

Description of bond.

Title to bond.

SEC. 4. That section seven thousand four hundred and five. Consolidated Statutes, be and is amended to read as follows:

"7405. *Registration as to Principal.* Upon the presentation at the office of the State Treasurer of any bond or certificate that has heretofore been or may hereafter be issued by the State, or upon the first issuance of any bond or certificate, the same may be registered as to principal in the name of the holder upon such register, such registration to be noted on the reverse of the bond or certificate by the State Treasurer. The principal of any bond or certificate so registered shall be payable only to the registered payee or his legal representative, and such bond or certificate

Registration as to principal.

Payment or transfer.

shall be transferable to another holder or back to bearer only upon presentation to the State Treasurer with a written assignment acknowledged or approved in a form satisfactory to the Treasurer. The name of the registered assignee shall be written in said register and upon any bond or certificate so transferred. A bond or certificate so transferred to bearer shall be subject to future registration and transfer as before."

Name of assignee recorded.

Transfers to bearer.

Registration as to principal and interest.

Cancellation of coupons.

Payments of interest.

SEC. 5. That section seven thousand four hundred and six, Consolidated Statutes, be and is amended to read as follows:

"7406. *Registration as to Principal and Interest.* If, upon the registration of any such bond or certificate, or at any time thereafter, the coupons thereto attached, evidencing all interest to be paid thereon to the date of maturity, shall be surrendered, such coupons shall be canceled by the Treasurer, and he shall sign a statement endorsed upon such bond or certificate of the cancellation of all unmatured coupons and of the fact that such bond has been converted into a fully registered bond, and shall make like entry in the said register. Thereafter the interest evidenced by such canceled coupons shall be paid at the times provided therein, to the registered owner or his legal representatives, in New York exchange, mailed to his address, unless he shall have requested the State Treasurer to pay such interest in funds current at the State Capital, which request shall be entered in the said register."

SEC. 6. That section seven thousand four hundred and seven, Consolidated Statutes, be and is amended to read as follows:

Fees for registration.

"7407. *Fees for Registration.* There shall be no charge for the registration of a bond or certificate registered at the time of issuance. A fee of twenty-five cents shall be paid to the State Treasurer, to meet the expense of registration, for every bond or certificate presented for registration, either as to principal alone or both principal and interest, after the original issuance thereof, and a like fee shall be paid for the transfer of each bond or certificate."

SEC. 7. That section seven thousand four hundred and eight, Consolidated Statutes, be and is amended to read as follows:

Application to all bonds.

"7408. *Application of Sections Seven Thousand Four Hundred and One to Seven Thousand Four Hundred and Nine.* That sections seven thousand four hundred and one to seven thousand four hundred and nine, both inclusive, as amended by this act, shall be applicable to all bonds or certificates of the State heretofore issued and now outstanding, and to all bonds or certificates of the State that may hereafter be issued in accordance with any law now in force or hereafter to be enacted."

SEC. 8. That section seven thousand four hundred and nine, Consolidated Statutes be and is amended to read as follows:

"7409. *Duties Performed by Other Officers.* If the Council of State shall at any time find that either the Governor or the State Treasurer is unable by reason of absence, disability, or otherwise, to sign any bonds or certificates, the Lieutenant-Governor may sign the same in lieu of the Governor, and they may be signed in lieu of the Treasurer by any member of the Council of State designated by it." Duties performed by other officers.

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

Ratified this the 19th day of December, A.D. 1921.

CHAPTER 67

AN ACT TO AMEND CHAPTER 113 OF THE PUBLIC LAWS OF 1921, RELATIVE TO THE FEES OF THE JUSTICES OF THE PEACE.

The General Assembly of North Carolina do enact:

SECTION 1. That section two of the chapter one hundred and thirteen of the Public Laws of North Carolina of nineteen hundred and twenty-one be and the same is hereby amended by adding the words Randolph, Polk, Henderson, Harnett, Bladen, and Burke at the end of said section. Law extended.

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

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

Ratified this the 19th day of December, A.D. 1921.

CHAPTER 68

AN ACT TO EXTEND THE TIME FOR CERTAIN VETERINARY SURGEONS TO FILE CERTIFICATES.

The General Assembly of North Carolina do enact:

SECTION 1. That section six thousand seven hundred and sixty of the Consolidated Statutes, as amended by the regular session of nineteen hundred and twenty-one, be further amended by striking out of the proviso the words "June the first, nineteen hundred and twenty-one," and inserting in lieu thereof the words "March the first, nineteen hundred and twenty-two." Time for registration.

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

Ratified this the 19th day of December, A.D. 1921.

CHAPTER 69

AN ACT TO AMEND SECTION 7334 OF THE CONSOLIDATED STATUTES, RELATIVE TO THE TIME OF DETENTION OF PERSONS COMMITTED TO THE STATE HOME AND INDUSTRIAL SCHOOL FOR GIRLS AND WOMEN.

The General Assembly of North Carolina do enact:

Proviso: commitments before majority.

SECTION 1. That section seven thousand three hundred and thirty-four of the Consolidated Statutes be amended by inserting in line fifteen after the word "years" the following: "*Provided*, that when any girl under twenty-one years of age shall have been committed to the institution the trustees shall have the sole right and authority to keep, restrain and control her until she is twenty-one years old, or until such time as they shall deem proper for her discharge, under such proper and humane rules and regulations as may be adopted by the trustees."

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

Ratified this the 19th day of December, A.D. 1921.

CHAPTER 70

AN ACT TO AUTHORIZE THE GOVERNOR AND COUNCIL OF STATE TO APPLY THE FUNDS APPROPRIATED TO A REFORMATORY FOR THE NEGRO RACE TO THE COLORED OXFORD ORPHANAGE AT OXFORD, NORTH CAROLINA.

Preamble: appropriation for maintenance of reformatory.

Whereas the General Assembly of North Carolina at the regular session of one thousand nine hundred and twenty-one appropriated the sum of ten thousand dollars annually for the support and maintenance of the Colored Reformatory or the Colored Industrial and Training School; and,

Preamble: appropriation for building.

Whereas the General Assembly has also appropriated the sum of twenty-five thousand dollars for the erection of a building for such reformatory or training school, the location of the same to be decided upon; and,

Whereas the location of the said reformatory has not been decided upon and the said reformatory has not been constructed and cannot be constructed for some time; and,

Preamble: children now taken care of.

Whereas the Oxford Colored Orphanage at Oxford, North Carolina, is now taking care of certain negro boys and girls who cannot properly be disposed of by the court under present conditions: Therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the Governor and Council of State be and they are hereby authorized and empowered to apply such amount of the sum appropriated for the support and maintenance of the Colored Reformatory or the Colored Industrial and Training School to the Oxford Colored Orphanage, at Oxford, North Carolina, as the Governor and Council of State may deem wise and advisable. Use of maintenance fund.

SEC. 2. That the Governor and Council of State may only order the funds so appropriated to be applied to the Oxford Colored Orphanage until the Colored Reformatory or Colored Industrial Training School shall be located and constructed. Limitation.

SEC. 3. That all funds applied to the Oxford Colored Orphanage under this act shall be charged against the sum appropriated to the Colored Reformatory or Colored Industrial Training School for support and maintenance. Charge against maintenance fund.

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

Ratified this the 19th day of December, A.D. 1921.

CHAPTER 71

AN ACT TO AMEND CHAPTER 509 OF THE PUBLIC LAWS OF 1909, ENTITLED "AN ACT TO AUTHORIZE THE STATE BOARD OF EDUCATION TO UNITE WITH CERTAIN LAND-OWNERS IN HYDE COUNTY IN ESTABLISHING A DRAINAGE DISTRICT, INCLUDING MATTAMUSKEET LAKE AND THE LANDS ADJACENT THERETO."

The General Assembly of North Carolina do enact:

SECTION 1. Strike out in section three of said act, all after the word "district," in line three from top of page eight hundred and seventy-two of Public Laws of one thousand nine hundred and nine, the words to be stricken out being the words "and the State Treasurer shall be the ex officio Treasurer of said board." and insert in lieu thereof the words "and the treasurer of Hyde County shall be the ex officio treasurer of said board or district." Treasurer of board.

SEC. 2. This act shall be construed and interpreted to the same effect, for all purposes, as if the same had been enacted and ratified on the fifth day of March, one thousand nine hundred and nine. Construction of act.

SEC. 3. This act, subject to the provisions of section two hereof, shall be in force from and after its ratification. When act effective.

Ratified this the 19th day of December, A.D. 1921.

CHAPTER 72

AN ACT TO AMEND SECTION 4943 OF CONSOLIDATED STATUTES OF NORTH CAROLINA, RELATING TO APPROPRIATIONS TO AGRICULTURAL SOCIETIES AND FAIRS.

The General Assembly of North Carolina do enact:

Appropriation.

SECTION 1. That section four thousand nine hundred and forty-three of Consolidated Statutes of North Carolina be amended by striking out the word "fifty" in line thirteen of said section and inserting in lieu thereof the words "one hundred."

Repealing clause.

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

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

Ratified this the 19th day of December, A.D. 1921.

CHAPTER 73

AN ACT TO AMEND SECTION 3836 OF THE CONSOLIDATED STATUTES, RELATING TO THE LAYING OUT OF CARTWAYS AND TRAMWAYS.

The General Assembly of North Carolina do enact:

Proviso: application to county commissioners.

SECTION 1. That section three thousand eight hundred and thirty-six of the Consolidated Statutes be and the same is hereby amended by adding at the end of said section the following: "*Provided*, that in any township where the public roads system does not provide for a board of supervisors for said township, then the relief provided by this section may be had by petition from any citizen or citizens addressed to the County Commissioners or that body which has jurisdiction over the construction, maintenance, and repair of the public roads of the county, and the procedure in such case shall conform to the procedure outlined in this section."

Procedure.

Proviso: new cartway.

SEC. 2. That section three thousand eight hundred and thirty-six of the Consolidated Statutes be and the same is hereby further amended by adding to said section the following: "*Provided*, that wherever any private passage-way that has been in use has become practically impassable or unreasonably inconvenient, a new or improved passage-way or cartway may be opened, within the discretion of the board in charge of the public roads, in the township in which said passage-way or cartway lies, in accordance with the purport and procedure of this section.

SEC. 3. This act shall be in force from and after its ratification. Ratified this the 20th day of December, A.D. 1921.

CHAPTER 74

AN ACT TO AMEND CHAPTER 2 OF THE PUBLIC LAWS OF 1921, BEING THE NORTH CAROLINA STATE ROAD LAW (DOUGHTON-CONNOR-BOWIE ACT).

The General Assembly of North Carolina do enact:

SECTION 1. That section thirty-nine, chapter two, Public Laws one thousand nine hundred and twenty-one, be and the same is hereby amended by striking out in line ten the words, "in annual installments or series to be determined," and by inserting in lieu of the words so stricken out, "at such time or times, not less than ten years nor more than forty years from the date of said bonds, as may be determined." Maturity.

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

Ratified this the 19th day of December, A.D. 1921.

CHAPTER 75

AN ACT TO REPEAL THE REQUIREMENT THAT THE STATE'S PRISON IS TO PAY THE COST OF CERTAIN CRIMINAL PROSECUTIONS.

The General Assembly of North Carolina do enact:

SECTION 1. That the first proviso of subsection (f) of section one of chapter ninety-seven, Public Laws of the extra session of one thousand nine hundred and twenty, as follows: "Provided, that in all cases when defendants are convicted and sentenced to the State's Prison, the county from which the prisoner is sentenced shall be reimbursed the legal cost incurred in the trial of said action, to be paid by the State Prison Board out of any money to the credit of said State Prison Board," be and it is hereby repealed. Payment of costs to counties rescinded.

SEC. 2. Any and all claims against the said prison board under the said proviso, hereby repealed, and unsettled at the time of the ratification of this act are hereby declared null and void and shall constitute no valid claim against the said State Prison Board. Claims declared void.

SEC. 3. All laws and parts of laws in conflict with this act are hereby repealed. Repealing clause.

SEC. 4. This act shall take effect from and after its ratification.

Ratified this the 19th day of December, A.D. 1921.

CHAPTER 76

AN ACT TO AMEND CHAPTER 97, LAWS OF 1907, AS AMENDED BY PUBLIC LAWS OF 1911 AND 1915.

The General Assembly of North Carolina do enact:

- Time for reports. General Assembly of North Carolina do enact that chapter ninety-seven, laws of one thousand nine hundred and seven, as amended by Public Laws of one thousand nine hundred and eleven, and one thousand nine hundred and fifteen, be amended by inserting in section two, in the first line of said section after the word "the" and before the word "day," ten.
- Date. Amend section three of said acts in line six by adding the word "fifteenth" in place of ten, and by adding in line seven the word "ten" in place of the word five.
- Date. Amend section five of said acts by adding the word "fourteenth" in place of twelfth.
- This act shall be in force from and after its ratification.
Ratified this the 19th day of December, A.D. 1921.

CHAPTER 77

AN ACT TO VALIDATE CERTAIN OFFICIAL ACTS OF PAUL J. KIKER, NOTARY PUBLIC.

- Preamble: appointment. Whereas Paul J. Kiker was duly appointed a notary public of Anson County and qualified as such for a term expiring May fourteen, one thousand nine hundred and twenty-one; and,
- Reappointment. Whereas the said Paul J. Kiker was on May sixteen, one thousand nine hundred and twenty-one recommissioned a notary public for Anson County for a term expiring May sixteen, one thousand nine hundred and twenty-three; and,
- Date of qualification. Whereas the said Paul J. Kiker did not qualify before the clerk of the Superior Court of Anson County until August nine, one thousand nine hundred and twenty-one: Therefore,
- The General Assembly of North Carolina do enact:*
- Official acts validated. SECTION 1. That all official acts of Paul J. Kiker, notary public, performed by him between the sixteenth day in May, one thousand nine hundred and twenty-one, and the ninth day in August, one thousand nine hundred and twenty-one, be and the same hereby are in all respects validated.
- Pending litigation. SEC. 2. This act shall not apply to any pending litigation.
- SEC. 3. This act shall be in full force and effect from and after ratification.
- Ratified this the 19th day of December, A.D. 1921.

CHAPTER 78

AN ACT RELATING TO THE DECEMBER AND NOVEMBER
TERMS OF SUPERIOR COURT OF ONSLOW AND DUPLIN
COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. That a term of Superior Court shall be begun and held for the county of Onslow, beginning on the eleventh Monday after the first Monday in September, and to continue two weeks for the trial of civil cases only. Onslow County.

SEC. 2. That a term of Superior Court shall be begun and held for the county of Duplin, beginning on the thirteenth Monday after the first Monday in September, to continue two weeks, the first week for criminal and civil cases, and the second week for civil cases only. Duplin County.

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

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

Ratified this the 19th day of December, A.D. 1921.

CHAPTER 79

AN ACT TO FIX THE TIME FOR HOLDING THE SUPERIOR
COURTS IN SAMPSON AND DUPLIN COUNTIES, AND TO
AMEND SECTION 1443 OF THE CONSOLIDATED
STATUTES OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That section one thousand four hundred and forty-three of the Consolidated Statutes of North Carolina, subsection thereof entitled Sixth District, under the title Duplin, be and the same is hereby amended so as to read as follows:

“Duplin—Eighth Monday before the first Monday in March, third Monday after the first Monday in March, first Monday before the first Monday in September, thirteenth Monday after the first Monday in September, each to continue two weeks for the trial of civil cases only; fifth Monday before first Monday in March, eighth Monday before the first Monday in September, fourth Monday after the first Monday in September, each for one week, for the trial of criminal cases only.” Duplin County.

SEC. 2. That section one thousand four hundred and forty-three of the Consolidated Statutes of North Carolina, subsection thereof entitled “Sixth District” under the title “Sampson,” be and the Sampson County.

same is hereby amended as follows: In line three thereof strike out the word "second Monday" and insert in lieu thereof the words "first Monday."

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

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

Ratified this the 19th day of December, A.D. 1921.

CHAPTER 80

AN ACT TO AMEND CHAPTER 110 OF THE PUBLIC LAWS OF 1921, RELATING TO THE ESTABLISHMENT OF RECORDERS' COURTS IN THE COUNTIES OF JACKSON, HAYWOOD, AND SWAIN.

The General Assembly of North Carolina do enact:

Law extended. SECTION 1. That section sixteen of chapter one hundred and ten of the Public Laws of nineteen hundred and twenty-one be and the same is hereby amended by striking out the word "county" and the period and quotation mark in line seven of said section sixteen, and inserting the following: "Jackson, Haywood, and Swain counties."

Repealing clause. 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 full force and effect from and after its ratification.

Ratified this the 19th day of December, A.D. 1921.

CHAPTER 81

AN ACT TO AMEND SECTION 1443 OF THE CONSOLIDATED STATUTES, RELATING TO THE TERMS OF THE SUPERIOR COURT OF HOKE COUNTY.

The General Assembly of North Carolina do enact:

Beginning of term. SECTION 1. That section one thousand four hundred and forty-three of the Consolidated Statutes be amended by striking out the word "twelfth" in line three of the paragraph beginning with the word "Hoke" under the subhead "Ninth District," and inserting in lieu thereof the word "tenth."

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

Ratified this the 19th day of December, A.D. 1921.

CHAPTER 82**AN ACT TO AMEND CHAPTER 165 OF THE PUBLIC LAWS OF 1921, IN REGARD TO THE BONDS FOR EDUCATIONAL AND CHARITABLE INSTITUTIONS.**

The General Assembly of North Carolina do enact:

SECTION 1. That section two be amended by inserting after the word "July" in the fourth line the words "and January." Date of bonds.

SEC. 2. That section three be amended by striking out the words in the twenty-seventh line "of July first" and inserting in lieu thereof the words "of January first." Maturity.

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

Ratified this the 19th day of December, A.D. 1921.

CHAPTER 83**AN ACT TO AMEND CHAPTER 237, PUBLIC LAWS 1921, RELATING TO THE APPOINTMENT OF JUSTICES OF THE PEACE FOR THE SEVERAL COUNTIES OF NORTH CAROLINA.**

The General Assembly of North Carolina do enact:

SECTION 1. That section one, chapter two hundred and thirty-seven. Public Laws one thousand nine hundred and twenty-one, be and the same is hereby amended by striking from lines five and six the words "one thousand nine hundred and nineteen" and inserting in lieu thereof the words "one thousand nine hundred and twenty-one." Beginning of term.

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

Ratified this the 19th day of December, A.D. 1921.

CHAPTER 84**AN ACT TO AMEND SECTION 7670 OF THE CONSOLIDATED STATUTES, RELATIVE TO THE SALE OF PUBLIC LAWS.**

The General Assembly of North Carolina do enact:

SECTION 1. Amend by striking out in line four of section seven thousand six hundred and seventy, the words "one dollar and fifty cents" and insert in lieu thereof the words "two dollars." Price.

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

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

Ratified this the 20th day of December, A.D. 1921.

CHAPTER 85

AN ACT TO AMEND SECTION 24, CHAPTER 86, PUBLIC LAWS 1921, RELATIVE TO APPROPRIATIONS FOR STATE HOME AND INDUSTRIAL SCHOOL FOR GIRLS AND WOMEN AT SAMARCAND.

The General Assembly of North Carolina do enact:

Per capita appropriation.

SECTION 1. That section twenty-four, chapter eighty-six, Public Laws one thousand nine hundred and twenty-one, be and the same is hereby amended by striking out in lines eight and nine thereof the words "one hundred and seventy-five" and inserting in lieu thereof the words "one hundred and fifty."

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

Ratified this the 19th day of December, A.D. 1921.

CHAPTER 86

AN ACT TO REGULATE THE CHARGES MADE BY FERRIES AND TOLL BRIDGES CONNECTING STATE HIGHWAYS.

The General Assembly of North Carolina do enact:

State Highway Commission to fix charges.

SECTION 1. That the State Highway Commission is directed, authorized, and empowered to fix and determine the charges to be made by all ferries and toll bridges connecting any State highway within the State of North Carolina, which said charges shall be uniform for the same service rendered.

Powers granted State Highway Commission.

SEC. 2. That the State Highway Commission be and they are hereby vested with all the rights, powers and authorities granted the Corporation Commission in the hearing and fixing of rates for any purposes now vested in it by law.

Existing rights of appeal conferred.

SEC. 3. That all rights given any firm, person or corporation in any hearing before the Corporation Commission in the fixing of rates by way of appeal shall exist in all cases of charges fixed by the State Highway Commission under and by virtue of this act.

SEC. 4. That any person, firm or corporation who shall charge any sum greater than the amount fixed by the State Highway Commission for crossing any ferry or toll bridge connecting any State highway within the State of North Carolina, shall be guilty of a misdemeanor and upon conviction shall be fined not exceeding the sum of one hundred dollars or imprisoned not exceeding six months, or both in the discretion of the court.

Misdemeanor.

Punishment.

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

Repealing clause.

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

Ratified this the 19th day of December, A.D. 1921.

CHAPTER 87

AN ACT TO AMEND SECTION 8060, CONSOLIDATED STATUTES OF NORTH CAROLINA, CONCERNING WEIGHTS AND MEASURES.

The General Assembly of North Carolina do enact:

SECTION 1. Strike out the figures "seventy" in line twenty-eight of said section, and insert in lieu thereof the figures "sixty-six."

Corn in ear,
shucked.

SEC. 2. Strike out the figures "seventy-four" in line thirty of said section, and insert in lieu thereof the figures "seventy."

Corn in ear, not
shucked.

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

Ratified this the 19th day of December, A.D. 1921.

CHAPTER 88

AN ACT TO AMEND SECTION 1744 OF CONSOLIDATED STATUTES, AND PROVIDE FOR THE VALUATION AND PAYMENT OF LIFE ESTATES.

The General Assembly of North Carolina do enact:

SECTION 1. Amend Consolidated Statutes, section one thousand seven hundred and forty-four, by inserting after the word "estate" at the end of the second paragraph thereof the following: "And after the sale of such property in all proceedings hereunder, where there is a life estate, in lieu of said interest or investment of proceeds to which the life tenant would be entitled to, or to the use of, the court may in its discretion order the value of said

Order for ascer-
tainment and pay-
ment of life estate.

life tenant's share during the probable life of such life tenant, to be ascertained as now provided by law, and paid out of the proceeds of such sale absolutely, and the remainder of such proceeds be reinvested as herein provided."

Reinvestment of remainder.

Repealing clause.

When act effective.

SEC. 2. All laws and parts of laws in conflict herewith be and the same are hereby repealed, and this act shall be in force and effect from and after its ratification.

Ratified this the 20th day of December, A.D. 1921.

CHAPTER 89

AN ACT TO AMEND SECTION 9 OF CHAPTER 189 OF THE PUBLIC LAWS OF 1921, ENTITLING WIDOWS OF CONFEDERATE VETERANS WHO MARRIED PRIOR TO 1878 TO PENSIONS.

The General Assembly of North Carolina do enact:

Date of marriage.

SECTION 1. That chapter one hundred and eighty-nine of the Public Laws of session of nineteen hundred and twenty-one, section nine, be amended by striking out in line eleven the words "seventy-five" and inserting in lieu thereof the words "eighty."

Repealing clause.

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

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

Ratified this the 20th day of December, A.D. 1921.

CHAPTER 90

AN ACT TO CHANGE THE TIME OF HOLDING CERTAIN COURTS IN THE SIXTEENTH JUDICIAL DISTRICT, AND AMENDATORY OF H. B. 220, S. B. 458, AT PRESENT SESSION.

The General Assembly of North Carolina do enact:

SECTION 1. That the provisions of Senate bill number four hundred fifty-eight, House bill number two hundred twenty, passed at the present General Assembly, being entitled "An act to place Catawba County in the Sixteenth Judicial District," be amended by providing that the one-week criminal term thereby appointed to be held in Catawba County on the twelfth Monday

after the first Monday in September be changed so as to be held on the tenth Monday after the first Monday in September.

Date of term for
Catawba County.

SEC. 2. That the term of court now provided to be held in Caldwell County on the tenth Monday after the first Monday in September shall be hereafter begun on the twelfth Monday after the first Monday in September, to continue for two weeks for the trial of civil and criminal cases.

Term for Caldwell
County.

SEC. 3. That the term of court now provided for Burke County on the thirteenth Monday after the first Monday in September shall hereafter be begun on the fourteenth Monday after the first Monday in September and shall continue for two weeks, but the second week of said term shall be for the trial of civil cases only.

Term for Burke
County.

SEC. 4. The provisions of chapter six hundred sixty-four, Public-Local Laws of North Carolina, session one thousand nine hundred and thirteen, and the acts supplementary thereto and amendatory thereof, are hereby expressly repealed.

Laws repealed.

SEC. 5. This act shall be in force from and after its ratification. Ratified this the 20th day of December, A.D. 1921.

CHAPTER 91

AN ACT RELATIVE TO COMPENSATION FOR CATTLE KILLED ON ACCOUNT OF BEING AFFECTED WITH TUBERCULOSIS, AND FOR HORSES AND MULES KILLED ON ACCOUNT OF BEING AFFECTED WITH GLANDERS.

The General Assembly of North Carolina do enact:

SECTION 1. That the Governor and Council of State are hereby authorized, within their discretion, to expend a sum not exceeding five thousand dollars for the fiscal year ending June thirtieth, one thousand nine hundred and twenty-two, out of funds not otherwise appropriated, for the payment of indemnities for cattle slaughtered on account of being affected with tuberculosis and horses and mules slaughtered on account of being affected with glanders.

Expenditure
authorized.

Purpose.

SEC. 2. That said sums shall constitute an emergency fund to be used within the discretion of the Governor and Council of State and only in accordance with the provisions of chapter sixty-two, Public Laws, nineteen hundred and nineteen, being an act concerning compensation for cattle slaughtered on account of tuberculosis, and horses and mules killed on account of glanders.

Emergency fund.

Law governing
use.

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

Ratified this the 20th day of December, A.D. 1921.

CHAPTER 92

AN ACT TO AMEND CHAPTER 156 OF THE PUBLIC LAWS 1919, CHAPTER 96 OF THE PUBLIC LAWS, EXTRA SESSION 1920, AND CHAPTER 96 OF THE PUBLIC LAWS 1921, RELATING TO CIVIL PROCEDURE IN REGARD TO PROCESS AND PLEADINGS, AND TO EXPEDITE AND REDUCE THE COST OF LITIGATION, AND TO CONSOLIDATE THE VARIOUS ACTS RELATING THERETO.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter 156 of the Public Laws 1919, chapter 96 of the Public Laws, Extra Session 1920, and chapter 96 of the Public Laws 1921, be and the same are hereby amended so as hereafter to read as follows:

Summons returnable.

SUBSEC. 1. The summonses 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 by delivering a copy thereof to each of the defendants: *Provided*, that in all cases where service of summons is to be by publication the summons may be made returnable within forty days from the commencement of the action.

Service of summons.
Proviso: service by publication.

Time for filing complaint.
Proviso: extension of time.

SUBSEC. 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.

Time for answer or demurrer.

SUBSEC. 3. The answer or demurrer shall be filed within twenty days after the return day, or after service of the complaint upon each of the defendants or within twenty days after the final determination of a motion to remove as a matter of right. If the time is extended for filing complaint, then the defendant shall have twenty days after the final day fixed for such extension in which to file the answer or demurrer, or after service of the complaint upon each of the defendants (in which latter case the clerk shall not extend the time for filing answer beyond twenty days after such service): *Provided*, in cases where the complaint is not served, for good cause shown, the clerk may extend the time to a day certain.

Extension of time.

Proviso: clerk may extend time.

Time for filing reply.
Proviso: clerk may extend time.

SUBSEC. 4. The reply, if any, shall be filed within ten days after the filing of the answer: *Provided*, for good cause shown the clerk may extend the time to a day certain.

Right of amendment if demurrer filed.

SUBSEC. 5. If a demurrer is filed the plaintiff may be allowed to amend. If plaintiff fail to amend within five days after notice, the parties may agree to a time and place of hearing the same before some judge of the Superior Court, and upon such agreement it shall be the duty of the clerk of the Superior Court forthwith to send the complaint and demurrer to the judge holding the courts of the district, or to the resident judge of the district, who

Agreed hearing on demurrer.

shall hear and pass upon the demurrer: *Provided*, if there be no agreement between the parties as to the time and place of hearing the same before the judge of the Superior Court, then it shall be the duty of the clerk of the Superior Court to send the complaint and demurrer to the judge holding the next term of the Superior Court in the county where the action is pending, who shall hear and pass upon the demurrer at that term of the court.

Proviso: hearing if no agreement.

SUBSEC. 6. Upon the rendering 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.

SUBSEC. 7. Within ten days after the return of the judgment upon 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.

Leave to amend if demurrer sustained.

SUBSEC. 8. If the demurrer is overruled, answer shall be filed within ten days after the receipt of the judgment, if there is no appeal, or within ten days after the receipt of the certificate of the Supreme Court, if there is an appeal.

Action dismissed if leave not granted.

Time for answer if demurrer overruled.

SUBSEC. 9. If no answer is filed, the plaintiff shall be entitled to judgment by default final or default and inquiry as authorized by sections 595, 596, and 597 of the Consolidated Statutes of 1919, and all present or future amendments of the said sections; and all judgments by default final shall be duly recorded by the clerk and be docketed and indexed in the same manner as judgments rendered in term, and in all respects be and become judgments of the Superior Court and be of the same force and effect as if rendered in term and before a judge of the Superior Court; and in all cases of judgment by default and inquiry rendered by the clerk, the clerk shall docket the case in the Superior Court at term time for trial upon the issues raised before a jury, or otherwise, as provided by law, and all judgments by default and inquiry shall be of the same force and effect as if rendered in term and before a judge of the Superior Court.

Judgment by default.

Record of judgment if final.

Force of judgments.

Judgment by default and inquiry docketed.

Force of judgments.

SUBSEC. 10. No judgment shall be entered by the clerk except as herein otherwise provided, except on a first Monday or a third Monday of the month. The liens of all judgments rendered on the same Mondays shall each be of equal priority, and the first and third Mondays shall be held and construed, in determining the priority of judgment liens, as a term of court, and the first day thereof.

Time for entering judgments.

Liens of judgments.

SUBSEC. 11. If the plaintiff or plaintiffs shall cause a copy of the complaint to be served upon any of the defendants, either at the time of issuing summons or thereafter, then judgment shall be entered by the clerk as to the defendants served on first or third Monday next after the expiration of time to answer.

Time for entering judgment.

Judgments authorized to be entered by clerk.
 Voluntary nonsuit.
 Consent judgments.
 Actions, evidences of debt.
 Judgment by default.

Order of foreclosure on judgments by default.

Order of sale.

Continuance pending sales.

Final judgment.

Writs of assistance and possession.

Pleadings and settlement of issues.

Cancellation of judgments.

Motion and hearing before clerk.

Right of appeal.
 Hearing on appeal.

Proviso: rights of innocent purchasers.

Orders by clerk on motion to remove.

SUBSEC. 12. The clerks of the Superior Courts are authorized to enter the following judgments: (a) All judgments of voluntary nonsuit. (b) All consent judgments (judgments coming within the meaning of (a) and (b) may be entered at any time). (c) In all actions upon notes, bills, bonds, stated accounts, balances struck, and other evidences of indebtedness within the jurisdiction of the Superior Court. (d) All judgments by default final and default and inquiry as are authorized by sections 595, 596, 597, of the Consolidated Statutes, and in this act provided. (e) In all cases where the clerks of the Superior Court enter judgment by default final upon any debt secured by mortgage, deed of trust, or other conveyance of any kind, or by a pledge of property, the said clerks of the Superior Court are authorized and empowered to order a foreclosure of such mortgage, deed of trust, or other conveyance, and order a sale of the property so conveyed or pledged upon such terms as appear to be just; and the said clerks of the Superior Court shall have all the power and authority now exercised by the judge of the Superior Court to appoint commissioners to make such sales, to receive the reports thereof, and to confirm the report of sale of or to order a resale, and to that end they are authorized to continue such causes from time to time as may be required to complete the sale, and in the final judgment in said causes they shall order the execution and delivery of all necessary deeds and make all necessary orders disbursing the funds arising from the sale, and may issue writs of assistance and possession upon ten days notice to parties in possession.

SUBSEC. 13. 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.

SUBSEC. 14. The judge shall, upon such terms as may be just, at any time within one year after notice thereof, relieve a party from a judgment, order, verdict, or other proceeding taken against him through his mistake, inadvertence, surprise, or excusable neglect, and may supply an omission in any proceeding. The clerk may hear and pass upon motions to set aside judgments rendered by him, whether for irregularity or under this section, and an appeal from his order on such motion shall lie to the judge at the next term, who shall hear and pass upon such motion *de novo*: *Provided, however*, nothing in this section shall be construed to affect the rights of innocent purchasers for value in foreclosure proceedings where personal service is obtained.

SUBSEC. 15. All motions to remove as a matter of right shall be made before the clerk, who is authorized to make all necessary

orders, and an appeal shall lie from such order upon such motion to the judge at the next term, who shall hear and pass upon such motion *de novo*. Right of appeal.

SUBSEC. 16. Motions to remove to the Federal Court shall be made before the clerk, and an appeal shall lie from his order to the judge at the next term, who shall hear and pass upon such motion *de novo*. Motions to remove to Federal Court.

SUBSEC. 17. If the action is not founded on a contract, or is founded on a contract and the sum demanded exceeds two hundred dollars, a warrant of attachment may be obtained from the judges of the district embracing the county in which the action was begun, or from the clerk of the Superior Court from which the summons in the action issued; and it may be issued to any county in the State where the defendant has property, money, effects, choses in action, or debts due him, and shall be made returnable before the clerk at the same time and place to which the summons is returnable. Warrants of attachment.

SUBSEC. 18. 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 are now provided in injunctions and other provisional and extraordinary remedies, or from extending the time to answer in all cases upon motion upon five days notice as to time and place, which are to be fixed by the judge; and the judge in his discretion may in term time allow any amendment of pleadings on file, or allow the filing of any other pleadings in all cases transferred to the civil issue docket for trial. Orders in provisional and extraordinary remedies.

SUBSEC. 19. Nothing herein contained shall be construed to deprive the clerk of the court, or the parties by agreement, from extending the time for filing the pleadings or perfecting appeals, or agreeing upon the time and place for hearing argument upon the demurrer or other matters, unless otherwise provided by this act. Extension of time.

SUBSEC. 19a. When appeals are taken from judgments of the clerk or judge not made in term time, the clerk is authorized to make any and all necessary orders for the perfecting of such appeals. Amendments to pleadings.

SUBSEC. 20. The Supreme Court is hereby vested with the power to prescribe from time to time the modes of making and filing proceedings, actions, and pleadings, and of entering orders and judgments and recording the same, and to prescribe and regulate the practice on appeals to the Supreme Court, and in the trial of actions in the Superior Court, and before referees: *Provided*, no rule or regulation so adopted shall be in conflict with this act or any of the provisions of the Consolidated Statutes of 1919. Such rules as may be adopted by the Supreme Court shall be printed and distributed by the Secretary of State as are the reports of the Supreme Court. Powers of clerk of court or parties by agreement.

Appeals from judgments not in term time.

Supreme Court to prescribe rules.

Proviso: rules to conform to law.

Printing and distribution of act.

SEC. 2. The Secretary of State shall cause ten thousand copies of this act to be immediately printed and distributed among the judges of the Superior Courts and clerks of the Superior Courts, and cause a reasonable number to be bound and sold under the existing laws regulating the sale of the Public Laws and Supreme Court Reports.

Repealing clause.

SEC. 3. All laws and parts of laws in conflict with this act are hereby repealed.

SEC. 4. That this act shall be in force and effect from and after the first day of February, one thousand nine hundred and twenty-two, except as to the provision herein set out as to printing and distribution, and said provision shall be in force from and after its ratification.

Ratified this the 20th day of December, A.D. 1921.

CHAPTER 93

AN ACT TO AMEND SECTION 5488 OF THE CONSOLIDATED STATUTES.

The General Assembly of North Carolina do enact:

SECTION 1. That section five thousand four hundred and eighty-eight of the Consolidated Statutes of one thousand nine hundred and nineteen be amended as follows: By striking out all of said section after the words "civil procedure" in line nine thereof, being all after the first sentence in the first section, and inserting in lieu thereof the following: "The issues raised shall be tried by a jury at the first succeeding term of the Superior Court, and shall have precedence over all other business of the court: *Provided*, that if the judge holding court shall certify to the Governor, either before or during such term, that on account of the accumulation of other business, the public interests will best be served by not trying such action at said term, the Governor shall immediately call a special term of the Superior Court for said county, to convene as early as possible, and assign a judge of the Superior Court or an emergency judge to hold the same, and the said action shall be tried at such term. There shall be submitted to the jury for its determination the issue as to what amount is needed to maintain the schools for six months, and they shall take into consideration the amount needed and the amount available from all sources as provided by law. The final judgment rendered in such action shall be conclusive, and the county commissioners shall forthwith levy taxes in accordance with such judgment, otherwise those who refuse so to do shall be in contempt, and may be punished accordingly.

Issues to be tried by jury.

Precedence.

Proviso: special term.

Trial at special term.

Issues to be submitted to jury.

Final judgment conclusive.

Commissioners to levy taxes.

Punishment for failure.

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

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

Ratified this the 19th day of December, A.D. 1921.

CHAPTER 94

AN ACT EMPOWERING ALL JUDGES KNOWN AS SPECIAL OR EMERGENCY JUDGES TO EXERCISE AT ALL TIMES THE SAME JURISDICTION IN MATTERS OF INJUNCTION, RECEIVERSHIP, AND HABEAS CORPUS, AS ALL OTHER SUPERIOR COURT JUDGES.

The General Assembly of North Carolina do enact:

SECTION 1. That special or emergency judges provided for in chapter one hundred and twenty-five, Public Laws of one thousand nine hundred and twenty-one, shall at all times have the same jurisdiction in matters of injunction, receivership, and *habeas corpus* as any other Superior Court judge. Jurisdiction defined.

SEC. 2. That if any special or emergency judge has made any matters returnable before him, and subsequent thereto he should be called upon by the Governor to hold court elsewhere, said judge shall make an order directing said matter to be heard before some other judge, setting forth in said order the time and place same is to be heard, and send a copy of said order to the attorney or attorneys representing the parties plaintiff and defendant in such matter. Order for hearing. Notice to attorneys.

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

Ratified this the 19th day of December, A.D. 1921.

CHAPTER 95

AN ACT AUTHORIZING VOLUNTARY ASSOCIATIONS OF INDIVIDUALS, SOCIETIES, AND UNIONS TO ACQUIRE LAND AND REGULATING THE CONVEYANCE OF THE SAME.

The General Assembly of North Carolina do enact:

SECTION 1. Voluntary organizations and associations of individuals, when organized for the purposes which are not prohibited by law, are hereby authorized and empowered to acquire real estate and to hold the same in their common or corporate names. Authority to acquire and hold real estate.

- Title vested. SEC. 2. That where real estate has been or may be hereafter conveyed to such organizations or associations in their common or corporate name the said title shall vest in said organizations, and may be conveyed by said organization in its common name, when such conveyance is authorized by resolution of the body duly constituted and held, by a deed signed by its chairman or president, and its secretary or treasurer, or such officer as is the custodian of its common seal with its official seal affixed, the said conveyance to be proven and probated in the same manner as provided by law for deeds by corporations, and conveyances thus made by such organizations, and associations shall convey good and fee simple title to said land.
- Conveyance by organization.
- Probate.
- Title.
- Laws not affected. SEC. 3. That nothing in this act shall be deemed in any manner to change the law with reference to the holding and conveyance of land by the trustees of churches or other voluntary organizations where such land is conveyed to and held by such trustees.
- When act effective. SEC. 4. This act shall be in force from and after its ratification, and shall expire by limitation on May the first, nineteen hundred and twenty-two.

Ratified this the 20th day of December, A.D. 1921.

CHAPTER 96

AN ACT TO REFUND TAXES ILLEGALLY COLLECTED AND PAID INTO THE STATE TREASURY.

The General Assembly of North Carolina do enact:

- Auditor to issue warrant. SECTION 1. Whenever taxes of any kind are or have been through clerical error, or misinterpretation of the law, or otherwise, collected and paid into the State Treasury in excess of the amount legally due the State, the State Auditor shall issue his warrant for the amount so illegally collected, to the person entitled thereto, upon certificate of the head of the department through which said taxes were collected or his successor in the performance of the functions of that department, with the approval of the Attorney-General, and the Treasurer shall pay the same out of any funds in the treasury not otherwise appropriated: *Provided*, demand is made for the correction of such error or errors within two years from the time of such payment: *Provided further*, that claims which have arisen within the five years next preceding the ratification of this act shall be presented and made within two years from the ratification of this act.
- Certificate of collection.
- Approval of Attorney-General.
- Proviso: time for demand.
- Proviso: time for demand on existing claims.

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

Ratified this the 19th day of December, A.D. 1921.

CHAPTER 97

AN ACT FOR THE BETTER ENFORCEMENT OF THE
AUTOMOBILE LAWS.

The General Assembly of North Carolina do enact:

- SECTION 1. That the Secretary of State be, and he is hereby authorized, to appoint, in his discretion, one or more discreet persons who shall be known as "Automobile Inspectors," and who, when commissioned and qualified as hereinafter provided, shall have the same police power in cases of the violations of the automobile laws as are now conferred on sheriffs, police, marshals, and other officers under chapter 55 of the Consolidated Statutes, and such powers shall run in all counties within the State.
- SECTION 2. Each inspector, before assuming his duties, shall be commissioned by the Governor and shall qualify before the clerk of the Superior Court of his county by taking the oath prescribed by law for justices of the peace.
- SECTION 3. Such inspectors may serve without compensation, or may receive such compensation as the Secretary of State may deem necessary, to be paid from the automobile fund provided for under chapter 2, Public Laws of 1921, by warrant of the Auditor on the Treasurer: *Provided*, said compensation shall be approved by the Governor and Council of State.
- SECTION 4. That it shall be the duty of all sheriffs, police officers, deputy sheriffs, deputy police officers, and all other officers within the State to coöperate with and render all assistance in their power to the inspectors herein provided for, and nothing in this act shall be construed as relieving said sheriffs, police officers, deputy sheriffs, deputy police officers, and other officers of the duties imposed on them by chapter 55 of the Consolidated Statutes.
- SECTION 5. All display numbers issued by the Secretary of State under chapter 55 of the Consolidated Statutes and amendments thereto shall be and remain the property of the State, and it shall be lawful for the Secretary of State or his agent to summarily take possession of any number which he has reason to believe is being illegally used, and to keep in his possession such number pending investigation and legal disposition of the same.
- SECTION 6. Any person who shall apply for the registration of a motor vehicle to the Secretary of State, and who shall willfully give or cause to be given a worthless check in payment therefor, or a fictitious, incomplete, or assumed name on the application for registration, or shall make any statement in connection with the application for registration with the intent to defraud the State, or who shall knowingly give a wrong postoffice address or any other information for the purpose of willfully hindering identification, or who shall knowingly use or allow to be used unlawfully any

Appointment of automobile inspectors.

Powers of inspectors.

Extent of jurisdiction.

Commission by Governor. Inspectors to qualify.

Compensation.

Proviso: approval of compensation.

County and municipal officers to cooperate with inspectors.

Duties of county and municipal officers to continue.

Display numbers property of State.

Seizure for improper use.

Fraud in securing registration and misuse of number plates misdemeanor.

Punishment. license number plate issued by the Secretary of State, shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned in the discretion of the court.

Preservation of display numbers. SEC. 7. It shall be the duty of each and every registered owner of a motor vehicle to keep the display number plate assigned to such motor vehicle reasonably clean and free from dust and dirt, and such registered owner, or any person in his employ, or who operates such motor vehicle by his authority, shall, upon the request of any proper officer immediately clean such display plate so that the numbers thereon may be readily distinguished, and any person who shall neglect or refuse to so clean a display number plate, after having been requested to do so, shall be guilty of a misdemeanor, and fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Display numbers to be cleaned on request. Failure a misdemeanor.

Punishment.

Operating with false numbers a misdemeanor. SEC. 8. Any person who shall willfully and with intent to defraud the State of registration fees due, operate a motor vehicle with a display number plate which has been repainted, or altered, or forged, or which was issued by the Secretary of State for a motor vehicle other than the one on which used, shall be guilty of a misdemeanor.

Alterations, disguise, or concealment of numbers misdemeanor. SEC. 9. Any operator of a motor vehicle who shall willfully and with intent to conceal the identity of such motor vehicle, or the identity of the registered owner thereof, mutilate, bend, twist, cover or cause to be covered or partially covered by any bumper, light, spare tire, tire-rack, strap, or other device, or who shall paint, enamel, emboss, stamp, print, perforate, or alter or add to or cut off any part or portion of a display number plate or the figures or letters thereon, or who shall place or deposit or cause to be placed or deposited any oil, grease, or other substance upon such display number plate for the purpose of making dust adhere thereto, or who shall deface, disfigure, change, or attempt to change any letter or figure thereon, or who shall display a number plate in other than a horizontal upright position, shall be guilty of a misdemeanor.

Exchange of plates misdemeanor. SEC. 10. Any registered owner of a motor vehicle who shall knowingly allow or permit the use of a display number plate issued to him to be taken from the motor vehicle for which it was issued and used on another motor vehicle by another person, shall be guilty of a misdemeanor.

Special numbers to dealers. SEC. 11. That section 2610 of the Consolidated Statutes, relating to the registration and licensing of dealers, be and the same is hereby repealed, and the following inserted in lieu thereof:

Applications. "2610. *Special numbers to dealers.* Every person, firm, association, or corporation manufacturing or dealing in motor vehicles may, instead of registering such motor vehicles so manufactured or dealt in, make application upon a blank to be furnished by the Secretary of State for a general distinctive number for all motor

vehicles owned or controlled for purposes of sale by such manufacturer or dealer, such application to contain such information as to name, style, and class of cars manufactured or dealt in by such person, firm, association, or corporation as the Secretary of State may require; and upon the payment of the registration fee hereinafter provided for, such person, firm, association, or corporation shall be assigned a distinctive number, together with a certificate of registration, made in such form and containing such information as the Secretary of State shall determine; and every motor vehicle owned or controlled by such manufacturer or dealer, except as hereinafter provided, shall be regarded as registered under and having assigned to it such general distinguishing number until sold or otherwise disposed of. No manufacturer or dealer shall operate any motor vehicle so registered for any other purpose than the trial or adjustment of such motor vehicle, or for its demonstration to a prospective buyer, or for some purpose incidental to the legitimate business of manufacturing, purchasing, exhibiting, selling, or repairing motor vehicles by such manufacturer or dealer. No motor vehicle registered under the provisions of this section shall be rented for hire or used for the purpose of conveying passengers or freight for hire. No person other than a *bona fide* manufacturer or dealer shall obtain or use a registration certificate or the corresponding number plate issued by authority of the provisions of this section; and no person who shall have registered a motor vehicle under the provisions of this section shall loan his number plate to any person. No registration of any manufacturer or dealer shall be transferable. The Secretary of State may at any time require that a manufacturer or dealer in motor vehicles shall prove that he is a *bona fide* manufacturer or dealer, and failure to so prove shall be sufficient cause for the cancellation of the registration of such manufacturer or dealer, and the Secretary of State shall take possession of and cancel the display numbers issued. No manufacturer or dealer, or any employee of such manufacturer or dealer, shall cause or permit the display or other use of any number plate or certificate of registration which may have been furnished to such manufacturer or dealer under the distinctive number herein provided for, except upon motor vehicles owned by such manufacturer or dealer within the meaning and intent of this section, and no person shall display or otherwise use or have in his possession for the purpose of using any registration certificate or display number, except such manufacturer or dealer, or his employees: *Provided*, that if the Secretary of State, upon receiving from any manufacturer or dealer an application for the issuance for the ensuing registration year of a certificate of registration and general distinguishing number provided for in this section, shall determine, upon due cause, that such manufacturer or dealer during the previous registration year has

Distinctive number and certificate of registration.

Operation under special numbers.

Renting forbidden.

Certificates to manufacturers or dealers only.

Loan of number plates forbidden.

Registration not transferable. Secretary may require proof.

Cause for cancellation.

Use of number plates and certificates.

Proviso: Secretary of State may refuse certificate.

- failed to comply with the requirements of this section respecting the use of numbers or filing of reports required by section 2606 of the Consolidated Statutes, the Secretary of State may refuse such application. Any person violating any provision of this section shall be guilty of a misdemeanor."
- Misdemeanor.
- Fees. SEC. 12. That section 28, chapter 2, Public Laws of 1921, be and the same is hereby amended by striking out the words "registration fee and first five plates" in line 28 thereof, and inserting in lieu thereof the words "registration fee and first plate."
- All vehicles to be registered. SEC. 13. That chapter 64, Public Laws, Extra Session of 1920, be and the same is hereby repealed, and it shall be unlawful for any motor vehicle mentioned therein to be operated on the public highways of this State from and after June 30, 1922, without having first been duly registered in the office of the Secretary of State as required by chapter 55 of the Consolidated Statutes and acts amendatory thereof: *Provided*, that the Secretary of State, upon proper proof being filed with him that any motor vehicle for which license is herein required is owned by the State or any department thereof, or by any county, township, city, or town, or by any board of education, may collect not exceeding one dollar for the registration and numbering of such motor vehicle: *Provided further*, that the term "owned" shall be construed to mean that such motor vehicle is the actual property of the State or some department thereof, or of the county, township, city, or town, or of the board of education, and no motor vehicle which is the property of any officer or employee of any department named herein shall be construed as being "owned" by such department. Any person operating a motor vehicle in violation of any provision of this section shall be guilty of a misdemeanor, and upon conviction shall be fined not more than \$50 or imprisoned not more than 30 days.
- Fee as to vehicles operated by public officers.
- Proviso: definition of "owned."
- Misdemeanor.
- Punishment.
- Repealing clause. SEC. 14. That all laws and clauses of laws in conflict with this act are hereby repealed.
- SEC. 15. That this act shall be in force from and after its ratification.
- Ratified this the 19th day of December, A.D. 1921.

CHAPTER 98

AN ACT TO AMEND SECTION 2618 OF THE CONSOLIDATED STATUTES, RELATING TO THE REGULATION OF SPEED ON THE PUBLIC HIGHWAYS.

The General Assembly of North Carolina do enact:

- Section amended. SECTION 1. That section two thousand six hundred and eighteen of the Consolidated Statutes be and the same is hereby amended by striking from line five the word "eighteen" and inserting in lieu

thereof the word "twenty," and by striking from line eight the word "twenty-five" and inserting in lieu thereof the word "thirty."

Speed limits.

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

Repealing clause.

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

Ratified this the 20th day of December, A.D. 1921.

CHAPTER 99

AN ACT TO AMEND CHAPTER 90, SCHEDULE B, SECTION 50, OF THE PUBLIC LAWS OF 1919, RELATING TO THE TAX ON BOWLING ALLEYS.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter ninety, Schedule B, section fifty, of the Public Laws of one thousand nine hundred and twenty-one, be and the same is hereby amended by inserting between the word "pool-rooms" and the word "at" in line twenty-one, the words "and bowling alleys."

Half tax at winter or summer resorts.

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 full force and effect from and after its ratification.

Ratified this the 19th day of December, A.D. 1921.

CHAPTER 100

AN ACT TO AUTHORIZE THE COMMISSIONER OF REVENUE AND HIS DEPUTIES TO ADMINISTER OATHS.

The General Assembly of North Carolina do enact:

SECTION 1. The Commissioner of Revenue is authorized and empowered to administer the oath of office to any and all of his deputies.

Commissioner to administer oaths to deputies.

SEC. 2. In all matters concerning revenue and taxation in the State of North Carolina, the Commissioner of Revenue and any and all of his deputies duly appointed by him are authorized and empowered to administer oaths and to take affidavits: *Provided*, that no fees shall be charged for such duties.

Commissioners and deputies to administer oaths.

Proviso: no fees to be charged.

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

Ratified this the 19th day of December, A.D. 1921.

CHAPTER 101

AN ACT TO PROVIDE A DATE FOR THE PAYMENT OF BUILDING AND LOAN TAXES.

The General Assembly of North Carolina do enact:

SECTION 1. Amend section seven thousand eight hundred and thirty-seven of the Consolidated Statutes by adding at the end thereof the following: "Taxes levied under this section shall be payable on or before November first of each year."

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

SEC. 3. This act shall be in force from and after its ratification. Ratified this the 20th day of December, A.D. 1921.

CHAPTER 102

AN ACT TO AMEND CHAPTER 34 OF THE PUBLIC LAWS OF 1921, BEING AN ACT TO RAISE REVENUE, RELATIVE TO PRIVILEGE TAX AND TO INCOME TAX ON RAILROADS.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter thirty-four, Public Laws of one thousand nine hundred and twenty-one, section seventy-eight, be and the same is hereby amended by striking out the word "obsolete" and by inserting the amended section hereinafter set forth in section two of this act.

SEC. 2. That chapter thirty-four, Public Laws of one thousand nine hundred and twenty-one, section eighty-two, subsection six and one-half (6½), be and the same is hereby amended so as to read as hereinafter set forth in this section, and as so amended the said subsection six and one-half be and it is hereby transposed from the said section eighty-two to section seventy-eight of the said chapter, to stand as section seventy-eight of the said chapter, and to read as follows, to wit:

PRIVILEGE TAX ON RAILROADS

Privilege tax on
railroads.
Reports required.

Every railroad company doing business in this State shall annually, on or before the thirtieth day of July, make and return to the Commissioner of Revenue, in such form and upon such blanks as shall be required and furnished by him, and giving such information as he shall require for the purpose of carrying out the provisions of this section, a report upon which the Commissioner of Revenue shall ascertain and certify to the State Auditor the value upon which the amount of tax to be paid by any such railroad as a license or privilege tax shall be calculated. The value

Ascertainment
and certificate of
value.

Basis of valuation.

upon which such calculation shall be made by the State Auditor, and the measure of the extent to which every such railroad company is carrying on intrastate commerce within the State of North Carolina, shall be the value of the total property, tangible and intangible, in this State, of each such railroad company as assessed for *ad valorem* taxation for the year in which such report is made. The tax which every railroad company shall pay for the privilege of carrying on intrastate commerce within this State shall be one-tenth of one per cent of the value so ascertained and certified by the Commissioner of Revenue, and such tax shall be due and payable on or before the fifteenth day of October in each year. If any such company shall fail to make the report provided for it shall be the duty of the Commissioner of Revenue to make an approximation from the reports and records on file in the State Department of Revenue of the value upon which the amount of tax due by the said company under this section shall be calculated, and to certify the said value to the State Auditor. Upon that value the State Auditor shall then calculate the amount of the said tax, as hereinbefore provided, and shall certify the same to the State Treasurer for collection. No county, city, or town shall be allowed to collect any taxes under this section: *Provided*, that it is the intention of this section to levy upon railroads a license or privilege tax for the privilege of engaging in intrastate commerce carried on wholly within the State of North Carolina and not a part of interstate or foreign commerce; that the tax provided for in this section is not intended to be a tax on the privilege of engaging in interstate commerce, nor is it intended to be a tax on the business of interstate commerce, nor is it intended to be a tax having any relation to the interstate or foreign business or commerce in which any such railroad company may be engaged in addition to its business in this State.

SEC. 3. That chapter thirty-four, Public Laws of one thousand nine hundred and twenty-one, section eighty-two, subsection nine (9), be and the same is hereby amended by inserting the word "railroads" in line two thereof between the words "to" and "banks."

SEC. 4. That chapter thirty-four, Public Laws of one thousand nine hundred and twenty-one, and Schedule D thereof, being an act providing for the levying, collecting, and paying of an income tax on individuals and corporations, and known as the Income Tax Act of one thousand nine hundred and twenty-one, and section one hundred and one thereof, be and the same is hereby amended by striking out of the last paragraph of the said section everything from the word "in" in line two of the said paragraph to the word "is" in line four of the said paragraph, both words inclusive, so that the said paragraph shall read as follows: "The tax imposed

Rate of tax.

When tax payable.

Ascertainment of value on failure to report.

Calculation.

Municipalities not allowed to collect tax.

Proviso: tax limited to intrastate privilege.

Interstate commerce exempt.

Railroads elsewhere taxed.

Income tax additional.

upon the net income of corporations in this schedule is in addition to the tax imposed under Schedule C of this act."

Verbal amend-
ments.

SEC. 5. That section two hundred and one, article two, of Schedule D, of the said chapter thirty-four of the Public Laws of one thousand nine hundred and twenty-one, be and the same is hereby amended by striking out everything from the word "a" in the second line of the said section to the word "business" in the third line thereof, both words and the comma inclusive, and substituting therefor the words "an income tax"; and by striking out the words "a franchise or excise tax" in line seven of the said section and substituting therefor the words "an income tax," so that the first paragraph of the said section shall read as follows:

Section as
amended.

SECTION 201. *Corporations.* Every corporation organized under the laws of this State shall pay annually an income tax equivalent to three per cent of the entire net income of such corporation, as herein defined, received by such corporation during the income year; and every foreign corporation doing business in this State shall pay annually an income tax equivalent to three per cent of a proportion of its entire net income, to be determined according to the following rules:

Tax on net
income.

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

Ratified this the 19th day of December, A.D. 1921.

CHAPTER 103

AN ACT TO AMEND CHAPTER 38, PUBLIC LAWS OF 1921, IN RELATION TO THE ASSESSMENT OF PROPERTY AND THE COLLECTION OF TAXES OF RAILROADS.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter thirty-eight, Public Laws of nineteen hundred and twenty-one, known as the Machinery Act of one thousand nine hundred and twenty-one, section sixty-five, be and the same is hereby amended by adding to the said section sixty-five a second proviso, as follows, to wit: *Provided further*, that railroads subject to the provisions of this act shall in every instance have the same right of appeal from any assessment, ruling, finding, order, or other action by the Commissioner of Revenue as is provided for and given to other corporations in section forty-three of this act, and under the same rules and conditions prescribed in the said section.

Proviso: right of
appeal.

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

Ratified this the 15th day of December, A.D. 1921.

CHAPTER 104

AN ACT TO CLARIFY SECTION 60 OF CHAPTER 34 OF THE PUBLIC LAWS OF 1921. WITH REFERENCE TO BUILDING AND LOAN ASSOCIATIONS.

The General Assembly of North Carolina do enact:

SECTION 1. That section sixty of chapter thirty-four of the Public Laws of one thousand nine hundred and twenty-one be amended by striking out the word "share" in the fifth line and inserting in lieu thereof the words "one hundred dollars paid into and held by such association on account of shares." Tax on shares.

SEC. 2. 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 full force and effect from and after its ratification.

Ratified this the 19th day of December, A.D. 1921.

CHAPTER 105

AN ACT TO AMEND SECTION 301, CHAPTER 34, PUBLIC LAWS OF 1921, KNOWN AS THE REVENUE ACT.

The General Assembly of North Carolina do enact:

SECTION 1. That section three hundred and one of chapter thirty-four of the Public Laws of one thousand nine hundred and twenty-one, known as the Revenue Act, be amended by adding thereto the following paragraph as paragraph

(g) In the case of insurance companies or associations paying a tax on their gross premium receipts, in addition to the above: Deduction from gross income.

(A) The net addition required by law to be made within the taxable year to reserve funds (including the actual deposit of sums with the Commissioner of Insurance or the Treasurer of the State pursuant to law as additions to guarantee or reserve funds for benefit of policyholders in this State), for the business done in the tax year in the State of North Carolina; and (B) the sums paid within the taxable year on policy and annuity contracts to policyholders in the State of North Carolina; (C) the said insurance companies are and shall be permitted to deduct the tax paid under the provisions of the income tax law of this State from the amount of tax paid under section sixty-seven of chapter thirty-four, Public Laws, of one thousand nine hundred and twenty-one, being known as the Revenue Act. Net addition to reserve fund.

Payments on policy and annuity contracts.

Taxes.

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

Ratified this the 19th day of December, A.D. 1921.

CHAPTER 106

AN ACT TO AMEND AND RE-ENACT THE MUNICIPAL FINANCE ACT, BEING SECTIONS 2918 TO 2969, CONSOLIDATED STATUTES OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Sections of law amended and re-enacted.

SECTION 1. That sections two thousand nine hundred and eighteen to two thousand nine hundred and sixty-nine, inclusive, of the Consolidated Statutes of North Carolina be and are hereby amended and reënacted to read as follows:

SUBCHAPTER III. MUNICIPAL FINANCE ACT

ARTICLE 23. GENERAL PROVISIONS

- Short title. 2918. *Short title.* This act may be cited as "The Municipal Finance Act, 1921."
- Terms defined. 2919. *Meaning of terms.* In this act, unless the context otherwise requires, the expressions:
- 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 December sixth, one thousand nine hundred and twenty-one, 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. "Local improvement" means any improvements or property the cost of which has been or is to be specially assessed in whole or in part;
- Municipality. "Municipality" means and includes any city, town, or incorporated village in this State, now or hereafter incorporated;
- Necessary expense. "Necessary expenses" means the necessary expenses referred to in section seven of article seven of the Constitution of North Carolina;
- Publication. "Publication" includes posting in cases where posting is authorized by this act as a substitute for publication in a newspaper;
- Refunding bonds. "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;
- Special assessments. "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.
- Specially assessed.

2920. *Publication of ordinance and notices.* 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, in 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.

2921. *Application and construction of act.* This act shall apply to all municipalities. 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.

Application and construction of act.

ARTICLE 24. BUDGET AND APPROPRIATIONS

2922. *The fiscal year.* 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.

Fiscal year.

2923. *Budget prepared.* Not earlier than one month before, nor later than one month after the beginning of each fiscal year of a municipality, 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.

Preparation of budget.

Basis of budget.

2924. *What budget shall contain.* The budget shall present the following information:

Contents of budget.

1. An itemized estimate of the appropriations necessary to be made for the current expenses and for permanent improvements for each department and division of the municipal government for the fiscal year (exclusive of expense to be paid for by means of bonds issued under article twenty-six of this chapter), 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 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 expenses.

Contingent fund.

2. An itemized estimate of the taxes required and of the estimated revenues of the municipality from all other sources for the fiscal year, the unencumbered balances of the 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 preceding fiscal years.

Itemized estimate of taxes and revenue.

Statement of financial condition.

Other information.

Copy of budget filed.

Public hearing.

Fiscal year may be changed.

Budget and appropriation ordinance.

Time for adoption of budget.

Annual appropriation ordinance.

Limit of appropriations.

Temporary appropriations.

Purposes.

Amendment of appropriations.

Amendatory ordinance to be published.

Proviso: amendment within last quarter.

3. A statement of the financial condition of the municipality, and such other information as the governing body may deem advisable to state.

2925. *Copy of budget filed for 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.

2926. *Change of fiscal year.* 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.

2927. *Annual appropriation ordinance.* Not later than one month after the beginning of the fiscal year, the governing body shall pass the annual appropriation ordinance for the fiscal year, which shall be based on the budget. The total amount of appropriations shall not exceed the total of the estimated revenue, unencumbered balances and surplus receipts.

2928. *Appropriations made before annual ordinance.* 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 employees 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 ordinances for that year.

2929. *Amendment of appropriations.* 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, unless it be for the appropriation of available revenues not included in the annual budget, 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 three months of a fiscal year, without any previous publication or notice.

2930. *Balances revert for future appropriations.* At the close of each fiscal year the unencumbered balance of each appropriation shall revert to the general fund, and shall be subject to future appropriation.

Balances subject to future appropriations.

2931. *Funds specially applied not affected.* 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 revenue shall nevertheless be included in the budget.

Funds appropriated by statutes.

ARTICLE 25. TEMPORARY LOANS

2932. *Money borrowed to meet appropriations.* 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 appropriations. 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 in anticipation of collections.

Payment of loans.

Budget to provide for payment of loans.

2933. *Money borrowed to pay judgments or interest.* For the purpose of paying a judgment recovered against a municipality, or paying the principal or interest of bonds due or to become due within two months and not otherwise adequately 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 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 or judgments against a municipality amount to more than one cent 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.

Loans to pay judgments or interest.

Time for payment.

Loans exceeding one per cent of tax values.

2934. *Money borrowed in anticipation of bond sales.* At any time after a bond ordinance has taken effect as provided in article twenty-six herein, 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,

Loans in anticipation of bond sales.

Maximum amount.

Time of payment.

Power to retire loans.

Provide: reduction of bond issue.

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.

Negotiable notes.	2935. <i>Notes issued for temporary loans.</i> Negotiable notes shall be issued for all moneys borrowed under the last two sections.
Renewal.	Such notes may be renewed from time to time and money may be borrowed upon notes from time to time for the payment of any indebtedness evidenced thereby, but all such notes shall mature within the time limited by said sections for the payment of the original loan. No money shall be borrowed under said sections at a rate of interest exceeding the maximum rate permitted by law. The said notes may be disposed of by public or private negotiations. 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 any 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 two thousand nine hundred and fifty-four of this subchapter 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.
Final limit.	
Interest rate.	
Sale of notes. Resolution for temporary loans.	
Delegation of powers.	
Execution of notes.	
Approval of attorney.	

ARTICLE 26. PERMANENT FINANCING

Permanent financing.	
Temporary loans excepted.	2936. <i>Not applied to temporary loans.</i> The provisions of this article shall not apply to temporary loans made under article twenty-five, unless otherwise provided in said article.
Purposes of bond issue.	2937. <i>For what purposes bonds may be issued.</i> A municipality may issue its negotiable bonds for any one or more of the following purposes:
Current expenses barred.	1. For any purpose or purposes for which it may raise or appropriate money, except for current expenses.
To fund or refund debts heretofore incurred.	2. To fund or refund a debt of the municipality incurred before December fifth, nineteen hundred and twenty-one, if such debt be payable at the time of the passage of the ordinance authorizing bonds to fund or refund such debt or be payable within one year thereafter, or if such debt, although 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: <i>Provided, however,</i> that bonds shall not be issued to refund serial bonds which mature in installments as provided in section two thousand nine hundred and fifty-two.
Proviso: serial bonds not refunded.	

2938. Ordinance for bond issue :

- 1. *Ordinance required.* All bonds of a municipality shall be authorized by an ordinance passed by the governing body. Bond issues to be ordered by ordinance.
- 2. *What ordinance must show.* The ordinance shall state : Ordinance shall state :
 - a. In brief and general terms the purpose for which the bonds are to be issued ; Purpose of issue.
 - b. The maximum aggregate principal amount of the bonds ; Maximum amount.
 - c. That a tax sufficient to pay the principal and interest of the bonds shall be annually levied and collected ; Tax for principal and interest.
 - d. That a statement of the debt of the municipality has been filed with the clerk and is open to public inspection. Statement of debt.

e. One of the following provisions :

(1) If the bonds are funding or refunding bonds 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, that the ordinance shall take effect upon its passage, and shall not be submitted to the voters ; or Ordinances taking effect on passage.

(2) If the bonds are for a purpose other than the payment of necessary expenses, or if the governing body, although not required to obtain the assent of the voters before issuing the bonds, deems it advisable to obtain such assent, that the ordinance shall take effect when approved by the voters of the municipality at an election as provided in this act ; or Ordinances taking effect on approval of voters.

(3) In any other case, 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 the voters of the municipality at an election as provided in this act. Ordinances taking effect thirty days after publication.

3. *When the ordinance takes effect.* 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. When ordinances effective.

4. *Need not specify location of improvement.* 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 sections two thousand nine hundred and forty-two of this subchapter 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. Specification of contemplated improvements.

2939. *Ordinance not to include unrelated purposes.* Bonds for two or more unrelated purposes, not of the same general class or Bonds for unrelated purposes.

Proviso: bonds for separate improvements of like character.

Consolidation of bond issues.

Bond ordinance before filing of petitions for improvements.

Bonds not issued nor loans contracted until petitions filed.

Determination of cost of work.

Bond ordinance effective from passage.

Proviso: special assessments.

Maturity of bonds.

Governing body to determine and declare.

Probable life of improvements and properties.

Term of funding or refunding bonds.

Unexpired life of improvements.

Averages in consolidated issues.

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 four of section two thousand nine hundred and forty-two of this subchapter may be treated as being but for one purpose, and may be authorized by the same bond ordinance. After two or more bond ordinances have been passed, the governing body may, in its discretion, direct all or any of the bonds authorized by the ordinances to be actually issued as one consolidated bond issue.

2940. (*Obsolete.*)

2941. *Ordinance and bond issue; when petition required.* 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. 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.

2942. Determining periods for bonds to run:

1. *How periods estimated.* 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 four of this section, determine and declare:

a. The probable period of usefulness of the improvements or properties for which the bonds are to be issued; or

b. If the bonds are to be funding or refunding bonds, either the shortest period in which the debt to be funded or refunded 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.

2. 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 authorized by but one ordinance for several related purposes in respect of which several different periods are determined as aforesaid, the governing body shall also deter-

mine the average of the different periods so determined, taking into consideration the amount of bonds to be issued on account of each purpose or item in respect of which a period is determined.

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.

Computation of period.

Determinations conclusive.

3. *Maturity of bonds.* The bonds must mature within the period determined as aforesaid, or, if several different periods are so determined, then within said average period.

Maturity of bonds.

4. *Periods of usefulness.* 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.:

Periods of usefulness.

a. Sewer systems (either sanitary or surface drainage), forty years.

Sewer systems.

b. Water supply systems, or combined water and electric light systems, or combined water, electric light, and power systems, forty years.

Water, light, and power systems.

c. Gas systems, thirty years.

Gas systems.

d. Electric light and power systems, separate or combined, thirty years.

Electric light and power systems.

e. Plants for the incineration or disposal of ashes, or garbage, or refuse (other than sewage), twenty years.

Crematories.

f. Public parks (including or not including a playground, as a part thereof, and any buildings thereon at the time of acquisition thereof, or to be erected thereon, with the proceeds of the bonds issued for such public parks), fifty years.

Public parks.

g. Playgrounds, fifty years.

Playgrounds.

h. Buildings for purposes not stated in this section, if they are:

Buildings:

(1) 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 materials are 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.

Of fireproof construction.

(2) Of nonfireproof construction, that is, a building the outer walls of which are constructed of brick, stone, iron, or other hard,

Nonfireproof construction.

	incombustible materials, but which in any other respect differs from a fireproof building as defined in this section, thirty years.
Of other construction.	(3) Of other construction, twenty years.
Bridges and culverts.	<i>i.</i> Bridges and culverts (including retaining walls and approaches), forty years, unless constructed of wood, and in that case, ten years.
Lands.	<i>j.</i> Lands for purposes not stated in this section, fifty years.
Roads, streets or highways.	<i>k.</i> Constructing or reconstructing the surface of roads, streets, or highways, whether including or not including contemporaneous constructing or reconstructing of sidewalks, curbs, gutters, or drains, and whether including or not including grading, if such surface : (1) Is constructed of sand and gravel, five years ; (2) Is of waterbound macadam or penetration process, ten years ; (3) Is of bricks, blocks, sheet asphalt, bitulithic, or bituminous concrete, laid on a solid foundation, or is of concrete, twenty years.
Sand and gravel.	
Waterbound macadam.	
Bricks, blocks, asphalt, or concrete.	<i>l.</i> Land for roads, streets, highways, or sidewalks, or grading, or constructing or reconstructing culverts, or retaining walls, or surface, or subsurface drains, fifty years.
Lands.	
Sidewalks.	<i>m.</i> Constructing sidewalks, curbs, or gutters of brick, stone, concrete, or other material of similar lasting character, twenty years.
Systems of communication.	<i>n.</i> Installing fire or police alarms, telegraph or telephone service, or other system of communication for municipal use, thirty years.
Fire engines and other vehicles.	<i>o.</i> 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.
Land for cemeteries.	<i>p.</i> Land for cemeteries, or the improvement thereof, thirty years.
Service mains.	<i>q.</i> 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.
Elimination of grade crossings.	<i>r.</i> The elimination of any grade crossing or crossings and improvements incident thereto, thirty years.
Other equipment, apparatus, or furnishings.	<i>s.</i> Equipment, apparatus, or furnishings not included in the foregoing clauses of this subsection, ten years.
Other improvements or properties.	<i>t.</i> Any improvement or property not included in other clauses of this subsection, forty years.
Properties to which periods are applicable.	<i>5. Improvements and properties defined.</i> The maximum periods fixed herein for the improvements and properties mentioned in clauses numbered from <i>a</i> to <i>i</i> , both inclusive, of subsection 4 of this section shall be applied thereto whether such improvements or properties are to be acquired, constructed, reconstructed, enlarged, or extended, in whole or in part, and whether the same are to include or are not to include buildings, lands, rights in lands, furnishings, equipment, machinery, or apparatus constituting a part of said improvements or properties at the time of acquisition, con-

struction, or reconstruction. If the improvements of properties are to be an enlargement or extension of existing properties or improvements, the probable period of usefulness to be determined as aforesaid may be either that of the existing properties or improvements; or that of the enlargement or extension. Bonds for any or all improvements or properties included in any one clause of subsection 4 above may for the purposes of this section be deemed by the governing body to be for but one improvement or property.

Enlargements and extensions.

Bonds for improvements of like classification.

6. *Kind of construction determined.* If the bonds are for a building referred to in clause *h* of subsection 4 above, 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 *k* of subsection 4 above, 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.

Determination of classification.

7. *Shortest period of payment.* In determining, for the purpose of this section, the shortest period in which a debt to be funded or refunded hereunder 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:

Determination of shortest period of payment.

a. Thirty years, if funding bonds are to be issued.

Thirty years.

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 two thousand nine hundred and forty-three, is not more than four per centum of the assessed valuation set forth in said statement.

Thirty years.

c. Forty years, if refunding bonds are to be issued, and said net debt is more than four but not more than five per centum of said assessed valuation.

Forty years.

d. Fifty years, if refunding bonds are to be issued, and said net debt is more than five per centum of said assessed valuation.

Fifty years.

2943. Sworn statement of indebtedness:

1. *What shall be shown.* After the introduction and before the final passage of a bond ordinance an officer designated by the governing body for that purpose shall file with the clerk a statement showing the following:

Statements to be filed before passage of ordinance.

(a) The gross debt (which shall not include debt incurred or to be incurred in anticipation of the collection of taxes or in anticipation of the sale of bonds other than funding and refunding bonds), which gross debt shall be as follows:

Gross debt.

(1) Outstanding debt incurred before December sixth, one thousand nine hundred and twenty-one, not evidenced by bonds.

Outstanding floating debt.

(2) Outstanding bonded debts.

Outstanding bond debt.

Bonded debt to be incurred.	(3) Bonded debt to be incurred under ordinances passed or introduced.
Deductions.	(b) The deductions to be made from gross debt in computing net debt, which deductions shall be as follows:
Unissued funding bonds.	(1) Amount of unissued funding or refunding bonds included in gross debt.
Amount of sinking fund or other funds.	(2) Amount of sinking funds or other funds held for the payment of any part of the gross debt other than debt incurred for water, gas, electric light, or power purposes or two or more of said purposes.
Uncollected special assessments.	(3) The amount of uncollected special assessments theretofore levied on account of local improvements for which any part of the gross debt was or is to be incurred which will be applied when collected to the payment of any part of the gross debt.
Amount of special assessments to be levied.	(4) The amount, as estimated by the engineer of the municipality or officer designated for that purpose by the governing body or by the governing body itself, of special assessments to be levied on account of local improvements for which any part of the gross debt was or is to be incurred, and which, when collected, will be applied to the payment of any part of the gross debt.
Bonded debt for water, gas, light, and power systems.	(5) The amount of bonded debt included in the gross debt and incurred, or to be incurred, for water, gas, electric light or power purposes, or two or more of said purposes.
Net debt.	(c) The net debt, being the difference between the gross debt and the deductions.
Assessed valuation of property.	(d) The assessed valuation of property as last fixed for municipal taxation.
Percentage.	(e) The percentage that the net debt bears to said assessed valuation.
Limitation.	2. <i>Limitations upon passage of ordinance.</i> The ordinance shall not be passed unless it appears from said statement that the said net debt does not exceed eight (8) per cent of said assessed valuation, unless the bonds to be issued under the ordinance are to be funding or refunding bonds, or are bonds for water, gas, electric light or power purposes, or two or more of said purposes.
Statements filed for inspection. Statements deemed true.	3. <i>Statement filed for inspection.</i> Such statements 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 2945 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.
Impeachment of statements.	2944. <i>Publication of bond ordinance.</i> A bond ordinance shall be published once in each of two successive weeks after its final passage. A notice substantially in the following form (the blanks
Publication of bond ordinance.	
Form of notice.	

being first properly filled in), with the printed or written signature of the clerk appended thereto, shall be published with the ordinance:

The foregoing ordinance was passed on the.....day of....., 19....., and was first published (or posted), on the.....day of....., 19.....

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).

2945. *Limitation of action to set aside ordinance.* Any 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 first publication of the notice aforesaid and the ordinance or supposed ordinance referred to in the notice. After the expiration of such 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 such period.

Limitation of action.

Actions barred.

2946. (*Obsolete.*)

2947. Ordinance requiring popular vote:

1. *Petition filed.* A petition demanding that a bond 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 twenty-five per centum of the total number of registered voters in the municipality as shown by the registration books for the last preceding election for municipal officers 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 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.

Petition for election.

Specification of requirements.

Verification of signatures.

Need not contain text.
Separate sheets.

3. *Sufficiency of petition.* 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.

Clerk to investigate sufficiency of petition.

Determination of sufficiency.

2948. Elections on bond issue:

Majority of registered voters.

1. *What majority required.* 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.

Majority of votes cast.

Time for election.

2. *When election held.* 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 one month before or after a regular election. Several ordinances or other matters may be voted upon at the same election.

Special elections.

Limitations.

Separate matters voted on.

New registration.

Time of registration.

Election officers.

Proviso: registration on Saturdays.
Sufficiency of notice.

Change of registrar.

Notice of election.

Statements to be made.

3. *New registration.* The governing body of the city or town in which such election is held may, in their discretion, order a new registration of the voters for such election. The books for such new registration shall remain open in each precinct from nine a. m. to six p. m. on each day, except Sundays and holidays, for three weeks, beginning on a Monday morning and ending on the second Saturday evening before the election. A registrar and two judges of election shall be appointed by the governing body for each precinct: *Provided*, that the books shall be open at the polling places on each Saturday during the registration period. Sufficient notice shall be deemed to have been given of such new registration and of the appointment of the election officers if a notice thereof be published at least thirty (30) days before the closing of the registration books, stating the hours and days for registration. It shall not be necessary to specify in said notice the places for registration. In case the registrar shall fail or refuse for any cause to perform his duties, it shall be lawful for the clerk to appoint another person to perform such duties, and no notice of such appointment shall be necessary.

4. *Notice of election.* A notice of the election shall be deemed sufficiently published if published once not later than twenty days before the election. Such notice shall state the maximum amount of the proposed bonds and the purpose thereof, and the fact that a tax will be levied for the payment thereof. The date of the election shall be stated therein.

5. *Ballots.* A ballot or ballots shall be furnished to each qualified voter at said election, which ballots may contain the words "for the ordinance authorizing \$..... bonds (briefly stating the purpose), and a tax therefor," and "against the ordinance authorizing \$..... bonds (briefly stating the purpose), and a tax therefor," and if one ballot contains the two alternatives it may contain squares in one of which the voter may make a (X) mark, but this form of ballot is not prescribed.

Ballots.

6. *Returns canvassed.* The officers appointed to hold the 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 governing body shall canvass the returns, and shall include in their canvass the votes cast and the number of voters registered and qualified to vote in the election, and shall judicially determine and declare the result of the election.

Return of votes.

Canvass of returns.

7. *Application of other laws.* Except as herein otherwise provided, the registration and election shall be conducted in accordance with the laws then governing elections for municipal officers in such municipality, and governing the registration of the electors for such election of officers.

Application of general law.

8. *Statement of result.* The 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 the board and delivered to the clerk of the municipality, who shall record it in the book of ordinances of the municipality and file the original in his office and publish it once.

Certificate of result.

Record of certificate. Original filed.

9. *Limitation as to actions.* 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 thirty days after the publication of such statement: *Provided*, that sections 2947 and 2948 shall not apply to the incorporated towns of Madison County.

Limitation of actions as to election.

Proviso: towns excepted.

2949. *Preparation for issuing bonds.* 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.

Preparation for bond issue.

2950. *Within what time bonds issued.* After a bond ordinance takes effect, bonds may be issued in conformity with its provisions at any time within three years after the ordinance takes effect, unless the ordinance shall have been repealed, which repeal

Time for issuance of bonds.

Repeal of ordinance.

Notes barring repeal.	is permitted (without the privilege of referendum upon the question of appeal), unless notes shall have been issued on anticipation of the receipts of the proceeds of the bonds and shall be outstanding.
Determination of terms of bonds.	2951. <i>Amount and nature of bonds determined.</i> 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.
Bonds payable in installments.	2952. <i>Bonded debt payable in installments.</i> Each bond issue made under 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 within the period determined and declared pursuant to section two thousand nine hundred and forty-two of this subchapter. 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.
Times of maturity.	
Proportion of installments.	
Bonds issued at intervals.	
Medium and place of payment.	2953. <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 of bonds.	2954. <i>Formal execution of bonds.</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 clerk, and the corporate seal of the municipality shall be affixed to the bonds. The bonds may have coupons attached for the interest to be paid thereon, which coupons shall bear a facsimile signature of the clerk 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.
Execution.	
Coupons.	
Delivery.	
Bonds and coupons payable to bearer.	2955. Registration and transfer of bonds: 1. <i>Bonds payable to bearer.</i> 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.

2. *Registration and effect.* 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 body 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. 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.
3. *Registration and transfer noted on bond.* Upon the registration or transfer of a bond as aforesaid, the bond registrar shall note such registration or transfer on the 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. *Agreement for registration.* A municipality may, by recital in its bonds, agree to register the bonds as to principal only, or agree to register them either as to principal only or as to both principal and interest at the option of the bondholder.
2956. *Sale of bonds.* All bonds of a municipality shall be sold at not less than par. They shall be advertised and sold upon sealed proposals, or at public auction, unless the sale 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 be not less than ten days after the first publication of the notice. The notice shall state that bidders must present with their bids a certified check upon an incorporated bank or trust company, payable to the order of the municipality or of an executive, financial or clerical officer thereof, or a sum of money for or in an amount equal to two (2) per centum of the face amount of bonds bid for, to secure the municipality against any loss resulting from a failure of the bidder to comply with the terms of his bid. The said notice shall be published not only in the manner prescribed by section two thousand nine hundred and twenty, but also at least ten days before the expiration of the time limited for the receipt of bids, in a financial paper or trade journal published within the State of
- Registrar or transfer agent.
- Bonds registered at request of owner.
Payable to registered owner.
- Transfer of registered bonds.
- Registration and transfer noted on bonds.
Coupons canceled on registration of bond.
- Recital of agreement in bonds.
- Sale below par forbidden.
- Advertisement of sale.
- Guaranty of bids.
- Publication of notice.

Determination as to financial or trade journal.	North Carolina, which publishes from time to time notices of the sale of municipal bonds; and the determination of the governing body that the paper or journal named for said publication is such financial paper or trade journal, and that it publishes from time to time notices of the sale of municipal bonds shall be conclusive.
Bids opened.	Proposals submitted pursuant to such notices shall be opened in public and the bonds shall be awarded to the highest bidder,
Awarded.	unless all bids are rejected. The governing body may delegate the power to sell bonds to a committee thereof, or any two officers, but every private sale of bonds shall be made or confirmed
Delegation of powers.	by the governing body. Bonds of the municipality sold out of a sinking fund of a municipality shall be sold as provided in this section, except that such bonds may be sold for less than par.
Confirmation of sales. Sales out of sinking fund.	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 rate of interest which the bonds are to bear.
Sales at lowest interest.	2957. <i>Application of funds.</i> The proceeds of the sale of bonds 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: <i>Provided, however,</i> 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 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.
Application of proceeds.	2958. <i>Bonds incontestable after delivery.</i> 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.
Proviso: balance to purchase of bonds.	2959. <i>Taxes levied for payment of bonds.</i> The full faith and credit of the 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: <i>Provided, however,</i> that such tax may be reduced by the amount of other moneys appropriated and actually available for such purpose.
Cost of preparation, issuance, and marketing.	
Bonds incontestable after delivery.	
Faith and credit pledged for payment.	
Taxes.	
Proviso: reduction of tax.	

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 money derived from the collection of special assessments for local improvements for which bonds or notes were issued shall be placed in a special fund and used only for the payment of bonds or notes issued for the same or other local improvements.

Application of revenue from bonded enterprises.

Application of special assessments.

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.

Power to levy taxes.

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.

Taxes for payment of bonds not subject to limitations.

Levy and collection of taxes.

ARTICLE 27. RESTRICTIONS UPON THE EXERCISE OF MUNICIPAL POWERS. Restrictions on powers as to:

2960. In borrowing or expending money:

1. No municipality shall:

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; Incurring debt.

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 Entrance into contracts.

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.

Authorization of bond issue and appropriation.

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.

Passage of ordinances and resolutions.

2961. *Manner of passing ordinances and resolutions.* 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: *Provided, however,* 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.

Proviso: approval of acts and ordinances.

Enforcement of orders of court.

2962. *Enforcement of act.* 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.

Tax for general purposes.

2963. *Limitation of tax for general purposes.* 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 it 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 on the one hundred dollars valuation of said property, notwithstanding any other law, general or special, heretofore or hereafter enacted, except a law hereafter enacted expressly repealing or amending this section: *Provided,* that in cities where the taxable values for the year 1920 amounted to one hundred million dollars or more, the rate of taxation for general purposes shall not exceed sixty-five (65) cents on the one hundred dollars valuation.

Limit of rate.

Proviso: rate in larger cities.

Certain taxes validated.

2964. *Certain taxes validated.* All taxes levied by any municipality after the enactment of chapter one hundred and thirty-eight of public laws of one thousand nine hundred and seventeen, and prior to December sixth, one thousand nine hundred and twenty-one, are hereby ratified and validated, notwithstanding

the rate of said taxes exceeded the maximum rate prescribed by law, or any other defect or irregularity in the levy thereof.

2965. *Outstanding floating debt validated, and may be funded.* All floating or other indebtedness, not evidenced by bonds, which was outstanding on December sixth, one thousand nine hundred and twenty-one, and was incurred by a municipality in good faith for necessary expenses thereof (including floating or other indebtedness incurred in anticipation of the collection of taxes or for current expenses) 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 indebtedness, or any other defect or illegality, including the failure to observe any debt limit prescribed by law. The municipality may fund such outstanding indebtedness by issuing bonds as herein provided.

Outstanding debts validated.

Power to fund debt.

2966-2969, inclusive (obsolete).

SEC. 2. All acts and parts of acts, whether general, special, private or local, regulating or relating in any way to the issuance of bonds or other obligations of a municipality, or relating to the subject-matter of this act, are hereby repealed: *Provided, however,* that this act shall not affect any local or private act enacted at the present session of the General Assembly, or regular session of one thousand nine hundred and twenty-one, but the powers hereby conferred and the methods of procedure hereby provided shall be deemed to be conferred and provided in addition to and not in substitution for those conferred or provided by any such local or private act enacted at the present session of the General Assembly, or regular session of one thousand nine hundred and twenty-one, so that any municipality may, at its option, proceed under any such local or private act applicable to it enacted at the present session of the General Assembly or regular session of one thousand nine hundred and twenty-one without regard to the restrictions imposed by this act, or may proceed under this act without regard to the restrictions imposed by any other act: *Provided further,* that this act shall not affect any of the provisions of article nine of subchapter one of chapter fifty-six of the Consolidated Statutes (originally chapter fifty-six of the Public Laws of one thousand nine hundred and fifteen), except those provisions which prescribe methods of procedure for borrowing money or issuing bonds or other obligations, and said article shall apply to all municipalities in this State, notwithstanding any inconsistent, general, special, local or private laws: *Provided further,* that this act shall not affect any acts or proceedings heretofore done or taken for the issuance of bonds or other obligations under the Municipal Finance Act, as it stood

Repealing clause.

Proviso:
local and private acts.

Powers additional.

Proviso:
acts not affected.

Proviso: action heretofore had.

prior to the ratification of this act or under any other act, and every municipality is hereby authorized to complete said acts and proceedings pursuant to the acts under which they were done or taken, and to issue said bonds or other obligations under such acts in the same manner as if this act had not been passed: *Provided further*, that this act shall not render invalid any bonds or notes or proceedings for the issuance of bonds or notes in cases where such bonds, notes or proceedings have been validated by any other act.

Proviso: bonds and notes not invalidated.

Specific repeal.

SEC. 3. The whole of chapter three of the Public Laws of one thousand nine hundred and twenty, extra session, except section six thereof, is hereby repealed.

Printing and distribution of act.

SEC. 4. Immediately upon the ratification of this act, the Secretary of State shall cause to be printed in pamphlet form at least one thousand five hundred copies hereof, and to cause a copy of such pamphlet to be mailed to every city and town in this State.

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

Ratified this the 20th day of December, A.D. 1921.

CHAPTER 107

AN ACT TO AMEND SECTION 42 OF CHAPTER 38 OF THE PUBLIC LAWS OF 1921. RELATING TO BANK TAXATION.

The General Assembly of North Carolina do enact:

SECTION 1. Strike out in section 42 of chapter 38 of the Public Laws of 1921 all after and including the word "insolvent" in line twenty-one, down to and including the word "year" in line twenty-nine, and insert in lieu thereof the following: "There may be deducted from the items of surplus and undivided profits, an amount not exceeding five (5) per cent of the bills receivable of said institution to cover bad or insolvent debts: *Provided*, the cashier of the bank shall make an affidavit that in his opinion the deduction asked for above, not exceeding five per cent, is reasonable. There shall also be deducted from the items of surplus and undivided profits, investments by such banks in bonds of this State, of the United States Government, of the Federal Farm Loan Banks, and of the Joint-stock Land Banks at the actual cost price of said bonds to the bank claiming such deductions. To be entitled to this deduction, it must be shown by the reports of such bank that the bonds were purchased and paid for in full at least ninety days before the first day of May."

Deduction for bad debts.

Proviso: affidavit of cashier.

Deductions for investments in State, Federal, Farm-loan and Land-bank bonds.

Time of purchase.

Repealing clause.

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

SEC. 3. This act shall be in force from and after its ratification. Ratified this the 15th day of December, A.D. 1921.

CHAPTER 108

AN ACT TO AMEND SECTION 1443 OF THE CONSOLIDATED STATUTES, RELATING TO THE TIMES OF HOLDING SUPERIOR COURTS IN THE COUNTIES OF EDGECOMBE AND NASH IN THE SECOND JUDICIAL DISTRICT.

The General Assembly of North Carolina do enact:

SECTION 1. That section one thousand four hundred and forty-three, chapter twenty-seven, of the Consolidated Statutes, relating to the times of holding Superior Courts in Edgecombe County, be and the same is hereby amended by inserting in line one of the first paragraph after the word "Edgecombe" on page six hundred and thirty thereof the following words: "Sixth Monday before the first Monday in March"; and by inserting after the words in said paragraph "first Monday after the first Monday in September"; the following words "seventh Monday after the first Monday in September"; and by inserting in the second paragraph of said section relating to the courts in Edgecombe County, in line two of said paragraph after the word "on"; the following words "the sixth Monday before"; and in line three of said paragraph by inserting after the word "beginning," the words "on the first Monday in March and."

Additional terms.

Service of grand jury.

SEC. 2. That section one thousand four hundred and forty-three of the Consolidated Statutes, relating to the times of holding Superior Courts in Nash County, be and the same is hereby amended, by striking out the word "Sixth" after the word "Nash" in the first line of said paragraph, and inserting the word "Fifth" in lieu thereof.

Term for Nash County.

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

Repealing clause.

Ratified this the 14th day of December, A.D. 1921.

CHAPTER 109

AN ACT TO REPEAL AN ACT OF EXTRA SESSION 1921. TO AMEND CHAPTER 386, PUBLIC LAWS OF 1909, IN REGARD TO THE COUNTY COURT OF ROWAN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That an act to amend chapter three hundred and eighty-six, Public Laws of one thousand nine hundred and nine, in regard to the county court of Rowan County, passed at the one thousand nine hundred and twenty-one extra session, being Senate Bill number sixty-eight, be and the same is hereby repealed.

Law repealed.

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

Ratified this the 20th day of December, A.D. 1921.



RESOLUTIONS

OF THE

GENERAL ASSEMBLY

EXTRA SESSION 1921

RESOLUTION No. 1

A JOINT RESOLUTION INVITING MARSHAL FOCH, SUPREME COMMANDER OF THE ALLIED FORCES IN THE WORLD WAR, TO VISIT THE CAPITAL OF THE STATE OF NORTH CAROLINA.

Whereas Marshal Foch will visit the State of North Carolina on the tenth day of December, nineteen hundred and twenty-one; and,

Whereas it is the desire of the General Assembly now in session to have him visit the capital of the State of North Carolina: Therefore, be it

Resolved by the Senate, the House of Representatives concurring:

(1) That a committee of three on the part of the Senate and five on the part of the House of Representatives be appointed by the presiding officers of the respective bodies to personally invite the Marshal to visit the Capital of the State at such time as may be agreeable to him to the end that the General Assembly may do him proper honor in consideration of his great services as Commander-in-Chief of the Allied Army in the World War.

(2) That this resolution be in effect from and after its ratification.

Ratified this the 7th day of December, A.D. 1921.

RESOLUTION No. 2

JOINT RESOLUTION TO AMEND THE LEGISLATIVE JOURNALS OF THE REGULAR SESSION, 1921, RELATING TO THE ELECTION OF TRUSTEES OF THE STATE UNIVERSITY.

Whereas at the regular session of the General Assembly of North Carolina for the year one thousand nine hundred and twenty-one, the joint committee on the part of the Senate and

House of Representatives on Trustees of the University recommended, along with other recommendations, the election of Haywood Parker, of Buncombe County, to succeed himself as a trustee for the term ending November thirtieth, one thousand nine hundred and twenty-nine; and,

Preamble:
election.

Whereas the joint session of the House of Representatives and the Senate, at its meeting on February twenty-third, one thousand nine hundred and twenty-one, elected Haywood Parker, of Buncombe County, as a trustee of the State University for the term ending November thirtieth, one thousand nine hundred and twenty-nine; and,

Preamble:
omission in
journal.

Whereas the journal of the said joint session failed and omitted to record the said election of the said Haywood Parker: Now, therefore be it

Resolved by the House of Representatives, the Senate concurring:

Journal corrected.

That the records of the joint session of the General Assembly for February twenty-third, one thousand nine hundred and twenty-one, be and the same are hereby corrected by inserting in the list of trustees of the State University, elected for the term ending November thirtieth, one thousand nine hundred and twenty-nine, between the names "J. H. McMullen, Jr." and "Graham Woodard" the name "Haywood Parker," Buncombe.

That this resolution shall be in force from and after its ratification.

Ratified this the 15th day of December, A.D. 1921.

RESOLUTION No. 3

A JOINT RESOLUTION REQUESTING THE STATE DEPARTMENT OF AGRICULTURE TO FURNISH THE GENERAL ASSEMBLY WITH A LIST OF COTTON GINS IN EACH COUNTY IN THE STATE, THE AMOUNT OF COTTON GINNED TO DATE, AMOUNT OF TAXES COLLECTED, ETC.

Preamble:
information
desired.

Whereas the General Assembly is desirous of obtaining certain information relative to the number of cotton ginneries in each county, the amount of cotton ginned to date, the amount of taxes collected from each county and the number of ginneries from whom the bale tax of twenty-five cents has been collected: Therefore, be it

Resolved by the Senate, the House of Representatives concurring:

Information
requested.

SECTION 1. That the State Department of Agriculture is hereby requested to furnish the General Assembly with a complete state-

ment showing the list of cotton ginner in each county, the amount of cotton ginned to date, the total amount of taxes collected from ginner in each county and the number of ginner from whom the bale tax of twenty-five cents has been collected.

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

Ratified this the 15th day of December, A.D. 1921.

RESOLUTION No. 4

RESOLUTION IN BEHALF OF THE CLERKS OF THE GENERAL ASSEMBLY.

Resolved by the House of Representatives, the Senate concurring:

SECTION 1. That the principal clerk of the House of Representatives and his assistants, the principal clerk of the Senate and his assistants, the reading clerks of both branches of the General Assembly, the engrossing clerks of both branches of the General Assembly and their assistants, the enrolling clerk and four assistants, all committee clerks, the sergeant-at-arms of the House and Senate, the assistant sergeant-at-arms of the House and Senate, be and the same are hereby allowed the sum of two dollars per day in addition to their pay per diem allowed by law, from the date of their employment only. All other employees and laborers not herein provided for to receive extra compensation are hereby allowed the sum of one and one-half dollars per day in addition to their per diem allowed by law, from the date of their employment only, and mileage at the rate of five cents per mile each way.

Clerks and officers affected.

Employees and laborers.

SEC. 2. That the principal clerks of the House and the Senate respectively, are hereby directed to issue vouchers therefor.

Vouchers.

SEC. 3. That this resolution shall be in force from and after its passage.

Ratified this the 15th day of December, A.D. 1921.

RESOLUTION No. 5

JOINT RESOLUTION IN BEHALF OF THE PAGES OF THE GENERAL ASSEMBLY.

Resolved by the House of Representatives, the Senate concurring:

SECTION 1. That the pages of the House of Representatives and the Senate be and they are hereby allowed the sum of one and

Extra allowance.

one-half dollars (\$1.50) per day in addition to their per diem allowed by law from the date of their employment only and mileage at the rate of five cents per mile each way.

Vouchers.

SEC. 2. That the principal clerks of the House and Senate respectively are hereby directed to issue their vouchers therefor.

SEC. 3. That this resolution be in force from and after its passage.

Ratified this the 15th day of December, A.D. 1921.

RESOLUTION No. 6

A RESOLUTION RELATING TO THE BOLL WEEVIL.

Preamble.

Whereas the boll weevil is invading our State and has already infected practically every cotton raising county; and,

Preamble.

Whereas such developments in cotton areas to the South of us have been attended with failure in cotton farming, abandonment of farms, bankrupt farmers and merchants, insolvent banks, devastation and general demoralization resulting in profound social changes; and,

Preamble.

Whereas this is of deep concern to the people of this State: Now, therefore, be it

Resolved by the House of Representatives, the Senate concurring:

Cooperation
called for.

That we call upon the people of the State, more especially the business interests and organizations, to give this impending danger their consideration and to coöperate with the agencies set up by the State, more especially the Departments of Agriculture and Education, in preparing for the peril.

Ratified this the 19th day of December, A.D. 1921.

RESOLUTION No. 7

JOINT RESOLUTIONS OF THE HOUSE AND SENATE TO PAY THE EXPENSES OF THE HOUSE AND SENATE COMMITTEES TO MONROE TO INVITE MARSHAL FOCH TO VISIT RALEIGH.

Resolved by the House of Representatives, the Senate concurring:

Payment
authorized.

SECTION 1. 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 visit:

J. L. DeLaney.....	\$14.18	Itemized statement.
R. A. Dewar.....	\$14.99	
Dr. J. Vance McGougan.....	\$14.99	
J. W. Lambeth.....	\$14.18	
C. E. Hamilton.....	\$14.99	
E. J. Hill.....	\$10.94	
Reid R. Morrison.....	\$10.94	
John A. Hendricks.....	\$14.99	
Emmett Bellamy	\$10.94	

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

Ratified this the 19th day of December, A.D. 1921.

RESOLUTION No. 8

A JOINT RESOLUTION IN BEHALF OF MRS. FRANK MITCHELL, TELEPHONE OPERATOR, AND LEONARD HOWELL, POSTAL CLERK, STATION "A."

Whereas the members of the General Assembly have received efficient and faithful service from Mrs. Frank Mitchell, as telephone operator, and Leonard Howell, Postal Clerk, Station "A"; and,

Whereas the duties of these positions have been very arduous, and required long hours of service; and,

Whereas both have rendered splendid service in this connection: Therefore, be it

Resolved by the Senate, the House of Representatives concurring:

SECTION 1. That Mrs. Frank Mitchell and Leonard Howell be allowed compensation for their services the sum of two dollars each per day for each day of the extra session of one thousand nine hundred and twenty-one.

SEC. 2. That the principal clerk of the Senate is hereby authorized and directed to issue vouchers in payment thereof.

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

Ratified this the 20th day of December, A.D. 1921.

RESOLUTION No. 9

A JOINT RESOLUTION ALLOWING EXTRA COMPENSATION FOR THE ENGINEERS AND FIREMEN DURING THE EXTRA SESSION OF 1921.

Preamble :
allowance
customary.

Whereas it has been the custom of the General Assembly to allow extra compensation to the engineer and fireman of the State's Departments Buildings on account of the extraordinary services rendered by them by reason of keeping the capitol building heated at night; and,

Preamble :
names omitted.

Whereas through inadvertence the names of the State engineer and fireman were omitted from the omnibus bill allowing extra compensation to legislative employees: Now, therefore, be it

Resolved by the Senate, the House of Representatives concurring:

Allowances.

SECTION 1. That Willard Horton, engineer, be and he is hereby allowed the sum of one dollar and fifty cents per day additional compensation for each day of this extra session, and that Richmond Jones, his assistant, be and he is hereby allowed the sum of one dollar per day for each day of this extra session, to be paid by the State Treasurer upon warrant of the State Auditor in the same manner as extra compensation of other legislative employees.

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

Ratified this the 20th day of December, A.D. 1921.

RESOLUTION No. 10

A JOINT RESOLUTION MEMORIALIZING THE GENERAL ASSEMBLY OF THE STATE OF VIRGINIA IN REGARD TO CONNECTING CERTAIN HIGHWAYS IN VIRGINIA WITH CERTAIN HIGHWAYS IN NORTH CAROLINA.

Preamble :
highways provided
for.

Whereas the General Assembly of North Carolina, in regular session assembled in nineteen hundred and twenty-one, provided for the construction and maintenance of a system of State highways connecting the principal towns and cities of North Carolina; and,

Preamble :
connections
contemplated.

Whereas it was contemplated by the establishment of said system of highways to connect certain principal towns and cities of North Carolina with certain principal towns and cities of the State of Virginia; and,

Whereas the State Highway Commission of North Carolina has constructed, or is preparing to construct, modern hard-surfaced and dependable highways to the Virginia State line at points hereinafter mentioned, and in the route of much and important interstate traffic; and,

Preamble:
work done and in
contemplation.

Whereas it is necessary that the State of Virginia continue these important, useful, and much traveled roads or highways from the North Carolina State line to points in the State of Virginia hereinafter mentioned in order to provide for interstate traffic: Now, therefore, be it

Preamble:
action by Virginia.

Resolved by the Senate of North Carolina, the House of Representatives concurring:

SECTION 1. That the General Assembly of the State of Virginia be and it is hereby memorialized and urged to add to its system of State highways the following described projects, to wit:

Requests.

First, that certain link in the Washington Highway leading from Deep Creek, in the State of Virginia, and paralleling the Dismal Swamp Canal, to the Virginia-North Carolina State line, a distance of approximately thirteen miles, and thus completing the said highway leading from Elizabeth City, North Carolina, to the cities of Norfolk and Portsmouth in the State of Virginia.

Link in Washington
highway.

Second, that certain link in the Naval Division of the Bankhead National Highway, extending from the Atlantic Ocean, at Virginia Beach in the State of Virginia, to the Pacific Ocean, at Santiago in the State of California, said link beginning at Franklin in the State of Virginia and extending to the Virginia-North Carolina State line on the Murfreesboro road; and also the short cut from South Quay, near Franklin, in the State of Virginia, and running a northeasterly course to the same highway leading from Franklin to Norfolk in the State of Virginia.

Link in Naval
Division of Bank-
head highway.

Third, that certain link extending from South Hill in the State of Virginia to the North Carolina State line near Palmer Springs, *via* the new bridge across the Roanoke River at a point known as Goode's Ferry.

Link from South
Hill to State line.

SEC. 2. That a certified copy of this resolution be transmitted by the Secretary of State of North Carolina to the President of the Senate and to the Speaker of the House of Representatives of the State of Virginia.

Copies of resolu-
tion.

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

Ratified this the 20th day of December, A.D. 1921.

RESOLUTION No. 11

RESOLUTION IN BEHALF OF JAMES PRIVETT.

Resolved by the House of Representatives, the Senate concurring:

Allowance.

First, that James Privett, a colored laborer, be and he is hereby allowed the sum of one dollar and fifty cents per day, from December sixth until the close of the session, for extra labor performed as janitor to the House officers.

Voucher.

Second, that the principal clerk of the House is hereby directed to issue voucher therefor.

This resolution shall be in effect from and after its ratification.

Ratified this the 20th day of December, A.D. 1921.

RESOLUTION No. 12

RESOLUTION IN REGARD TO JANITORS.

Preamble:
service to committees.

Whereas Stephen Hawkins, Roach Farrar, Paschal Yarborough, and I. C. Goodwin, janitors, have rendered necessary services to several committees of the Senate and House of Representatives meeting in the departments of the State Auditor, State Treasurer, and Secretary of State during the regular session of the Legislature of one thousand nine hundred and twenty-one, and the present special session; and,

Preamble:
no compensation.

Whereas the above named janitors did not receive additional compensation for their services as was allowed all other janitors of the various departments: Therefore, be it

Resolved by the Senate, the House of Representatives concurring:

Allowance.

SECTION 1. That each of the said janitors be allowed fifty cents (50c.) per diem for such services rendered during said sessions, 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 the 20th day of December, A.D. 1921.

RESOLUTION No. 13

JOINT RESOLUTION RELATIVE TO EXTRA COMPENSATION OF THE NIGHT WATCHMAN OF THE STATE CAPITOL.

Preamble:
extra services.

Whereas the night watchman of the Capitol building and grounds has had extra services to perform in looking after the

lights in the Senate and House, and the Capitol building and grounds in general, during the special 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:

SECTION 1. That the night watchman be and he is hereby Allowance. allowed the sum of thirty dollars (\$30) for these extra services during this special session of 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 the 20th day of December, A.D. 1921.

STATE OF NORTH CAROLINA,
OFFICE OF SECRETARY OF STATE,
RALEIGH, January 6, 1922.

I, J. Bryan Grimes, Secretary of State of the State of North Carolina, hereby certify that the foregoing (manuscript) are true copies of the original acts and resolutions on file in this office.

J. BRYAN GRIMES,
Secretary of State.

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