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Henry R. Bryan

PUBLIC LAWS AND RESOLUTIONS

OF THE

1913

STATE OF NORTH CAROLINA

PASSED BY THE

GENERAL ASSEMBLY

AT ITS

SESSION OF 1913

BEGUN AND HELD IN THE CITY OF RALEIGH

ON

WEDNESDAY, THE EIGHTH DAY OF JANUARY, A. D. 1913

PUBLISHED BY AUTHORITY

RALEIGH
EDWARDS & BROUGHTON PRINTING COMPANY, STATE PRINTERS
1913

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OFFICIAL REGISTER

FOR THE YEAR 1913

EXECUTIVE DEPARTMENT.

Locke Craig.....	Governor.....	Buncombe.
Elijah L. Daughtridge.....	Lieutenant-Governor.....	Edgecombe.
J. Bryan Grimes.....	Secretary of State.....	Pitt.
William P. Wood.....	State Auditor.....	Randolph.
Benjamin R. Laey.....	State Treasurer.....	Wake.
Thomas W. Bickett.....	Attorney-General.....	Franklin.
James Y. Joyner.....	Superintendent of Public Instruction.....	Guilford.
William A. Graham.....	Commissioner of Agriculture.....	Lincoln.
Mitchell L. Shipman.....	Commissioner of Labor and Printing.....	Henderson.
Lawrence W. Young.....	Adjutant-General.....	Buncombe.
Gordon Smith.....	Assistant Adjutant-General.....	Wake.
Miles O. Sherrill.....	State Librarian.....	Catawba.
James R. Young.....	Insurance Commissioner.....	Yance.
John P. Kerr.....	Private Secretary to the Governor.....	Buncombe.
Clarence McKain.....	Executive Secretary.....	Caldwell.
Miss May F. Jones.....	Stenographer.....	Buncombe.
William S. Wilson.....	Corporation Clerk, Secretary of State.....	Caswell.
George W. Norwood.....	Grant Clerk, Secretary of State.....	Wake.
Joseph E. Sawyer.....	Automobile Clerk, Secretary of State.....	Wake.
Miss Minnie M. Bagwell.....	Clerk and Stenographer.....	Wake.
Miss Virginia D. Taylor.....	Clerk and Stenographer.....	Wake.
Everard H. Baker.....	Chief Clerk to Auditor.....	Franklin.
Baxter Durham.....	Tax Clerk.....	Wake.
Mrs. Fannie W. Smith.....	Pension Clerk and Stenographer.....	Wake.
W. F. Moody.....	Chief Clerk to Treasurer.....	Mecklenburg.
A. H. Arrington.....	Teller.....	Nash.
W. W. Newman.....	Clerk of Institutions.....	Wake.
Miss Eva Waters.....	Clerk and Stenographer.....	Lenoir.
T. H. Calvert.....	Assistant Attorney-General.....	Wake.
Miss Sarah Burkhead.....	Stenographer.....	Columbus.
C. E. McIntosh.....	Chief Clerk, Supt. of Public Instruction.....	Lincoln.
E. E. Sams.....	Supervisor Teacher Training.....	Madison.
A. S. Brower.....	Clerk of Loan Fund.....	Cabarrus.
N. C. Newbold.....	Associate Supervisor Rural Schools.....	Beaufort.
Mrs. Hattie S. Gay.....	Stenographer.....	Wayne.
Miss Carrie E. Broughton.....	Assistant Librarian.....	Wake.
George B. Justice.....	Assistant Commissioner of Labor and Ptg.....	Mecklenburg.
Miss Daisy Thompson.....	Clerk and Stenographer.....	Wake.
S. W. Wade.....	Deputy Insurance Commissioner.....	Carteret.
S. F. Campbell.....	Chief Clerk.....	Harnett.
C. H. Smith.....	Deputy and Actuary.....	Wake.
W. A. Scott.....	Deputy.....	Guilford.
A. H. Yerby.....	License Clerk.....	Wake.
Miss Eva B. Powell.....	Bookkeeper.....	Wake.
Miss Ida Montgomery.....	Cashier and Stenographer.....	Warren.
C. C. Cherry.....	Supt. Public Buildings and Grounds.....	Edgecombe.
E. M. Uzzell & Co., and Edwards & Broughton Printing Co.....	State Printers.....	Wake.

CORPORATION COMMISSION.

E. L. Travis.....	Chairman.....	Halifax.
William T. Lee.....	Commissioner.....	Haywood.
George P. Pell.....	Commissioner.....	Forsyth.
A. J. Maxwell.....	Chief Clerk.....	Craven.
S. A. Hubbard.....	Bank Examiner.....	Rockingham.
H. D. Bateman.....	Assistant Bank Examiner.....	Pitt.
J. S. Griffin.....	Clerk.....	Guilford.
Miss Meta Adams.....	Clerk.....	Haywood.
Miss E. G. Riddick.....	Stenographer.....	Gates.

JUDICIAL DEPARTMENT.

Walter Clark.....	Chief Justice.....	Wake.
George H. Brown.....	Associate Justice.....	Beaufort.
Platt D. Walker.....	Associate Justice.....	Mecklenburg.
William A. Hoke.....	Associate Justice.....	Lincoln.
William R. Allen.....	Associate Justice.....	Wayne.
J. L. Seawell.....	Clerk.....	Wake.
Weldon Smith.....	Office Clerk.....	Wake.
Robert H. Bradley.....	Marshal and Librarian.....	Wake.
Robert C. Strong.....	Reporter.....	Wake.

SUPERIOR COURT JUDGES.

Stephen C. Bragaw.....	First District.....	Beaufort.
Geo. W. Connor.....	Second District.....	Wilson.
Robert B. Peebles.....	Third District.....	Northampton.
Frank A. Daniels.....	Fourth District.....	Wayne.
H. W. Whedbee.....	Fifth District.....	Pitt.
Oliver H. Allen.....	Sixth District.....	Lenoir.
Charles M. Cooke.....	Seventh District.....	Franklin.
George Rountree.....	Eighth District.....	New Hanover.
Chatham Calhoun Lyon.....	Ninth District.....	Bladen.
Howard A. Foushee.....	Tenth District.....	Durham.
Henry P. Lane.....	Eleventh District.....	Rockingham.
Thomas J. Shaw.....	Twelfth District.....	Guilford.
W. J. Adams.....	Thirteenth District.....	Moore.
	Fourteenth District.....	
Benjamin F. Long.....	Fifteenth District.....	Iredell.
James L. Webb.....	Sixteenth District.....	Cleveland.
Edward B. Cline.....	Seventeenth District.....	Catawba.
M. H. Justice.....	Eighteenth District.....	Rutherford.
Frank Carter.....	Nineteenth District.....	Buncombe.
Garland S. Ferguson.....	Twentieth District.....	Haywood.

SOLICITORS.

J. C. B. Ehringhaus.....	First District.....	Pasquotank.
R. G. Allsbrook.....	Second District.....	Edgecombe.
John H. Kerr.....	Third District.....	Warren
	Fourth District.....	
C. L. Abernethy.....	Fifth District.....	Carteret.
Henry E. Shaw.....	Sixth District.....	Lenoir.
H. E. Norris.....	Seventh District.....	Wake.
H. L. Lyon.....	Eighth District.....	Columbus.
N. A. Sinclair.....	Ninth District.....	Cumberland.
S. M. Gattis.....	Tenth District.....	Orange.
S. P. Graves.....	Eleventh District.....	Surry.
John C. Bower.....	Twelfth District.....	Davidson.
A. M. Stack.....	Thirteenth District.....	Union.
G. W. Wilson.....	Fourteenth District.....	Gaston.
W. C. Hammer.....	Fifteenth District.....	Randolph.
T. M. Newland.....	Sixteenth District.....	Caldwell.
Frank A. Linney.....	Seventeenth District.....	Watauga.
A. H. Johnston.....	Eighteenth District.....	McDowell.
R. R. Reynolds.....	Nineteenth District.....	Buncombe.
Felix E. Alley.....	Twentieth District.....	Haywood.

STATE BOARD OF AGRICULTURE.

W. A. GRAHAM, Commissioner, *ex officio* Chairman, Raleigh.

F. B. LATHAM.....	Belhaven.....	First District.
K. W. BARNES.....	Lucama.....	Second District.
R. L. WOODARD.....	Pamlico.....	Third District.
C. H. POE.....	Raleigh.....	Fourth District.
R. W. SCOTT.....	Haw River.....	Fifth District.
A. T. MCCALLUM.....	Red Springs.....	Sixth District.
C. C. WRIGHT.....	Wilkesboro.....	Seventh District.
WILLIAM BLEDSOE.....	Gale.....	Eighth District.
W. J. SHUFORD.....	Hickory.....	Ninth District.
A. CANNON.....	Horse Shoe.....	Tenth District.

OFFICERS AND STAFF.

W. A. GRAHAM.....	Commissioner.
ELLAS CARR.....	Secretary and Purchasing Agent.
Miss B. W. PESCU.....	Bookkeeper.
D. G. CONN.....	Superintendent Bulletin.
B. W. KILGORE.....	State Chemist, Director Test Farms.
J. M. PICKEL.....	Assistant Chemist.
W. G. HAYWOOD.....	Fertilizer Chemist.
G. M. MACNIDER.....	Feed Chemist and Microscopist.
L. L. BRINKLEY.....	Assistant Chemist.
E. L. WORTHEN.....	Soil Investigations.
*W. E. HEARN.....	Soil Survey.
J. Q. JACKSON.....	Assistant Chemist.
J. K. PLUMMER.....	Soil Chemist.
S. O. PERKINS.....	Assistant Chemist.
E. S. DEWAR.....	Assistant Chemist.
N. G. FETZER.....	Assistant Chemist.
Miss MARY S. BIRDSONG.....	Secretary to State Chemist.
J. F. HATCH.....	Clerk.
H. H. BRIMLEY.....	Curator of Museum.
T. W. ADICKES.....	Assistant Curator.
FRANKLIN SHERMAN, JR.....	Entomologist.
C. L. METCALF.....	Assistant Entomologist.
S. C. CLAPP.....	Assistant Entomologist in Field Work.
W. G. CHRISMAN.....	Veterinarian.
B. B. FLOWE.....	Assistant Veterinarian.
W. H. EATON.....	Dairyman.
W. N. HUTT.....	Horticulturist.
S. B. SHAW.....	Assistant Horticulturist.
R. G. HILL.....	Assistant Horticulturist.
T. B. PARKER.....	Director of Farmers' Institutes.
J. M. GRAY.....	Assistant Director of Farmers' Institutes.
W. M. ALLEN.....	Pure Food Chemist.
E. W. THORNTON.....	Assistant Pure Food Chemist.
C. E. BELL.....	Assistant Pure Food Chemist.
Miss S. D. ALLEN.....	Assistant to Botanist.
J. L. BURGESS.....	Agronomist.
G. M. GARREN.....	Assistant Agronomist.
†E. G. MOSS.....	Co-operative Assistant in Tobacco Investigations.
†E. H. MATHESON.....	Co-operative Assistant in Tobacco Investigations.
†C. R. HUDSON.....	Farm Demonstration Work.
A. K. ROBERTSON.....	Assistant in Boys' Corn Club Work.

R. W. SCOTT, JR., Assistant Director Edgecombe Test Farm, Rocky Mount, N. C.

F. T. MEACHAM, Assistant Director Iredell Test Farm, Statesville, N. C.

JOHN H. JEFFERIES, Assistant Director Pender Test Farm, Willard, N. C.

R. W. COLLETT, Assistant Director Transylvania and Buncombe Test Farms, Swannanoa, N. C.

*Assigned by the Bureau of Soils, United States Department of Agriculture.

†Assigned by the Bureau of Plant Industry, United States Department of Agriculture.

GENERAL ASSEMBLY.

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

SENATORS.

HON. E. L. DAUGHTRIDGE, LIEUTENANT-GOVERNOR, PRESIDENT, EDGEcombe.

DISTRICT.	NAME OF SENATOR.	POST-OFFICE.	COUNTY.
1st	D. C. BARNES.....	Murfreesboro.....	Hertford.
1st	W. T. WOODLEY.....	Tyner.....	Chowan.
2d	GEORGE J. STUDDERT.....	Washington.....	Beaufort.
2d	H. W. STUBBS.....	Williamston.....	Martin.
3d	C. G. PEEBLES.....	Jackson.....	Northampton.
4th	W. E. DANIEL.....	Weldon.....	Halifax.
4th	H. A. G. LLIAM.....	Tarboro.....	Edgecombe.
5th	W. F. EVANS.....	Greenville.....	Pitt
6th	T. T. THORNE.....	Rocky Mount.....	Nash
6th	THOMAS M. WASHINGTON.....	Wilson.....	Wilson.
7th	A. D. WARD.....	New Bern.....	Craven.
7th	M. LESLIE DAVIS.....	Beaufort.....	Carteret.
8th	J. T. HOOKS.....	Fremont.....	Wayne.
9th	E. A. HAWES.....	Atkinson.....	Pender.
10th	MARSDEN BELLAMY.....	Wilmington.....	New Hanover.
11th	DR. L. B. EVANS.....	Clarkton.....	Bladen.
12th	GEO. B. McLEOD.....	Lumberton.....	Robeson.
13th	Q. K. NIMOCKS.....	Fayetteville.....	Cumberland.
14th	O. A. BARBOUR.....	Benson.....	Johnston.
14th	GEORGE L. PETERSON.....	Clinton.....	Sampson.
15th	J. C. LITTLE.....	Raleigh.....	Wake.
16th	JAMES H. BRIDGERS.....	Henderson.....	Vance.
17th	J. A. LONG.....	Roxboro.....	Person.
18th	V. S. BRYANT.....	Durham.....	Durham.
18th	J. L. SCOTT, JR.....	Graham.....	Alamance.
19th	A. D. IVIE.....	Leaksville.....	Rockingham.
20th	F. P. HOBGOOD, JR.....	Greensboro.....	Guilford.
21st	W. L. PARSONS.....	Rockingham.....	Richmond.
21st	HECTOR McLEAN.....	Laurinburg.....	Scotland.
22d	W. H. WATKINS.....	Ramseur.....	Randolph.
23d	R. E. LITTLE.....	Wadesboro.....	Anson.
23d	W. H. PHILLIPS.....	Lexington.....	Davidson.
24th	J. P. COOK.....	Concord.....	Cabarrus.
24th	H. N. PHARR.....	Charlotte.....	Mecklenburg.
25th	THOMAS D. BROWN.....	Salisbury, R. F. D.....	Rowan.
26th	E. B. JONES.....	Winston.....	Forsyth.
27th	JOHN W. HALL.....	Danbury.....	Stokes.
28th	A. T. GRANT, JR.....	Mocksville.....	Davie.
29th	A. D. WATTS.....	Statesville.....	Iredell.
30th	W. B. COUNCIL.....	Hickory.....	Catawba.
31st	O. F. MASON.....	Gastonia.....	Gaston.
32d	JAMES M. CARSON.....	Rutherfordton.....	Rutherford.
32d	T. B. ALLEN.....	Fletchers, R. F. D.....	Henderson.
33d	LAWRENCE WAKEFIELD.....	Lenoir.....	Caldwell.
33d	ABNER C. PAYNE.....	Taylorsville.....	Alexander.
34th	E. S. COFFEY.....	Boone.....	Watauga.
35th	CHARLES B. MASHBURN.....	Marshall.....	Madison.
36th	ZEBULON WEAVER.....	Asheville.....	Buncombe.
37th	WILLIAM J. HANNAH.....	Waynesville.....	Haywood.
38th	S. W. LOVINGOOD.....	Murphy.....	Cherokee.

SENATE OFFICERS.

NAME.	POSITION.	COUNTY.
ELIJAH L. DAUGHTRIDGE.....	President.....	Edgecombe.
H. N. PHARR.....	President <i>pro tem</i>	Mecklenburg.
R. OTIS SELF.....	Principal Clerk.....	Jackson.
R. M. PHILLIPS.....	Reading Clerk.....	Guilford.
W. H. SAWYER.....	Engrossing Clerk.....	Wake.
W. G. HALL.....	Sergeant-at-Arms.....	Cumberland.
G. W. HUNTLEY.....	Assistant Sergeant-at-Arms.....	Anson.

GENERAL ASSEMBLY.

REPRESENTATIVES.

HON. GEO. W. CONNOR, SPEAKER, WILSON.

NAME.	POSTOFFICE.	COUNTY.
J. ELMER LONG.....	Graham.....	Alamance.
JOHN C. CONNALLY.....	Taylorville.....	Alexander.
R. A. DOUGHTON.....	Sparta.....	Alleghany.
F. E. THOMAS.....	Wadesboro.....	Anson.
T. C. BOWIE.....	Jefferson.....	Ashe.
R. M. BURLESON.....	Elk Park.....	Avery.
W. C. RODMAN.....	Washington.....	Beaufort.
JOHN C. BRITTON.....	Powellsville.....	Bertie.
ANGUS CHOMARTIE.....	Garland.....	Bladen.
GEORGE H. BELLAMY.....	El Paso.....	Brunswick.
GALLATIN ROBERTS.....	Asheville.....	Buncombe.
R. R. WILLIAMS.....	Asheville.....	Buncombe.
JOHN M. MULL.....	Morganton.....	Burke.
H. S. WILLIAMS.....	Concord.....	Cabarrus.
E. D. CRISP.....	Lenoir.....	Caldwell.
D. H. TILLET.....	Camden.....	Camden.
CHARLES S. WALLACE.....	Morehead City.....	Carteret.
T. HENRY HATCHETT.....	Blanch, R. F. D.....	Caswell.
W. B. GAITHER.....	Newton.....	Catawba.
FRED. W. BYNUM.....	Pittsboro.....	Chatham.
A. L. MARTIN.....	Murphy.....	Cherokee.
P. H. BELL.....	Edenton.....	Chowan.
L. H. McCLURE.....	Hayesville.....	Clay.
R. B. MILLER.....	Shelby.....	Cleveland.
J. R. WILLIAMSON.....	Whiteville.....	Columbus.
GILBERT A. WHITFORD.....	New Bern.....	Craven.
JOHN T. MARTIN.....	Fayetteville, R. 5.....	Cumberland.
S. J. PAYNE.....	Point Harbor.....	Currituck.
A. H. ETHERIDGE.....	Manteo.....	Dare.
IVEY G. THOMAS.....	Thomasville, R. 4.....	Davidson.
J. L. SHEEK.....	Mocksville.....	Davie.
W. STOKES BONEY.....	Wallace.....	Duplin.
S. C. BRAWLEY.....	Durham.....	Durham.
G. C. STALLINGS.....	Durham.....	Durham.
T. F. CHERRY.....	Rocky Mount.....	Edgecombe.
S. J. BENNETT.....	Winston-Salem.....	Forsyth.
WILLIAM PORTER.....	Kernersville.....	Forsyth.
J. A. TURNER.....	Louisburg.....	Franklin.
S. S. MAUNEY.....	Cherryville.....	Gaston.
DAVID P. DELLINGER.....	Gastonia.....	Gaston.
G. D. GATLING.....	Roduco.....	Gates.
R. L. PHILLIPS.....	Robbinsville.....	Graham.
WILLIAM A. DEVIN.....	Oxford.....	Granville.
L. J. H. MEWBORNE.....	Snow Hill.....	Greene.
E. J. JUSTICE.....	Greensboro.....	Guilford.
THOMAS J. GOLD.....	High Point.....	Guilford.
J. R. GORDON.....	Jamestown.....	Guilford.
W. T. CLEMENTS.....	Enfield.....	Halifax.
W. P. WHITE.....	Hobgood.....	Halifax.
ERNEST F. YOUNG.....	Dunn.....	Harnett.
DAVID R. NOLAND.....	Crabtree, R. F. D. 1.....	Haywood.
JOHN P. PATTON.....	Flat Rock.....	Henderson.
J. T. WILLIAMS.....	Harrellsville.....	Hertford.

REPRESENTATIVES—CONTINUED.

NAME.	POSTOFFICE.	COUNTY.
THOMAS MCBRYDE.....	Red Springs.....	Hoke.
JOHN M. CLAYTON.....	Engelhard.....	Hyde.
H. P. GRIER.....	Statesville.....	Iredell.
THOMAS N. HALL.....	Mooreville.....	Iredell.
M. D. WIKE.....	Cullowhee.....	Jackson.
L. H. ALLRED.....	Selma.....	Johnston.
C. M. WILSON.....	Wilson Mills.....	Johnston.
J. K. DIXON.....	Trenton.....	Jones.
A. A. F. SEAWELL.....	Jonesboro.....	Lee.
E. R. WOOTEN.....	Kinston.....	Lenoir.
ROBERT B. KILLIAN.....	Lincolnton.....	Lincoln.
J. FRANK RAY.....	Franklin.....	Macon.
JAMES E. RECTOR.....	Hot Springs.....	Madison.
ARCHER R. DUNNING.....	Williamston.....	Martin.
P. H. MASHBURN.....	Old Fort.....	McDowell.
W. A. GRIER.....	Charlotte.....	Mecklenburg.
W. G. McLAUGHLIN.....	Charlotte.....	Mecklenburg.
PLUMMER STEWART.....	Charlotte.....	Mecklenburg.
M. L. BUCHANAN.....	Bakersville.....	Mitchell.
BARNA ALLEN.....	Troy.....	Montgomery.
HENRY A. PAGE.....	Aberdeen.....	Moore.
JOHN L. CORNWELL.....	Middlesex.....	Nash.
PAUL R. CAPELLE.....	Nashville.....	Nash.
WOODUS KELLUM.....	Wilmington.....	New Hanover.
JOSEPH B. STEPHENSON.....	Severn.....	Northampton.
E. M. KOONCE.....	Jacksonville.....	Onslow.
GEORGE C. PICKARD.....	Chapel Hill.....	Orange.
HENRY L. GIBBS.....	Oriental.....	Pamlico.
D. C. PERRY.....	Elizabeth City.....	Pasquotank.
JOSEPH T. FOY.....	Scott's Hill.....	Pender.
JAMES S. McNIDER.....	Hertford.....	Perquimans.
CHARLES A. WHITFIELD.....	Virgilina, Va., R. F. D. 1.....	Person.
DR. B. T. COX.....	Winterville.....	Pitt.
D. M. CLARK.....	Greenville.....	Pitt.
J. A. BOLICE.....	Saluda.....	Polk.
ROMULUS R. ROSS.....	Asheboro.....	Randolph.
A. R. McPHAIL.....	Rockingham.....	Richmond.
H. C. MacNAIR.....	Maxton.....	Robeson.
B. F. McMILLAN.....	Red Springs.....	Robeson.
WILLIAM I. WITTY.....	Summerfield, R. F. D.....	Rockingham.
J. T. WALL.....	Stoneville, R. F. D.....	Rockingham.
WALTER MURPHY.....	Salisbury.....	Rowan.
P. S. CARLTON.....	Salisbury.....	Rowan.
O. R. COFFIELD.....	Ellenboro.....	Rutherford.
CYRUS M. FAIRCLOTH.....	Clinton.....	Sampson.
W. H. WEATHERSPOON.....	Laurinburg.....	Scotland.
RUFUS E. AUSTIN.....	Albemarle.....	Stanly.
D. V. CARROLL.....	Mizpah.....	Stokes.
RUFUS L. HAYMORE.....	Mount Airy.....	Surry.
GALA P. FERGUSON.....	Bryson City.....	Swain.
CHARLES B. DEEVER.....	Brevard.....	Transylvania.
MARK MAJETTE.....	Columbia.....	Tyrrell.
H. L. PRICE.....	Monroe.....	Union.
J. C. SIKES.....	Monroe.....	Union.
ISAAC J. YOUNG.....	Henderson, R. F. D.....	Vance.

REPRESENTATIVES—CONTINUED.

NAME.	POSTOFFICE.	COUNTY.
E. T. MILLS.....	Apex, R. F. D.....	Wake.
M. A. GRIFFIN.....	Wendell.....	Wake.
J. WILBUR BUNN.....	Raleigh.....	Wake.
F. B. NEWELL.....	Warrenton.....	Warren.
CHARLES W. SNELL.....	Mackey's Ferry.....	Washington.
JOHN W. HODGES.....	Boone.....	Watauga.
E. A. STEVENS.....	Goldsboro.....	Wayne.
FRED. R. MINTZ.....	Mount Olive.....	Wayne.
LINVILLE BUMGARNER.....	Wilkesboro.....	Wilkes.
GEORGE W. CONNOR.....	Wilson.....	Wilson.
WADE REAVIS.....	Hamptonville.....	Yadkinville.
CHARLES HUTCHINS.....	Burnsville.....	Yancey.

HOUSE OFFICERS.

NAME.	POSITION.	COUNTY.
GEO. W. CONNOR.....	Speaker.....	Wilson.
T. G. COBB.....	Principal Clerk.....	Burke.
ALFRED McLEAN.....	Reading Clerk.....	Harnett.
M. D. KINSLAND.....	Engrossing Clerk.....	Haywood.
J. H. MORING.....	Sergeant-at-Arms.....	Wake.
E. J. JENKINS.....	Assistant Sergeant-at-Arms.....	Granville.

ENROLLING DEPARTMENT.

NAME.	POSITION.	COUNTY.
EDMUND B. NORVELL.....	Chief Clerk.....	Cherokee.
MISS EMILY TAYLOR.....	Assistant.....	Wake.
J. W. JENKINS.....	Assistant.....	Macon.

COMMISSIONERS OF AFFIDAVITS FOR NORTH CAROLINA
RESIDENT IN OTHER STATES.

NAME.	ADDRESS.	EXPIRATION OF TERM
E. G. BAGLEY.....	Danville, Va.....	Mar. 11, 1914
J. L. BAGLEY.....	Danville, Va.....	Feb. 28, 1914
ELLA F. BRAMAN.....	New York City.....	Feb. 3, 1915
JOSEPH B. BRAMAN.....	New York City.....	July 1, 1913
NORMAN CASSELL.....	Portsmouth, Va.....	May 13, 1914
M. V. COLLINS.....	San Francisco, Cal.....	Jan. 31, 1915
GEO. H. COREY.....	56 Wall St., New York.....	Oct. 30, 1913
CHARLES HENRY HESSE.....	Baltimore.....	Aug. 9, 1914
ISAAC R. HITT.....	Washington, D. C.....	Aug. 1, 1914
PEARCE HORNE.....	Washington, D. C.....	Mar. 22, 1914
J. WALTER HOSIER.....	Suffolk, Va.....	Dec. 12, 1914
THOMAS J. HUNT.....	Philadelphia, Pa.....	Nov. 20, 1913
W. P. JORDAN, JR.....	Norfolk, Va.....	May 9, 1915
CHARLES J. KATZENSTEIN.....	New York City.....	April 8, 1914
FREDERICK M. LEONARD.....	Philadelphia.....	Mar. 21, 1915
WILLIAM F. LETT.....	New York City.....	Oct. 6, 1913
CHARLES E. A. MCCARTHEY.....	New York City.....	June 24, 1914
ROBERT E. McNAMARA.....	Washington, D. C.....	Nov. 25, 1914
VINCENT L. PARKER.....	Portsmouth, Va.....	Feb. 15, 1915
WM. T. SHANNONHOUSE.....	Norfolk, Va.....	Nov. 20, 1913
S. T. STANCELL.....	Norfolk, Va.....	Nov. 14, 1914
KINLEY J. TENER.....	Philadelphia, Pa.....	Oct. 28, 1913
JOHN S. WURTS.....	Philadelphia, Pa.....	Sept. 2, 1914

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SESSION 1913

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CONSTITUTION
OF THE
STATE OF NORTH CAROLINA

PREAMBLE.

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

ARTICLE I.

DECLARATION OF RIGHTS.

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

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

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

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

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

Of allegiance to the U. S. government.

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

Public debt.

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

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

Exception.

Exclusive emoluments, etc.

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

The legislative, executive, and judicial powers distinct.

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

Of the power of suspending laws.

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

Elections free.

SEC. 10. All elections ought to be free.

In criminal prosecutions.

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

Answers to criminal charges.

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

Right of jury.

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

Excessive bail.

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

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

General warrants.

SEC. 16. There shall be no imprisonment for debt in this State, except in cases of fraud.

Imprisonment for debt.

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

No person to be taken, etc., but by law of the land.

SEC. 18. Every person restrained of his liberty is entitled to a remedy to inquire into the lawfulness thereof, and to remove the same, if unlawful; and such remedy ought not to be denied or delayed.

Persons restrained of liberty.

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

Controversies at law respecting property.

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

Freedom of the press.

SEC. 21. The privileges of the writ of *habeas corpus* shall not be suspended.

Habeas corpus.

SEC. 22. As political rights and privileges are not dependent upon, or modified by, property, therefore no property qualification ought to affect the right to vote or hold office.

Property qualification.

SEC. 23. The people of the State ought not to be taxed or made subject to the payment of any impost or duty without the consent of themselves, or their representatives in General Assembly, freely given.

Representation and taxation.

SEC. 24. A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed; and, as standing armies in time of peace are dangerous to liberty, they ought not to be kept up, and the military should be kept under strict subordination to, and governed by the civil power. Nothing herein contained shall justify the practice of carrying concealed weapons, or prevent the Legislature from enacting penal statutes against said practice.

Militia and the right to bear arms.

SEC. 25. The people have a right to assemble together to consult for their common good, to instruct their representatives, and to apply to the Legislature for redress of grievances. But secret political societies are dangerous to the liberties of a free people, and should not be tolerated.

Right of the people to assemble together.

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

Religious liberty.

- Education. SEC. 27. The people have the right to the privilege of education, and it is the duty of the State to guard and maintain that right.
- Elections should be frequent. SEC. 28. For redress of grievances, and for amending and strengthening the laws, elections should be often held.
- Recurrence to fundamental principles. SEC. 29. A frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty.
- Hereditary emoluments, etc. SEC. 30. No hereditary emoluments, privileges or honors ought to be granted or conferred in this State.
- Perpetuities, etc. SEC. 31. Perpetuities and monopolies are contrary to the genius of a free state, and ought not to be allowed.
- Ex post facto laws. SEC. 32. Retrospective laws, punishing acts committed before the existence of such laws, and by them only declared criminal, are oppressive, unjust and incompatible with liberty, wherefore no *ex post facto* law ought to be made. No law taxing retrospectively sales, purchases, or other acts previously done ought to be passed.
- Slavery prohibited. SEC. 33. Slavery and involuntary servitude, otherwise than for crime, whereof the parties shall have been duly convicted, shall be, and are hereby, forever prohibited within the State.
- State boundaries. SEC. 34. The limits and boundaries of the State shall be and remain as they now are.
- Courts shall be open. SEC. 35. All courts shall be open; and every person for an injury done him in his lands, goods, person or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial or delay.
- Soldiers in time of peace. SEC. 36. No soldier shall in time of peace be quartered in any house without the consent of the owner; nor in time of war, but in a manner prescribed by the law.
- Other rights of the people. SEC. 37. This enumeration of rights shall not be construed to impair or deny others retained by the people; and all powers not herein delegated, remain with the people.

ARTICLE II.

LEGISLATIVE DEPARTMENT.

- Two branches. SECTION 1. The legislative authority shall be vested in two distinct branches, both dependent on the people, to wit, a Senate and House of Representatives.
- Time of assembling. SEC. 2. The Senate and House of Representatives shall meet biennially on the first Wednesday after the first Monday in January next after their election; and when assembled shall be denominated the General Assembly. Neither house shall proceed upon public business unless a majority of all the members are actually present.
- Number of senators. SEC. 3. The Senate shall be composed of fifty Senators, biennially chosen by ballot.
- Regulations in relation to districting the State for senators. SEC. 4. The Senate districts shall be so altered by the General Assembly, at the first session after the return of every enumeration by order of Congress, that each Senate district shall con-

tain, as near as may be, an equal number of inhabitants, excluding aliens and Indians not taxed, and shall remain unaltered until the return of another enumeration, and shall at all times consist of contiguous territory; and no county shall be divided in the formation of a Senate district unless such county shall be equitably entitled to two or more Senators.

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

Regulations in relation to apportionment of representatives.

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

Ratio of representation.

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

Qualifications for senators.

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

Qualifications for representatives.

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

Election of officers.

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

Powers in relation to divorce and alimony.

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

Private laws in relation to names of persons, etc.

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

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

Vacancies.

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

Revenue.

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

Entails.

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

Journals.

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

Protest.

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

Officers of the House.

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

President of the Senate.

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

Other senatorial officers.

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

Style of the acts.

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

Powers of the General Assembly.

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

Bills and resolutions to be read three times, etc.

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

Oath of members.

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

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

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

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

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

ARTICLE III.

EXECUTIVE DEPARTMENT.

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

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

term of eight years, unless the office shall have been cast upon him as Lieutenant-Governor or President of the Senate.

Returns of elections.

SEC. 3. The return of every election for officers of the Executive Department shall be sealed up and transmitted to the seat of government by the returning officers, directed to the Speaker of the House of Representatives, who shall open and publish the same in the presence of a majority of the members of both houses of the General Assembly. The 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.

Oath of office for Governor.

SEC. 4. The Governor, before entering upon the duties of his office, shall, in the presence of the members of both branches of the General Assembly, or before any justice of the Supreme Court, take an oath or affirmation that he will support the Constitution and laws of the United States and of the State of North Carolina, and that he will faithfully perform the duties appertaining to the office of Governor to which he has been elected.

Duties of Governor.

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

Reprieves, commutations and pardons.

SEC. 6. The Governor shall have power to grant reprieves, commutations and pardons, after conviction, for all 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 the commutation, pardon or reprieve, and the reasons therefor.

Annual reports from officers of executive department and of public institutions.

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

Commander-in-chief.

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

Extra sessions of General Assembly.

SEC. 9. The Governor shall have power on extraordinary occasions, by and with the advice of the Council of State, to convene

the General Assembly in extra session by his proclamation, stating therein the purpose or purposes for which they are thus convened.

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

Officers whose appointments are not otherwise provided for.

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

Duties of the Lieutenant-Governor.

SEC. 12. In case of the impeachment of the Governor, his failure to qualify, his absence from the State, his inability to discharge the duties of his office, or in case the office of Governor shall in any wise 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 select such president.

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

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

Duties of other executive officers.

SEC. 14. The Secretary of State, Auditor, Treasurer and Superintendent of Public Instruction shall constitute, *ex officio*, the Council of State, who shall advise the Governor in the execution of his office, any 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

Council of State.

the members present, from any part of which any member may enter his dissent; and such journal shall be placed before the General Assembly when called for by either house. The Attorney-General shall be, *ex officio*, the legal adviser of the Executive Department.

Compensation of executive officers.

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

Seal of State.

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

Department of Agriculture, Immigration and Statistics.

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

ARTICLE IV.

JUDICIAL DEPARTMENT.

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

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

Feigned issues abolished.

Division of judicial powers.

SEC. 2. The judicial power of the State shall be vested in a court for the trial of impeachments, a Supreme Court, Superior Courts, courts of justices of the peace, and such other courts inferior to the Supreme Court as may be established by law.

Trial court of impeachment.

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

Impeachment.

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

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

Treason against the State.

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

Supreme Court justices.

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

Terms of the Supreme Court.

SEC. 8. The Supreme Court shall have jurisdiction to review, upon appeal, any decision of the courts below, upon any matter of law or legal inference. And the jurisdiction of said court over "issues of fact" and "questions of fact" shall be the same exercised by it before the adoption of the Constitution of one thousand eight hundred and sixty-eight, and the court shall have the power to issue any remedial writs necessary to give it a general supervision and control over the proceedings of the inferior courts.

Jurisdiction of Supreme Court.

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

Claims against the State.

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

Judicial districts for Superior Courts.

SEC. 11. Every judge of the Superior Court shall reside in the district for which he is elected. The judges shall preside in the courts of the different districts successively, but no judge shall hold the courts in the same district oftener than once in four years, but in case of the protracted illness of the judge assigned to preside in any district, or of any other unavoidable accident to him by reason of which he shall be unable to preside, the Governor may require any judge to hold one or more specified terms in said district in lieu of the judge assigned to hold the courts of the said district.

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

SEC. 12. The General Assembly shall have no power to deprive the Judicial Department of any power or jurisdiction which rightfully pertains to it as a coördinate department of the government; but the General Assembly shall allot and distribute that portion of this power and jurisdiction, which does not pertain to the Supreme Court, among 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

Jurisdiction of courts inferior to Supreme Court.

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.

In case of waiver of trial by jury.

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

Special courts in cities.

SEC. 14. The General Assembly shall provide for the establishment of special courts, for the trial of misdemeanors, in cities and towns, where the same may be necessary.

Clerk of Supreme Court.

SEC. 15. The Clerk of the Supreme Court shall be appointed by the court, and shall hold his office for eight years.

Election of Superior Court clerk.

SEC. 16. A clerk of the Superior Court for each county shall be elected by the qualified voters thereof, at the time and in the manner prescribed by law for the election of members of the General Assembly.

Term of office.

SEC. 17. Clerks of the Superior Courts shall hold their offices for four years.

Fees, salaries, and emoluments.

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

What laws are and shall be in force.

SEC. 19. The laws of North Carolina not repugnant to this Constitution or the Constitution and laws of the United States shall be in force until lawfully altered.

Disposition of actions at law and suits in equity pending when this Constitution shall go into effect, etc.

SEC. 20. Actions at law and suits in equity, pending when this Constitution shall go into effect, shall be transferred to the courts having jurisdiction thereof, without prejudice by reason of the change; and all such actions and suits commenced before, and pending at the adoption by the General Assembly of the rules of practice and procedure herein provided for, shall be heard and determined according to the practice now in use, unless otherwise provided for by said rules.

Justices Supreme Court, election of.

SEC. 21. The Justices of the Supreme Court shall be elected by the qualified voters of the State, as is provided for the election of members of the General Assembly. They shall hold their offices for eight years. The judges of the Superior Courts, elected at the first election under this amendment, shall be elected in like manner as is provided for Justices of the Supreme Court, and shall hold their offices for eight years. The General Assembly may, from time to time, provide by law that the judges of the Superior Courts, chosen at succeeding elections, instead of being elected by the voters of the whole State, as is herein provided for, shall be elected by the voters of their respective districts.

Transaction of business in the Superior Court.

SEC. 22. The Superior 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.

SEC. 23. A solicitor shall be elected for each judicial district by the qualified voters thereof, as is prescribed for members of the General Assembly, who shall hold office for the term of four years, and prosecute on behalf of the State, in all criminal actions in the Superior Courts, and advise the officers of justice in his district.

Solicitors for each judicial district.

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

Sheriffs and coroners.

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

Vacancies.

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

Terms of office of first officers under this Constitution.

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

Jurisdiction of justices of the peace.

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

Vacancies in office of justices.

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

Vacancies in office of Superior Court clerk.

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

Officers of other courts inferior to Supreme Court.

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

Removal of judges of the various courts for inability.

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

Removal of clerks of the various courts for inability.

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

Amendments not to vacate existing offices.

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

ARTICLE V.

REVENUE AND TAXATION.

SECTION 1. The General Assembly shall levy a capitation tax on every male inhabitant in the State over twenty-one and under fifty years of age, which shall be equal on each to the tax on property valued at three hundred dollars in cash. The commissioners of the several counties may exempt from capitation tax in special cases, on account of poverty and infirmity, and the State and county capitation tax combined shall never exceed two dollars on the head.

Capitation tax.

Exemptions.

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

Application of proceeds of State and county capitation tax.

SEC. 3. Laws shall be passed taxing, by a uniform rule, all moneys, credits, investments in bonds, stocks, joint-stock companies or otherwise; and also all real and personal property, according to its true value in money. The General Assembly may also tax trades, professions, franchises and incomes: *Provided*, that no income shall be taxed when the property from which the income is derived is taxed.

Taxation shall be by uniform rule and ad valorem.

SEC. 4. Until the bonds of the State shall be at par, the General Assembly shall have no power to contract any new debt or pecuniary obligation in behalf of the State, except to supply a casual deficit, or for suppressing 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.

Restrictions upon the increase of the public debt, except in certain contingencies.

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

Property exemptions from taxation.

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

Taxes levied by county commissioners.

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

ARTICLE VI.

SUFFRAGE AND ELIGIBILITY TO OFFICE.

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

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

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

General Assembly to provide registration laws. Qualifications of elector to register and vote. SEC. 4. Every person presenting himself for registration shall be able to read and write any section of the Constitution in the English language; and before he shall be entitled to vote he shall have paid, on or before the first day of May of the year in which he proposes to vote, his poll tax for the previous year, as prescribed by Article V, section 1, of the Constitution. But no male person who was, on January 1, 1867, or at any time prior thereto, entitled to vote under the laws of any state in the United States wherein he then resided, and no lineal descendant of any such person shall be denied the right to register and vote at any election in this State by reason of his failure to possess the educational qualifications herein prescribed: *Provided*, he shall have registered in accordance with the terms of this section prior to

Registration of persons entitled to vote without educational qualification. December 1, 1908. Permanent record. The General Assembly shall provide for the registration of all persons entitled to vote without the educational qualifications herein prescribed, and shall, on or before November 1, 1908, provide for the making of a permanent record of such registration, and all persons so registered shall forever thereafter have the right to vote in all elections by the people in this State,

unless disqualified under section 2 of this article: *Provided*, Proviso.
such person shall have paid his poll tax as above required.

SEC. 5. That this amendment to the Constitution is presented Amendment
indivisible.
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.

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

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

"I,, do solemnly swear (or affirm) that I will support Oath of office.
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."

SEC. 8. The following classes of persons shall be disqualified Disqualification
for office.
for office: First, all persons who shall deny the being of Al-
mighty 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.

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

ARTICLE VII.

MUNICIPAL CORPORATIONS.

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

SEC. 2. It shall be the duty of the commissioners to exercise a Duty of county
commissioners.
general supervision and control of the penal and charitable in-
stitutions, 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.

SEC. 3. It shall be the duty of the commissioners first elected Counties to be
divided into
districts.
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.

Said districts shall have corporate powers as townships.

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

Officers of townships.

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

Trustees shall assess property.

SEC. 6. 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.

No debt or loan except by a majority of voters.

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

Drawing of money.

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

Taxes to be ad valorem.

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

When officers enter on duty.

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

Governor to appoint justices.

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

Charters to remain in force until legally changed.

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

Debts in aid of the rebellion not to be paid.

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

Powers of General Assembly over municipal corporations.

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

ARTICLE VIII.

CORPORATIONS OTHER THAN MUNICIPAL.

SECTION 1. Corporations may be formed under general laws, but shall not be created by special act, except for municipal purposes, and in cases where, in the judgment of the Legislature, the object of the corporations can not be attained under general laws. All general laws and special acts passed pursuant to this section may be altered from time to time or repealed.

Corporations under general laws.

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

Debts of corporations, how secured.

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

What corporations shall include.

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

Legislature to provide for organizing cities, towns, etc.

ARTICLE IX.

EDUCATION.

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

Education shall be encouraged.

SEC. 2. The General Assembly, at its first session under this Constitution, shall provide by taxation and otherwise for a general and uniform system of public schools, wherein tuition shall be free of charge to all the children of the State between the ages of six and twenty-one years. And the children of the white race and the children of the colored race shall be taught in separate public schools; but there shall be no discrimination in favor of, or to the prejudice of, either race.

General Assembly shall provide for schools.

Separation of the races.

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

Counties to be divided into districts.

SEC. 4. The proceeds of all lands that have been or hereafter may be granted by the United States to this State, and not otherwise appropriated by this State or the United States; also all moneys, stocks, bonds, and other property now belonging to any state fund for purposes of education; also the net proceeds of all

What property shall be devoted to educational purposes.

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.

County school fund.

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

Proviso.

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

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

Benefits of the University.

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

Board of education.

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

President and secretary.

SEC. 9. The Governor shall be president, and the Superintendent of Public Instruction shall be secretary of the board of education.

Powers of board.

SEC. 10. The board of education shall succeed to all the powers and trusts of the president and directors of the literary fund of North Carolina, and shall have full power to legislate and make all needful rules and regulations in relation to free public schools and the educational fund of the State; but all acts, rules and regulations of said board may be altered, amended or repealed

by the General Assembly, and when so altered, amended or repealed they shall not be reenacted by the board.

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

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

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

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

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

ARTICLE X.

HOMESTEADS AND EXEMPTIONS.

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

SEC. 2. Every homestead, and the dwellings and buildings used 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.

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

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

SEC. 5. If the owner of a homestead die, leaving a widow but no 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.

Property of a married female secured to her.

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

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

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

How deed for homestead may be made.

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

ARTICLE XI.

PUNISHMENTS, PENAL INSTITUTIONS AND PUBLIC CHARITIES.

Punishments.

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

Convict labor.

Proviso.

Death punishment.

SEC. 2. 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.

Penitentiary.

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

Houses of correction.

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

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

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

SEC. 7. 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. Provisions for the poor and orphans.

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

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

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

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

ARTICLE XII.

MILITIA.

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

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

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

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

ARTICLE XIII.

AMENDMENTS.

Convention, how called.

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

How the Constitution may be altered.

SEC. 2. No part of the Constitution of this State shall be altered unless a bill to alter the same shall have been agreed to by three-fifths of each house of the General Assembly. And the amendment or amendments so agreed to shall be submitted at the next general election to the qualified voters of the whole State, in such 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.

ARTICLE XIV.

MISCELLANEOUS.

Indictments.

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

Penalty for fighting duel.

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

Drawing money.

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

Mechanic's lien.

SEC. 4. The General Assembly shall provide, by proper legislation, for giving to mechanics and laborers an adequate lien on the subject-matter of their labor.

Governor to make appointments.

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

Seat of government.

SEC. 6. The seat of government in this State shall remain at the city of Raleigh.

SEC. 7. No person, who shall hold any office or place of trust Holding office. 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 con- Proviso. tained shall extend to officers in the militia, justices of the peace, commissioners of public charities, or commissioners for special purposes.

SEC. 8. All marriages between a white person and a negro, or Intermarriage of whites and negroes prohibited. between a white person and a person of negro descent to the third generation inclusive, are hereby forever prohibited.



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PUBLIC LAWS

OF THE

State of North Carolina

SESSION, 1913

PUBLIC LAWS
OF THE
STATE OF NORTH CAROLINA

SESSION, 1913

CHAPTER 1.

AN ACT TO AMEND CHAPTER 95, PUBLIC LAWS 1911, IT BEING AN ACT TO PROVIDE ADDITIONAL CLERICAL ASSISTANCE TO THE GOVERNOR.

The General Assembly of North Carolina do enact:

SECTION 1. That section two of said chapter ninety-five be and the same is hereby repealed and in lieu thereof the following inserted: "The salaries of the employees of the executive department shall be as follows and no more: The private secretary to the Governor shall receive an annual salary of two thousand dollars. There shall also be to the Governor an executive secretary who shall receive a salary of not exceeding two thousand dollars per annum, who shall not be required to do clerical work for or allowed to receive pay from the Adjutant General's office, for which three hundred dollars is now allowed. There shall be no additional sum allowed for clerical assistance in the executive office."

Private secretary.

Executive secretary.

No additional allowance.

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

In the General Assembly read three times and ratified this the 20th day of January, 1913.

CHAPTER 2.

AN ACT TO AMEND SECTION 3155 OF THE REVISAL OF 1905, CONCERNING THE TIME WHEN PERSONS COMMITTED FOR FELONIES SHALL BE TRIED OR DISCHARGED.

The General Assembly of North Carolina do enact:

SECTION 1. That section three thousand one hundred and fifty-five of The Revisal of one thousand nine hundred and five be amended by adding thereto the following: *Provided*, the judge presiding may, in his discretion, refuse to discharge such person

Proviso: judicial discretion.

if the time between said first and second terms of the court be less than four months.

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

In the General Assembly read three times and ratified this the 25th day of January, 1913.

CHAPTER 3.

AN ACT TO AMEND SECTION 93 OF THE REVISAL OF 1905 OF NORTH CAROLINA, WITH REFERENCE TO FILING ACCOUNTS WITH ADMINISTRATORS.

The General Assembly of North Carolina do enact:

Notice of rejection of claims to be in writing.

SECTION 1. That section ninety-three of The Revisal of nineteen hundred and five be amended by inserting the words "in writing" after the word "notice" and before the word "of" in the fourth line thereof: *Provided*, that this shall not apply to transactions prior to the time this act goes into effect.

Proviso: law not retroactive.

In the General Assembly read three times and ratified this the 30th day of January, 1913.

CHAPTER 4.

AN ACT TO AUTHORIZE JURORS TO BE SUMMONED FROM COUNTIES OTHER THAN THE COUNTY OF TRIAL.

The General Assembly of North Carolina do enact:

Judge may order venire from another county.

SECTION 1. Upon suggestion being made as now provided by section four hundred and twenty-six of The Revisal of one thousand nine hundred and five, the presiding judge, instead of making order of removal as therein provided may cause so many jurors as he may deem necessary to be summoned from any adjoining county or any county in the same judicial district by the sheriff or other proper officer thereof, to attend, at such time as the said judge may designate and serve as jurors in said action. The said judge may direct the required number of names to be drawn from the jury box in said county, and in such manner as he may direct, and a list of the same to be delivered to the sheriff or other proper officer of said county, who shall at once summon the jurors so drawn to appear at the time and place specified in the order. In case a jury be not obtained from those so summoned the judge may, in like manner, from time to time, order additional jurors summoned from any adjoining county or any county in the same judicial district, or from the county where the trial is being held until a jury is obtained.

Jurors to be drawn.

List delivered to sheriff. Sheriff to summon jurors.

Additional jurors.

SEC. 2. Said jurors when so summoned shall be subject to chal- Challenge for cause.
 lence for cause as other jurors, but not because of nonresidence
 in the county of trial, or service within two years, or not being
 freeholders, and all jurors so summoned shall be entitled to com- Pay of jurors.
 pensation for mileage and time, to be paid by the county to which
 they are so summoned, at the rate now provided by law for regular
 jurors in the county of their residence.

SEC. 3. That this act shall be in force from and after its ratifi-
 cation.

In the General Assembly read three times and ratified this the
 30th day of January, 1913.

CHAPTER 5.

AN ACT TO AMEND SECTION 1137 OF THE REVISAL OF 1905 OF NORTH CAROLINA, RELATIVE TO THE NAMING OF CORPORATIONS.

The General Assembly of North Carolina do enact:

SECTION 1. That subsection one of section one thousand one
 hundred and thirty-seven of The Revisal of one thousand nine
 hundred and five of North Carolina be amended by adding after
 the word "company" and before the word "or" in the fourth line
 of said section, the following: "the word 'corporation'."

Word "corporation"
 may complete title.

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

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

In the General Assembly read three times and ratified this the
 30th day of January, 1913.

CHAPTER 6.

AN ACT RELATING TO THE LIABILITY OF COMMON CAR- RIERS BY RAILROAD TO THEIR EMPLOYEES IN CER- TAIN CASES.

The General Assembly of North Carolina do enact:

SECTION 1. That every common carrier by railroad shall be
 liable in damages to any person suffering injury while he is em-
 ployed by such carrier, or in the case of the death of such em-
 ployee, to his or her personal representative, for such injury or
 death resulting in whole or in part from the negligence of any
 of the officers, agents or employees of such carrier, or by reason
 of any defect or insufficiency due to its negligence, in its cars,
 engine, appliances, machinery, track, roadbed, works, boats,
 wharves, or other equipment.

Liability of com-
 mon carriers to
 employees.

Contributory negligence not bar to recovery.

SEC. 2. That in all actions hereafter brought against any such common carrier by railroad to recover damages, for personal injury to an employee, or where such injuries have resulted in his death, the fact that the employee may have been guilty of contributory negligence shall not bar a recovery, but the damages shall be diminished by the jury in proportion to the amount of negligence attributable to such employee: *Provided, however,* that no such employee who may be injured or killed shall be held to have been guilty of contributory negligence in any case where the violation by such common carrier of any statute enacted for the safety of employees contributed to the injury or death of such employee.

Negligence in mitigation of damages.

Proviso: violation of safety laws to bar mitigation.

No assumption of risk by employee

SEC. 3. That in any action brought against any common carrier to recover damages for injuries to, or the death of, any of its employees, such employee shall not be held to have assumed the risk of his employment in any case where the violation by such common carrier of any statute enacted for the safety of employees contributed to the injury or death of such employee, or the death or injury was caused by negligence.

Contracts, rules and regulations void.

SEC. 4. That any contract, rule, regulation or device whatsoever, the purpose and intent of which shall be to exempt itself from any liability created by this act, shall to that extent be void: *Provided,* that in any action brought against such common carrier, under and by virtue of any of the provisions of this act, such common carrier may set off therein any sum it has contributed or paid to any insurance or relief benefit, or indemnity that may have been paid to the injured employee, or the person entitled thereto, on account of the injury or death for which said action was brought.

Proviso: set off allowed.

Common carrier defined.

SEC. 5. That the term "common carrier," as used in this act, shall include the receiver or receivers, or other persons or corporations charged with the duty of the management of the business of a common carrier.

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

In the General Assembly read three times and ratified this the 3d day of February, 1913.

CHAPTER 7.

AN ACT AMENDATORY OF CHAPTER 119 OF THE PUBLIC LAWS OF NORTH CAROLINA, SESSION 1911, RELATIVE TO HOLDING OF THE SUPERIOR COURT OF CALDWELL COUNTY, IN THE THIRTEENTH JUDICIAL DISTRICT.

The General Assembly of North Carolina do enact:

Civil cases.

SECTION 1. That chapter one hundred and nineteen of the Public Laws of North Carolina, session of nineteen hundred and

eleven, be and the same is hereby amended as follows: By adding between the word "criminal" and the word "cases" in line two in the paragraph prescribing the time of holding the courts of Caldwell County, the words "and civil."

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

In the General Assembly read three times and ratified this the 3d day of February, 1913.

CHAPTER 8.

AN ACT TO AMEND SECTION 3347 OF THE REVISAL OF 1905, SO AS TO INCLUDE HUNTERS WHO FAIL TO EXTINGUISH FIRES.

The General Assembly of North Carolina do enact:

SECTION 1. That section three thousand three hundred and forty-seven of The Revisal of one thousand nine hundred and five be and the same is hereby amended by adding after the word "fires" and before the first comma in line four thereof the following: "or hunter who shall set fire to any tree, stump, or other combustible matter and leave without totally extinguishing such fire." Law extended.

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

In the General Assembly read three times and ratified this the 4th day of February, 1913.

CHAPTER 9.

AN ACT TO INCREASE THE SUPERIOR COURT JUDGES AND JUDICIAL DISTRICTS.

The General Assembly of North Carolina do enact:

SECTION 1. That the State shall be divided into twenty judicial districts, for each of which a judge and a solicitor shall be chosen in the manner now prescribed by law. Judicial districts. Judge and solicitor.

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

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

In the General Assembly read three times and ratified this the 5th day of February, 1913.

CHAPTER 10.

AN ACT TO AMEND CHAPTER 211, PUBLIC LAWS 1911, RELATING TO REPORTS OF THE CORPORATION COMMISSION.

The General Assembly of North Carolina do enact:

SECTION 1. That section nine of chapter two hundred and eleven of the Public Laws of one thousand nine hundred and eleven be, and the same is, hereby repealed.

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

In the General Assembly read three times and ratified this the 8th day of February, 1913.

CHAPTER 11.

AN ACT TO AMEND SECTION 3509 OF THE REVISAL BY CHANGING THE CRIME THEREIN DEFINED FROM A FELONY TO A MISDEMEANOR.

The General Assembly of North Carolina do enact:

SECTION 1. That section three thousand five hundred and nine of The Revisal of nineteen hundred and five be and it is hereby amended by striking out all of said section after the words "guilty of" in line seven thereof and adding in lieu thereof the words: "a misdemeanor and shall be fined or imprisoned or both fined and imprisoned in the discretion of the court."

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

In the General Assembly read three times and ratified this the 8th day of February, 1913.

CHAPTER 12.

AN ACT TO AMEND SECTION 3505 OF THE REVISAL OF 1905, RELATING TO PUNISHMENT FOR HORSE STEALING.

The General Assembly of North Carolina do enact:

SECTION 1. That section three thousand five hundred and five (3505) of The Revisal of one thousand nine hundred and five, be and the same is hereby amended by striking out the word "five" in line three thereof, and inserting in lieu thereof the words "four months."

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

In the General Assembly read three times and ratified this the 8th day of February, 1913.

Annual report printed.

Temporary use of horse.

Minimum punishment.

CHAPTER 13.

AN ACT TO EMPOWER MARRIED WOMEN TO RECOVER DAMAGES FOR PERSONAL INJURY AND FOR THEIR PERSONAL EARNINGS.

The General Assembly of North Carolina do enact:

SECTION 1. That the earnings of a married woman by virtue of any contract for her personal service, and any damages for personal injuries, or other tort sustained by her, can be recovered by her suing alone, and such earnings or recovery shall be her sole and separate property as fully as if she had remained unmarried.

Earnings or damages recovered by wife suing alone.

Earnings and recovery sole property.

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

In the General Assembly read three time and ratified this 8th day of February, one thousand nine hundred and thirteen.

CHAPTER 14.

AN ACT TO AMEND SECTION 1180 OF THE REVISAL OF 1905 OF NORTH CAROLINA, RELATIVE TO THE PRODUCTION OF STOCK BOOKS AND TO CURE CERTAIN IRREGULARITIES IN THE ELECTION OF DIRECTORS OF PRIVATE CORPORATIONS.

The General Assembly of North Carolina do enact:

SECTION 1. That section one thousand one hundred and eighty of The Revisal of one thousand nine hundred and five of North Carolina be amended by inserting after the word "same" and before the word "shall," in the thirteenth line of said section, the following: "after a demand therefor."

Books to be produced after demand

SEC. 2. That all elections of directors heretofore had under said section where the stock books or lists thereof were not produced, and no demand having been made for such production, are hereby ratified and confirmed and full legal force and effect is given to such elections: *Provided*, that the provisions of this act shall not apply to any pending litigation.

Elections heretofore held ratified.

Proviso: pending litigation.

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

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

In the General Assembly read three times and ratified this 8th day of February, 1913.

CHAPTER 15.

AN ACT TO PROVIDE FOR THE PAYMENT INTO THE OFFICE OF CLERK OF THE SUPERIOR COURT SURPLUS FUNDS IN THE HANDS OF TRUSTEES AND MORTGAGEES IN CERTAIN CASES.

The General Assembly of North Carolina do enact:

Trustees and mortgagees may pay surplus into court.

SECTION 1. It shall be competent for any trustee or mortgagee who may sell any real, personal or mixed property under the power of sale contained in any deed of trust or mortgage of any kind and who may have in his hands any surplus money, after paying the debt or debts secured by any such deed of trust or mortgage and costs and expenses of any such sale, to pay into the office of the clerk of the Superior Court of the county where such sale was had, any surplus moneys in his hands as aforesaid, in all cases where the grantor in any such deed of trust or mortgage shall be dead and there shall be no executor or administrator of his estate, and in all other cases where such trustee or mortgagee shall, for any cause, be in doubt as to who is the proper party or parties to whom to pay any such surplus moneys, and such payment to such clerk of the Superior Court shall have the effect to discharge such trustee or mortgagee from all liability to the extent of the amount so paid.

Cases where such payment is authorized.

Discharge of trustee or mortgagee.

Clerk to receive and receipt for money.

SEC. 2. It shall be the duty of the clerk in the cases provided for in the preceding section, to receive such money from any such trustee or mortgagee, and to execute a receipt for the same under the seal of his office: *Provided*, that the failure of any clerk to place said seal upon any such receipt shall not invalidate any receipt if same bears the genuine signature of the clerk. And the official bond of any such clerk shall be responsible for the safekeeping of any such moneys until the same shall be paid to the party or parties entitled thereto, or be paid out under the order of a court of competent jurisdiction.

Proviso: absence of seal not to invalidate receipt.

Clerk liable on bond

Costs payable from fund.

SEC. 3. In the event it shall be necessary for an action to be instituted by or against any such clerk to determine who are the rightful party or parties to whom any fund paid into his office under this act, shall be paid, the court, in which such action is tried, may, in its discretion, order the costs of any such action, including a reasonable attorney's fee, to be paid out of the fund in controversy.

SEC. 4. This act shall be in force from and after its ratification. In the General Assembly read three times and ratified this the 10th day of February, 1913.

CHAPTER 16.

AN ACT TO REPEAL CHAPTER 222 OF THE PUBLIC LAWS OF 1909, AND CHAPTER 132 OF THE PUBLIC LAWS OF 1911, RELATIVE TO THE BOUNDARY LINE BETWEEN THE COUNTIES OF ASHE AND WILKES.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter two hundred and twenty-two of the Public Laws of one thousand nine hundred and nine, and chapter one hundred and thirty-two of the Public Laws of one thousand nine hundred and eleven, relative to the county line between the counties of Ashe and Wilkes, be and the same are hereby repealed. Law repealed.

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

In the General Assembly read three times and ratified this the 12th day of February, 1913.

CHAPTER 17.

AN ACT TO REGULATE CONTRACTS OF SURETYSHIP BETWEEN THE EMPLOYEES OF COMMON CARRIERS AND THE SURETIES UPON SUCH CONTRACTS.

The General Assembly of North Carolina do enact:

SECTION 1. That whenever any employee of a common carrier authorized to do business in this State is required to give a bond or undertaking of any nature whatever with a bonding company or companies, as surety thereon, any such employee who shall have given such bond or undertaking shall, upon the breach of any of the conditions thereof by the other party or parties thereto, have the power to cancel the same by giving the surety or sureties thereon, for the benefit of whom same shall have been made, at least ten days notice in writing, setting out in full the reason for canceling the same. Any such notice to a company, corporation or association may be served by leaving the same with any person upon whom service of legal process upon such company, corporation or association may be had. Any surety or any such bond or undertaking shall, upon the breach of any of the conditions thereof by the common carrier employee for whom same shall have been made, have power to cancel the same by giving such employees at least ten days notice in writing, and upon demand, set out in full the reasons for canceling same, the said notice to be signed by an agent or manager of such surety: *Provided*, that nothing herein shall affect any right of action accruing to any person upon the breach of a contract: *Provided*, *further*, that any bonding company furnishing the information

Employee may cancel bond on breach of conditions.
Notice
Service of notice.
Surety may cancel bond.
Notice.
Proviso: right of action.
Proviso: liability of bonding company.

Proviso: bonding company not required to disclose source of information.
 Proviso: bonding company to give evidence.

which causes it to withdraw from the bond, shall not be liable in any action at the instance of the party aggrieved for damages: *Provided, further*, that the bonding company shall not be required to disclose to the party aggrieved the sources of information that caused it to withdraw from the bond: *Provided, further*, that any bonding company may be required to give evidence in any action brought by the party aggrieved against the party or person furnishing the information causing the company to withdraw as surety.

Misdemeanor.

SEC. 2. That any person, officer or manager, company, corporation, association or firm who shall violate any of the provisions of this act, shall be deemed guilty of a misdemeanor and punished by a fine of not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00).

Punishment.

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

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

In the General Assembly read three times and ratified this the 13th day of February, 1913.

CHAPTER 18.

AN ACT TO FIX THE COMPENSATION OF COMMISSIONERS APPOINTED TO PARTITION REAL OR PERSONAL PROPERTY, AND OF JURORS TO ALLOT DOWER, AMENDING SECTION 2791 OF THE REVISAL OF 1905 AND CHAPTER 223, PUBLIC LAWS OF 1907.

The General Assembly of North Carolina do enact:

Commissioners in partition.

SECTION 1. That section two thousand seven hundred and ninety-one of The Revisal of nineteen hundred and five of North Carolina be amended by striking out the words "one dollar" in line three, and inserting in lieu thereof "not exceeding two dollars, in the discretion of the court."

Commissioners allotting dower.

SEC. 2. That any person designated to allot or assign to any widow dower in her husband's land, and who shall serve, shall be paid not exceeding two dollars per day in the discretion of the court, and the same shall be taxed as a part of the bill of costs of the proceeding.

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

In the General Assembly read three times and ratified this the 13th day of February, 1913.

CHAPTER 19.

AN ACT RELATING TO THE ADVERTISEMENT OF REALES
OF REAL ESTATE BY COMMISSIONERS AND OTHERS.

The General Assembly of North Carolina do enact:

SECTION 1. That in all cases where a commissioner, sheriff, executor or administrator shall resell any real estate at public auction because of an insufficient bid, want of bidders, the placing of an additional or ten per cent bid on the price bid at a prior sale, or other cause, public notice of such resale where such resale is ordered by the court for not less than fifteen days shall be deemed and held sufficient notice: *Provided*, such notice shall recite the cause of resale and be posted at the courthouse door and at least three other public places in the county for not less than fifteen days, and also published at least once a week for two successive weeks in some newspaper, if a paper is published in the county where such resale is made.

Notice for fifteen days sufficient.

Proviso: specifications for notice.

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

In the General Assembly read three times and ratified this the 13th day of February, 1913.

CHAPTER 20.

AN ACT TO AMEND SECTIONS 4495, 4498 AND 4501 OF THE
REVISAL OF 1905, RELATING TO THE PRACTICE OF
MEDICINE, AND TO REQUIRE AN ADDITIONAL EDUCA-
TIONAL QUALIFICATION IN ORDER TO OBTAIN LICENSE
TO PRACTICE MEDICINE.

The General Assembly of North Carolina do enact:

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

Time for applying for examination.

SEC. 2. That section four thousand four hundred and ninety-eight of The Revisal of one thousand nine hundred and five be amended by inserting in line five between the word "clinical" and the word "instruction" the words "and scientific."

Colleges to supply "scientific" instruction.

SEC. 3. That section one of chapter eight hundred and ninety of the Public Laws of one thousand nine hundred and seven be amended by striking out the word "three" in line eight, and inserting in lieu thereof the word "four."

Four years course.

SEC. 4. That section four thousand five hundred and one of The Revisal of one thousand nine hundred and five be amended by striking out the word "ten" in line two, and inserting in lieu thereof the word "fifteen."

License fee.

Fee for license without examination.

SEC. 5. That section four thousand five hundred and one be also amended by adding thereto the following: "Whenever any license is granted without examination, as authorized by chapter eight hundred and ninety of the Public Laws of one thousand nine hundred and seven, said applicant shall pay to the secretary of the board a fee of fifty dollars before license or diploma is issued."

Academic education required.

SEC. 6. That every applicant presenting himself to the State Board of Medical Examiners shall, before he is admitted to examination, satisfy said board that he has an academic education equal to the entrance requirements of the University of North Carolina, or furnish a certificate from the superintendent of public instruction of the county that he has passed an examination upon his literary attainments to meet the requirements of entrance in the regular course of the State University: *Provided, however,* that all citizens of this State who have already begun the study of medicine shall be exempt from the operations of this section until the regular meeting of the State Board of Medical Examiners to be held in the year one thousand nine hundred and seventeen.

Proviso: exemption.

Power to administer oaths.

SEC. 7. That the president and secretary of the board of medical examiners of the State of North Carolina are hereby invested with power to administer oaths to all persons who may apply for examination before said board.

SEC. 8. That all laws and clauses of laws in conflict with any of the provisions of this act are hereby repealed.

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

In the General Assembly read three times and ratified this the 14th day of February, 1913.

CHAPTER 21.

AN ACT AMENDING CHAPTER 61 OF THE PUBLIC LAWS OF 1911, INCREASING THE AMOUNT OF MONEY WHICH BUILDING AND LOAN ASSOCIATIONS MAY BORROW.

The General Assembly of North Carolina do enact:

Limit of amount.

SECTION 1. That section two of chapter sixty-one of the Public Laws of North Carolina of one thousand nine hundred and eleven be and the same is hereby amended by striking out all after the word "exceed" in line eleven of said section and substituting therefor thirty per centum of the amount actually paid into said association as subscription or dues on installment shares.

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

In the General Assembly read three times and ratified this the 15th day of February, 1913.

CHAPTER 22.

AN ACT TO PROVIDE FUNDS FOR THE PREPARATION AND PROSECUTION OF FREIGHT RATE CASES INSTITUTED BY THE CORPORATION COMMISSION BEFORE THE INTERSTATE COMMERCE COMMISSION.

The General Assembly of North Carolina do enact:

SECTION 1. That the Corporation Commission of North Carolina be authorized to employ such rate experts as it may deem advisable to assist in the preparation and prosecution of the cases it has instituted, or may hereafter institute, before the Interstate Commerce Commission for the reduction of freight rates into and out of North Carolina. Employment of rate experts authorized.

SEC. 2. That the sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated to pay said experts and all such other costs and expenses as the said Corporation Commission may lawfully incur in the preparation and prosecution of said rate cases, the same to be audited and allowed by the auditor. Appropriation.

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

In the General Assembly read three times and ratified this the 17th day of February, 1913.

 CHAPTER 23.

AN ACT TO AMEND CHAPTER 392 OF THE PUBLIC LAWS OF 1909, AS TO THE HOLDING OF THE SUPERIOR COURTS OF FORSYTH COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter three hundred and eighty-two of the Public Laws of one thousand nine hundred and nine be amended by striking out all of section one after the word "civil" in line ten. Cases for trial.

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

In the General Assembly read three times and ratified this the 17th day of February, 1913.

CHAPTER 24.

AN ACT TO AMEND SECTION 3205 OF THE REVISAL OF 1905, RELATING TO THE TIME WHEN MAGISTRATES SHALL MAKE RETURNS IN CRIMINAL ACTIONS.

The General Assembly of North Carolina do enact:

Returns within twenty days.

SECTION 1. That section three thousand two hundred and five of The Revisal of one thousand nine hundred and five, be and the same is hereby amended by striking out the words "on the first" in line four thereof and the words "day of the sitting thereof" in line five thereof and inserting in lieu thereof the words "within twenty days after the taking of such examinations and recognition: *Provided*, that any criminal case tried within twenty days before the sitting of criminal court shall be returned on Saturday before the court convenes."

Proviso: returns on Saturday before court.

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

In the General Assembly read three times and ratified this the 18th day of February, 1913.

CHAPTER 25.

AN ACT TO AMEND SECTION 1238 OF THE REVISAL OF 1905, IN REGARD TO THE PURCHASE OF THE PROPERTY, RIGHTS AND FRANCHISES OF A CORPORATION BY ANOTHER CORPORATION.

The General Assembly of North Carolina do enact:

SECTION 1. Section twelve hundred and thirty-eight (1238) of The Revisal of one thousand nine hundred and five, is hereby amended by adding thereto the following: ("And if any purchaser, at any such sale heretofore or hereafter made, shall be a corporation, such purchasing corporation shall succeed to all the properties, franchises, powers, rights, and privileges of the original corporation"): "*Provided*, that this shall not affect vested right, and shall not be construed to in any manner alter the public policy of the State now or hereafter established with reference to trusts and contracts in restraint of trade."

Purchasing corporation to succeed.

Proviso: vested rights. Public policy.

In the General Assembly read three times and ratified this the 19th day of February, 1913.

CHAPTER 26.

AN ACT TO AMEND SECTION 3361 OF THE REVISAL OF 1905, DEFINING BIGAMY.

The General Assembly of North Carolina do enact:

SECTION 1. That section three thousand three hundred and sixty-one of The Revisal of one thousand nine hundred and five be, and the same is, hereby amended by striking out the words "whether the second marriage shall have taken place in the State of North Carolina or elsewhere," in lines two, three, and four thereof, and by inserting in line ten, between the words "county" and "providing," the following: "If any person being married shall con-

Marriage outside
State.

Cohabitation
within State.

tract a marriage with any other person outside of this State, which marriage would be punishable as bigamous if contracted within this State, and shall thereafter cohabit with such person in this State, he shall be guilty of a felony and punishable as in cases of bigamy."

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

In the General Assembly read three times and ratified this the 19th day of February, 1913.

CHAPTER 27.

AN ACT RELATING TO THE SUPERIOR COURTS OF NASH COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That civil actions may be brought to each and every term of Nash Superior Court, and in proper cases judgments by default may be taken, and civil business generally may be transacted, including jury trials of civil actions.

Civil business at
all terms.

SEC. 2. That all acts or parts of acts in conflict with this statute are hereby repealed.

SEC. 3. That this act shall take effect immediately after its ratification.

In the General Assembly read three times and ratified this the 20th day of February, 1913.

CHAPTER 28.

AN ACT TO REGULATE THE JURISDICTION OF THE SEVERAL TERMS OF SUPERIOR COURT OF ROBESON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That all civil process may be returnable to and pleadings filed at all of the terms of the Superior Court of Robeson County which it now has or may be hereafter given, whether

Civil process and
pleadings.

Civil trials at terms for criminal cases. the same be designated as civil or criminal terms. That at all terms that are now or may be hereafter designated as criminal terms, civil trials which do not require a jury, motions and divorce cases including jury trials in divorce cases may be heard and any other civil actions may be heard by consent, at such terms.

Judgments by default.

SEC. 2. Judgments by default, both final and interlocutory and with inquiry may be rendered at such criminal terms, and at any term of the Superior Court of Robeson County, without further notice than that contained in the summons.

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

SEC. 4. That this act shall also apply to Scotland County, shall be in force from and after its ratification, and the Secretary of State is hereby directed to send to the Clerk of the Superior Court of Robeson County certified copy of this act immediately upon its ratification.

In the General Assembly read three times and ratified this the 21st day of February, 1913.

CHAPTER 29.

AN ACT TO REGULATE THE SIZE OF MESH IN FISH NETS USED IN CURRITUCK SOUND.

The General Assembly of North Carolina do enact:

Size of bar and mesh.

SECTION 1. That it shall be unlawful for any person or persons, firm or corporation to fish in the waters of Currituck Sound with a drag, haul, seine or any other kind of net of whatsoever kind with a bar of less than one and three-eighths ($1\frac{3}{8}$) inches, or a mesh or less than two and three-quarters ($2\frac{3}{4}$) inches.

Time allowed as to pound nets.

SEC. 2. That this act shall not apply to pound nets until September first, one thousand nine hundred and fourteen.

Misdemeanor.

SEC. 3. That any person or persons, firm or corporation violating any of the provisions of this act shall be guilty of a misdemeanor and fined not more than fifty dollars or imprisoned more than thirty days, in the discretion of the court.

Punishment.

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

In the General Assembly read three times and ratified this the 24th day of February, 1913.

CHAPTER 30.

AN ACT TO AMEND CHAPTER 623 OF PUBLIC LAWS OF 1907,
IN REGARD TO SALE OF MERCHANDISE IN BULK.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of chapter six hundred and twenty-three of Public Laws of one thousand nine hundred and seven be amended by striking out the word "of" between the words "part" and "the" in line one of said section, and insert in lieu thereof the word "or." Error corrected.

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

In the General Assembly read three times and ratified this the 27th day of February, 1913.

CHAPTER 31.

AN ACT TO AMEND SECTIONS 1973, 1974, 3263 AND 3264 OF
THE REVISAL OF 1905, CONCERNING METHOD OF DRAWING
SPECIAL VENIRE AND JURORS AND THE COURT
PRACTICE IN SELECTING JURORS FOR THE TRIAL OF
CAUSES.

The General Assembly of North Carolina do enact:

SECTION 1. That section nineteen hundred and seventy-three (1973) of Revisal of one thousand nine hundred and five be, and the same is, hereby amended so that said section as amended shall read: "One thousand nine hundred and seventy-three. Special venire; ordered; summoned. Whenever a judge of the Superior Court shall deem it necessary to a fair and impartial trial of any person charged with a capital offense, he may issue to the sheriff of the county in which the trial may be a special writ of *venire facias*, commanding him to summon such number of persons qualified to act as jurors in said county as the judge may deem sufficient (such number being designated in the writ), to appear on some specified day of the term as jurors of said court; and the sheriff shall forthwith execute the writ and return it to the clerk of the court on the day when the same shall be returnable, with the names of the jurors summoned." Order for special venire.

SEC. 2. That section nineteen hundred and seventy-four (1974) of Revisal of one thousand nine hundred and five be, and the same is, hereby amended so that said section as amended shall read: "One thousand nine hundred and seventy-four. Drawn from box, when. Whenever a judge shall deem a special venire necessary he may, at his discretion, issue an order to the clerk of the board Number.
Execution of writ.
Names drawn for special venire.

Names inserted in writ. Order for other venire. Scrolls drawn placed in box two.

of commissioners for the county, commanding him to bring into open court forthwith the jury boxes of the county, and he shall cause the number of scrolls as designated by him to be drawn from box number one by a child under ten years of age. And the names so drawn shall constitute the special venire, and the clerk of the Superior Court shall insert their names in the writ of venire, and deliver the same to the sheriff of the county, and the persons named in the writ and no others shall be summoned by said sheriff. If the special venire is exhausted before the jury is chosen, said judge shall order another special venire until the jury has been chosen. The scrolls containing the names of the persons drawn as jurors from box number one shall, after the jury is chosen, be placed in box number two, and if box number one is exhausted before the jury is chosen, the drawing shall be completed from box number two after the same shall have been well shaken."

Peremptory challenges in capital cases. Peremptory challenges in crimes and misdemeanors. Names of jurors read. Questions of competency.

SEC. 3. That section three thousand two hundred and sixty-three (3263) of The Revisal of one thousand nine hundred and five be, and the same is, hereby amended so that said section as amended shall read: "Every person on joint or several trial for his life may make a peremptory challenge of twelve jurors and no more; and in all joint or several trials for crimes and misdemeanors, other than capital, every person on trial shall have the right of challenging peremptorily and without showing cause, four jurors and no more. And to enable defendants to exercise this right, the clerk in all such trials shall read over the names of the jurors on the panel in the presence and hearing of the defendants and their counsel before the jury shall be empaneled to try the issue; and the judge or other presiding officer of the court shall decide all questions as to the competency of jurors."

State's right to peremptory challenges in capital cases. Challenge before tender. Challenges for State in other cases.

SEC. 4. That section three thousand two hundred and sixty-four (3264) of The Revisal of one thousand nine hundred and five be, and the same is, hereby amended so that said section as amended shall read: "In all capital cases the prosecuting officer on behalf of the State shall have the right to challenge peremptorily four jurors for each defendant, but shall not have the right to stand any jurors at the foot of the panel. Said challenge must be made before the juror is tendered to the prisoner, and if he will challenge more than four jurors he shall assign for his challenge a cause certain; and in all other cases of a criminal nature, a challenge of two jurors shall be allowed in behalf of the State for each defendant, and challenge also for a cause certain, and in all cases of challenge for cause certain the same shall be inquired of according to the custom of the court."

Jurors not freeholders or who have served within two years competent.

SEC. 5. That it shall not be a valid cause of challenge that a juror called from those whose names are drawn from the box is not a freeholder or has served upon the jury within two years

prior to the court at which the case is tried. In other respects the cause of challenge shall be the same as now provided by law. Other causes unaltered.

SEC. 6. That the court, or any party to an action, civil or criminal, shall be allowed, in selecting the jury, to make inquiry as to the fitness and competency of any person to serve as a juror, without having such inquiry treated as a challenge of such person, and it shall not be considered by the court that any person is challenged as a juror until the party shall formally state that such person is so challenged. Inquiry without challenge.
Challenge formal.

SEC. 7. That nothing in this act shall be construed as interfering with or changing any law authorizing jurors to be summoned from counties other than the county of trial. Jurors from other counties.

SEC. 8. That the provisions of this act as to criminal cases shall not apply in the trial of persons for crimes already committed. Crimes heretofore committed.

SEC. 9. That all laws and parts of laws in conflict herewith are hereby repealed.

SEC. 10. That this act shall be in force from and after April first, one thousand nine hundred and thirteen. When act effective.

In the General Assembly read three times and ratified this the first day of March, 1913.

CHAPTER 32.

AN ACT TO PREVENT THE USE OF FIREARMS BY CHILDREN.

The General Assembly of North Carolina do enact:

SECTION 1. That any person being the parent or guardian of, or standing in *loco parentis* to, any child under the age of twelve years, who shall knowingly permit such child to have the possession or custody of, or use, in any manner whatever, any gun, pistol, or other dangerous firearm, whether such firearm be loaded or unloaded, or any other person, who shall knowingly furnish such child any such firearm, shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars, or imprisoned not exceeding thirty days. Parents and guardians forbidden to allow children to have possession, custody or use of arms.
All persons forbidden to furnish arms to children.
Misdemeanor.
Punishment.

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

In the General Assembly read three times and ratified this the first day of March, 1913.

CHAPTER 33.

AN ACT TO PROVIDE FOR A SIX MONTHS SCHOOL TERM
IN EVERY PUBLIC SCHOOL DISTRICT OF THE STATE.

The General Assembly of North Carolina do enact:

- Appropriation. SECTION 1. That two hundred and fifty thousand dollars be, and the same is, hereby appropriated annually out of the state treasury for the benefit of the public schools, to be apportioned by the State Board of Education to the respective counties of the State per capita as to school population on the first Monday in January of each year, using the school census of the preceding scholastic year as the basis of apportionment: *Provided*, that the State Board of Education shall annually deduct from said appropriation, before the apportionment thereof, the sum of one thousand five hundred dollars to be used in part payment of the salary and expenses of the Superintendent of the State Colored Normal Schools and inspector and director of the county teachers' institutes and of the teacher-training work of the State, and shall also deduct therefrom biennially in advance seven thousand five hundred dollars to be used for the establishment of rural libraries as provided in section four thousand one hundred and seventy-nine of The Revisal of one thousand nine hundred and five of North Carolina.
- Rural libraries.
- Warrants issued by auditor. SEC. 2. Upon requisition of the Superintendent of Public Instruction, the State Auditor shall issue his warrant upon the State Treasurer for the amount due each county, payable to the county treasurer, to be credited to the general public school fund of said county.
- State equalizing school fund. SEC. 3. There shall be set aside annually five cents of the annual *ad valorem* tax levied and collected for State purposes on every one hundred dollars value of real and personal property in this State, and the funds annually arising from said tax shall be held by the State Treasurer as a fund separate and apart from all other funds for State purposes, and shall be known as "The State Equalizing School Fund," and shall be used, as hereinafter directed, to provide a six months school term in every school district in the State, or as nearly a six months term as said funds will provide.
- Use of fund.
- Sworn itemized statements from county boards of education. SEC. 4. On or before the first Monday in December of each and every year the county board of education of each and every county entitled to aid from this fund shall submit to the State Board of Education, on blanks furnished for that purpose by the State Superintendent of Public Instruction, a sworn itemized statement by districts, showing the number of teachers employed in each district, the grade or class and the salary of each teacher, and such other information as may be required. Said statement shall further show under oath that provision has been made as required by law for a four months school term in each district of
- Provision for four months term.

said county, the rate of special tax levied therefor and the aggregate fund derived or to be derived therefrom. On or before the first Monday in February of each year the State Treasurer shall certify to the State Board of Education the amount of said state equalizing school fund derived and to be derived from said five cents property tax levied and set aside from the State tax levy on every one hundred dollars value of real and personal property in the State during the school year ending June thirtieth thereafter, and the State Board of Education shall apportion said fund among all the counties of the State that have complied with all the requirements of the law for providing a school term of four months in every school district, so as to equalize the school terms in said counties and bring the term in each legal school district in each of said counties to an equal length, bringing all terms in all districts to a minimum of six months, or as near thereto as the funds provided for this purpose render possible. The State Board of Education, however, shall apportion this fund only for the salaries of the teachers employed, and no part of said fund shall be apportioned or used for any other purpose than for the payment of the salaries of the said teachers for the period designated by the State Board of Education in the apportionment to each county. The salaries apportioned from said fund for teachers shall not exceed forty dollars per month for first grade, thirty dollars per month for second grade, and twenty dollars per month for third grade. Any balance of said fund that may remain after equalizing terms to six months as herein provided shall be apportioned among all the counties of the State per capita as to school population.

State Treasurer to certify amount of fund.

Apportionment of fund.

Specific appropriation for salaries of teachers.

Amount of salaries.

Apportionment of surplus.

SEC. 5. In the apportionment of the county school fund and in the apportionment of funds under this act to school districts levying a special tax for their schools no account shall be taken of the funds derived from said special tax, and the authorities legally empowered to levy such special tax in such school districts are hereby authorized, upon recommendation of the school committee or board of trustees of said school districts, to reduce the rate of the annual special tax levy therein proportionately to the increase of the funds of said district from the increased apportionment from the county and state funds and to the needs of the district: *Provided, however,* that the school term in said district shall not be reduced by said decrease in the special tax more than it is lengthened by the increased appropriation from the county and state funds.

Apportionment to special tax districts.

Reduction of tax rate.

Proviso: limit of reduction.

SEC. 6. After any county shall have levied and collected a special tax of fifteen cents on every one hundred dollars value of property, real and personal, and forty-five cents on every taxable poll therein, to provide a four months school term in every school district, though the funds derived therefrom may be insufficient therefor, said county shall be entitled to receive from the State equalizing school fund provided under this act an apportionment

Rate of tax to be levied by counties.

Apportionment from State equalizing fund.

for salaries of teachers for the same increased period beyond the end of its school term as it would if it had provided a full four months term in every district.

Warrants for apportionment to counties.

Funds credited to county school fund.
Specific appropriation.
Diversion of fund forbidden.

Sworn certificate of funds for incidental expenses.

Violation of section a misdemeanor.

Punishment.

Estimate of cost of four months term.

Basis of estimate.

Estimate of income.

Itemized statement of amount needed.

SEC. 7. Upon requisition by the State Superintendent of Public Instruction, the State Auditor shall issue his warrant upon the State Treasurer payable to the county treasurer for the apportionment made under section four of this act to each county, and the funds when received by said County Treasurer shall be placed to the credit of the county school fund of said county, to be used only for the specific purpose designated in this act; and the county treasurer is forbidden to pay any part thereof for any other purpose; the county board of education is forbidden to order the payment of any part thereof for any other purpose, and the county superintendent of public instruction is forbidden to sign any voucher for the payment of any part thereof for any other purpose than for the payment of teachers' salaries as and for the period designated. No district in any county shall be entitled to any part of said apportionment for the payment of the salary of its teachers until the committee thereof or the township committee shall have furnished to the county superintendent satisfactory evidence, sworn to if required, that the necessary funds have been provided for paying the incidental expenses of the school or schools in said district for the additional term for which teachers' salaries have been provided in said apportionment. Any county treasurer, county superintendent, or member of any county board of education violating any of the provisions of this section shall be guilty of a misdemeanor, and shall be fined or imprisoned in the discretion of the court.

SEC. 8. Chapter five hundred and eight of the Public Laws of one thousand nine hundred and nine of North Carolina is hereby repealed, and the following is hereby substituted and enacted in lieu thereof: On or before the first Monday in June of each and every year the county board of education of each county shall ascertain the amount of money needed to maintain the public schools of such county for four months during the succeeding school year. The county board of education, using as a basis the receipts for school purposes during the current school year ending June thirtieth thereafter, shall ascertain the amount that will be available for school purposes from the general school tax, from fines, forfeitures, and penalties, and from the annual per capita appropriation to the county from the special state appropriation for public schools under this act. If the amount received and to be received from these sources is less than the amount ascertained to be needed for a full four months school term in every public school district of the county, said county board of education shall submit to the board of county commissioners of said county an itemized statement of the amounts needed for supervision, for administration, for buildings and repairs, for salaries of teachers, and for all other expenses allowed by law. The state-

ment shall also set forth the number of teachers, white and colored, to be employed in each district, and the salary of each teacher in each district. The limitation placed by law on each of these objects shall not be exceeded. It shall thereupon be the duty of the board of county commissioners to levy a special tax on all property, real and personal, and on all taxable polls, subject to the constitutional limitation as to poll tax, in said county sufficient to supply the deficiency needed for the support and maintenance of the public schools of said county for four months in each school district: *Provided*, that no county shall be compelled to levy a special tax of more than fifteen cents on every hundred dollars value of property, real and personal, and forty-nine cents on every taxable poll for said purpose. The said tax shall be levied and collected at the same time and in the same manner as other county taxes are levied and collected, and the funds derived therefrom shall be apportioned and expended by the county board of education for maintaining one or more public schools in each school district for a term of four months in each year. In the event of a disagreement between the county board of education and the board of county commissioners as to the amount of the deficiency to be supplied for a four months school, and as to the rate of tax to be levied therefor, or of the refusal of any board of county commissioners to levy said tax, the county board of education shall bring an action in the nature of mandamus against the board of county commissioners to compel the levying of such special tax in the manner and form as provided in sections eight hundred and twenty-two and eight hundred and twenty-four of The Revisal of one thousand nine hundred and five of North Carolina, and it shall be the duty of the judge hearing the same to find the facts as to the amount needed and the amount available from the sources herein specified, which finding shall be conclusive, and to give judgment requiring the county commissioners to levy the sum which he shall find necessary to maintain the schools for four months in said county. No county shall receive any part of the State equalizing school fund provided by this act until it shall have levied the special tax herein required of it for a four months school term in every school district.

Further items to be stated.

Special tax to supply deficiency.

Proviso: limit of requirement.

Levy and collection of tax.

Apportionment and expenditures.

Action by mandamus against county commissioners.

Judge to find facts and order levy.

No apportionment from equalizing fund for counties not levying special tax.

SEC. 9. That the board of commissioners of any county in North Carolina be, and they are hereby authorized and empowered to levy a special tax in excess of the constitutional limitation, not exceeding five (5) cents on the one hundred dollars (\$100.00) valuation of all property listed for taxation in their respective counties, to provide for any deficiency in the necessary expenses and revenue of said respective counties, which may be caused by the provisions of this act.

Levy in excess of constitutional limitation.

SEC. 10. That section four thousand and ninety-seven of The Revisal of one thousand nine hundred and five of North Carolina, as amended by chapter seven hundred and seventy-nine of the

Laws repealed.

Public Laws of one thousand nine hundred and nine of North Carolina, be and the same is hereby repealed, and all laws and clauses of laws in conflict with this act are hereby repealed.

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

In the General Assembly read three times and ratified this the 1st day of March, 1913.

CHAPTER 34.

AN ACT TO ALLOW THE STATE TREASURER TO RENEW CERTAIN NOTES, ETC.

Preamble: authority to borrow money.

WHEREAS, The General Assembly of nineteen hundred and eleven, chapter seventy-three, section seven, authorized the State Treasurer to borrow "not exceeding three hundred thousand dollars" to meet the deficiency caused by the appropriations being in excess of the revenue; and, whereas, the said sum of three hundred thousand dollars is now borrowed from the Penn Mutual Life Insurance Company of Philadelphia and the Mutual Benefit Life Insurance Company of Newark, N. J., one hundred and fifty thousand dollars each, and is due March twenty-ninth, nineteen hundred and thirteen.

Preamble: amount of debt.

AND, WHEREAS, There are now hypothecated for loans about two hundred and fifty thousand dollars worth of State warrants; therefore,

Preamble: collateral security.

The General Assembly of North Carolina do enact:

Renewal of notes authorized.

SECTION 1. That in order to pay the said obligations the State Treasurer is hereby authorized to either renew the said notes or to borrow sufficient amount to pay off these obligations, and to execute therefor his note payable at the earliest practical moment, and to renew said obligations from time to time as necessary, the said note, or notes, to bear interest at a rate to be agreed upon between the State Treasurer and the party or parties from whom the money may be borrowed.

Interest.

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

In the General Assembly read three times and ratified this the 1st day of March, 1913.

CHAPTER 35.

AN ACT TO PROTECT FEMALE TELEPHONE OPERATORS.

The General Assembly of North Carolina do enact:

Use of lewd, profane, vulgar or indecent language forbidden.

SECTION 1. That it shall be unlawful for any person or persons to use any lewd or profane words, or any words of vulgarity, or to use indecent language to any female telephone operator operating any telephone, switchboard, circuit, or line.

SEC. 2. Any person violating this act, upon conviction, shall Fine. pay a fine of twenty dollars for each and every offense.

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

In the General Assembly read three times and ratified this the 1st day of March, 1913.

CHAPTER 36.

AN ACT FOR THE RELIEF OF SHERIFFS AND TAX COLLECTORS.

The General Assembly of North Carolina do enact:

SECTION 1. That all sheriffs and tax collectors who by virtue of their office have had the tax lists for the purpose of collecting the taxes of their respective counties and towns and school districts in their hands, for the years one thousand nine hundred and nine, one thousand nine hundred and ten, one thousand nine hundred and eleven, and one thousand nine hundred and twelve, and in cases of death or default, their personal representatives, bondsmen, or any agent they may designate, are hereby authorized and empowered to collect arrears of taxes for each of the years aforesaid, under such rules and regulations as are now or may hereafter be provided for collectorship of taxes. Collection of arrears of taxes authorized. Years.

SEC. 2. That no person shall be compelled to pay any tax under the provisions of section one of this act, who will make affidavit before any person authorized to administer oaths that the tax attempted to be collected has been paid, nor shall any executor or guardian be compelled to pay any tax under the provisions of this act after he shall have made final settlement: *Provided*, that this act shall not authorize the sale of any land for taxes which has been conveyed to a purchaser for value and without actual notice of the nonpayment of the taxes. Persons not compelled to pay tax. Proviso: sale of land.

SEC. 3. That nothing herein contained shall be construed to relieve sheriffs, tax collectors, their representatives or bondsmen, from the liability imposed by law to pay the State, county, and other taxes at the time and place required by law. Liabilities not relieved.

SEC. 4. That the authority herein given shall cease and determine on the first day of January, nineteen hundred and fourteen. Termination of authority.

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

In the General Assembly read three times and ratified this the 1st day of March, 1913.

CHAPTER 37.

AN ACT TO AMEND CHAPTER 58 OF THE PUBLIC LAWS OF 1911.

The General Assembly of North Carolina do enact:

Alternative route. SECTION 1. That chapter fifty-eight of Public Laws of one thousand nine hundred and eleven be amended so as to add, in line six of section one, after the word "Madison," "or Haywood," Additional trustee. and in line nineteen of section four, after the word "Madison" add "Hugh A. Love, of Haywood County."

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

In the General Assembly read three times and ratified this the 3d day of March, 1913.

CHAPTER 38.

AN ACT TO EXEMPT ACTIVE MEMBERS OF THE NATIONAL GUARD OF NORTH CAROLINA FROM ROAD AND JURY DUTY.

The General Assembly of North Carolina do enact:

Exemption. SECTION 1. That all active members of the National Guard of North Carolina who comply with and perform all duties required of them as members of said National Guard, be and they are hereby, exempted from duty upon the public roads of the county in which they reside, and shall also be exempt from service as jurors.

Lists furnished to clerks of superior courts. SEC. 2. That on the first day of July and January of each year, beginning with the first day of July, nineteen hundred and thirteen, the commanding officer of each company, troop, battery or division of the National Guard of North Carolina, shall file with the clerk of the Superior Court of the county in which said company, troop, battery or division is located, a statement giving the names and rank of each member of his organization who has performed all military duties required of such member during the preceding six months, and any member of such military organization whose name shall not appear upon said statement shall not receive the benefit of the exemption provided in section one hereof during the six months immediately following the filing of said statement.

Members not entitled to exemption.

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

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

In the General Assembly read three times and ratified this the 3d day of March, 1913.

CHAPTER 39.

AN ACT TO AUTHORIZE ANY COMMISSIONER OF DEEDS TO TAKE PROOF AND ACKNOWLEDGMENT OF DEEDS AND OTHER INSTRUMENTS, AND TO AMEND SECTION 990 OF THE REVIVAL OF 1905 ACCORDINGLY.

The General Assembly of North Carolina do enact:

SECTION 1. Section nine hundred and ninety (990) of The Revisal of one thousand nine hundred and five is hereby amended by inserting after the word "public," in line eight of said section, the following: "Any commissioner of deeds." Commissioners of deeds to take probates.

SEC. 2. Any deed or other instrument permitted by law to be registered, and which has heretofore been proved or acknowledged before a commissioner of deeds, is hereby validated; and its registration is authorized and validated: *Provided*, nothing in this act shall affect pending litigation or vested rights. Probates validated. Proviso: pending litigation and vested rights.

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

In the General Assembly read three times and ratified this the 3d day of March, 1913.

CHAPTER 40.

AN ACT FOR THE BETTER PROTECTION OF PERSONS ON THE PUBLIC ROADS AND HIGHWAYS OF THE STATE.

The General Assembly of North Carolina do enact:

SECTION 1. That if any person shall, on any public road or highway in the State of North Carolina, in the hearing of two or more persons, in a loud and boisterous manner, use indecent or profane language, he shall be guilty of a misdemeanor and upon conviction shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days. Misdemeanor. Punishment.

SEC. 2. That the following counties shall be exempted from the provisions of this act: Dare, Tyrrell, Washington, Beaufort, Martin, Pitt, Watauga, Cleveland, Brunswick, Stanly, Perquimans, Pasquotank, Camden, Swain, Gates, Davie, Orange, Jones, Transylvania, Macon, and Craven. Counties exempted.

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

In the General Assembly read three times and ratified this the 3d day of March, 1913.

CHAPTER 41.

AN ACT TO DECLARE ILLEGAL TRUSTS AND COMBINATIONS IN RESTRAINT OF TRADE.

The General Assembly of North Carolina do enact:

Contracts, combinations and conspiracies declared illegal.

Parties to contracts guilty of misdemeanor.

Punishment as to persons.

Punishment as to corporations.

Conduct violating principles of common law forbidden.

Contracts, combinations and conspiracies declared unreasonable and illegal.

Burden of proof on defendant.

Contracts not enforceable unless executed in writing.

Proviso: contracts not legalized.

Further declaration of unlawful acts.

SECTION 1. That every contract, combination in the form of trust or otherwise, or conspiracy in restraint of trade or commerce in the State of North Carolina is hereby declared to be illegal. Every person or corporation who shall make any such contract expressly or shall knowingly be a party thereto by implication, or who shall engage in any such combination or conspiracy, shall be guilty of a misdemeanor, and upon conviction thereof such person shall be fined or imprisoned or both in the discretion of the court, whether such person entered into such contract individually or as an agent representing a corporation, and such corporation shall be fined in the discretion of the court not less than one thousand dollars.

SEC. 2. That any act, contract, combination in the form of trust, or conspiracy in restraint of trade or commerce which violates the principles of the common law is hereby declared to be in violation of section one of this act.

SEC. 3. That all contracts, combinations in the form of trust, and conspiracies in restraint of trade or commerce prohibited in sections one and two of this act, are hereby declared to be unreasonable and illegal, unless the persons entering into such contract, combination in the form of trust, or conspiracy in restraint of trade or commerce can show affirmatively upon an indictment or civil action for violation of sections one and two of this act that such contract, combination in the form of trust, conspiracy in restraint of trade or commerce does not injure the business of any competitor, or prevent any one from becoming a competitor because his or its business will be unfairly injured by reason of such contract, combination in the form of trust, or conspiracy in restraint of trade or commerce.

SEC. 4. That no contract or agreement hereafter made, limiting the rights of any person to do business anywhere in the State of North Carolina shall be enforceable unless such agreement is in writing duly signed by the party who agrees not to enter into any such business within such territory: *Provided*, nothing herein shall be construed to legalize any contract or agreement not to enter into business in the State of North Carolina, or at any point in the State of North Carolina, which contract is now illegal, or which contract is made illegal by any other section of this act.

SEC. 5. That in addition to the matters and things hereinbefore declared to be illegal, the following acts are declared to be unlawful, that is, for any person, firm, corporation, or association to directly or indirectly do or have any contract, express or knowingly implied, to do, any of the acts or things specified in any of the subsections of this section.

- (a) To agree or conspire with any other person, firm, corporation or association to put down or keep down the price of any article produced in this State by the labor of others, which said article said person, firm, corporation or association intends, plans or desires to buy. Agreement or conspiracy to reduce prices.
- (b) To make a sale or sales of any goods, wares, merchandise, articles or things of value whatsoever in North Carolina, whether directly or indirectly, or through any agent or employee, upon the condition that the purchaser thereof shall not deal in the goods, wares, merchandise, articles or things of value of a competitor or rival in the business of the person, firm, corporation or association making said sales. Sales made on condition that purchaser shall not deal with rival.
- (c) To willfully destroy or injure, or undertake to destroy or injure, the business of any opponent or business rival in the State of North Carolina with the purpose or intention of attempting to fix the price of anything of value when the competition is removed. Injuring or attempt to injure rival, with intent to fix prices free from competition.
- (d) Who directly or indirectly buys or sells within the State, through himself or itself, or through any agent of any kind or as agent or principal, or together with or through any allied, subsidiary or dependent person, firm, corporation or association, any article or thing of value which is sold or bought in the State to injure or destroy or undertake to injure or destroy the business of any rival or opponent, by lowering the price of any article or thing of value sold, so low, or by raising the price of any article or thing of value bought, so high as to leave an unreasonable or inadequate profit for a time, with the purpose of increasing the profit on the business when such rival or opponent is driven out of business, or his, their or its business is injured. Buying or selling with intent to destroy or injure business of rival by affecting prices with intent of increasing profit by change of prices after such destruction and injury.
- (e) Who deals in any thing of value within the State of North Carolina, to give away or sell, at a place where there is competition, such thing of value at a price lower than is charged by such person, firm, corporation or association, for the same thing at another place, where there is not good and sufficient reason, on account of transportation or the expense of doing business, for charging less at the one place than at the other, with the view of injuring the business of another. Unreasonable profit.
- (f) Who is engaged in buying or selling any thing of value in North Carolina, to make or have any agreement or understanding, express or implied, with any other person, firm, corporation or association, not to buy or sell said things of value within certain territorial limits within the State, with intention of preventing competition in selling or to fix the price or prevent competition in buying of said things of value within these limits: *Provided*, nothing herein shall be construed to prevent an agent from representing more than one principal. But nothing in this proviso shall be construed to authorize two or more principals to employ a common agent for the purpose of suppressing competition or lowering prices: *Provided, further*, that nothing herein shall be Variance of prices between localities with intent to injure business of another.
- Contracts not to do business in certain localities with intent to stifle competition in such localities.
- Proviso: agent representing more than one principal.
- Proviso: sale of business and good will.

construed to prevent a person, firm or corporation from selling his or its business and good will to a competitor, and agreeing in writing not to enter the business in competition with the purchaser in a limited territory, as is now allowed under the common law: *Provided*, such agreement shall not violate the principles of the common law against trusts and shall not violate the provisions of this act.

Proviso: condition of sale of good will must not violate common law or this act.
Corporation guilty of misdemeanor.

Punishment.

Person guilty of misdemeanor.

Punishment.

That any corporation, either as agent or principal, violating any of the provisions of this section shall be guilty of a misdemeanor, and such corporation shall upon conviction be fined not less than one thousand dollars for each and every offense, and any person, whether acting for himself or as officer of any corporation or as agent of any corporation or person violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be fined or imprisoned, or both, in the discretion of the court.

Person encouraging allowing or permitting violation of act guilty of misdemeanor.

Punishment.

SEC. 6. That any person, being either within or without the State, who encourages or willfully allows or permits any agent or associates in business in this State to violate any of the provisions of this act, shall be guilty of a misdemeanor, and upon conviction shall be punished as provided in section five hereof.

Prohibition continuous.

Separate offenses.

SEC. 7. That where the things prohibited in this act are continuous, then in such event, after the first violation of any of the provisions hereof, each week that the violation of such provision shall continue shall be a separate offense.

Attorney-general to examine affairs of corporations.

SEC. 8. That the Attorney-General of the State of North Carolina shall have the power, and it shall be his duty, to investigate, from time to time, the affairs of all corporations doing business in this State, which are or may be embraced within the meaning of the statutes of this State defining and denouncing trusts and combinations against trade and commerce, or which he shall be of opinion are so embraced, and all other corporations in North Carolina doing business in violation of law; and all other corporations of every character engaged in business in this State of transporting property or passengers, or transmitting messages and all other public service corporations of any kind or nature whatever which are doing business in the State for hire, with a view of ascertaining whether the law or any rule of the North Carolina Corporation Commission is being or has been violated by any such corporation, officers or agents or employees thereof, and if so, in what respect, with the purpose of acquiring such information as may be necessary to enable him to prosecute any such corporation, its agents, officers and employees for crime, or prosecute civil actions against them if he discovers they are liable and should be prosecuted.

Powers of attorney-general in making investigations.

SEC. 9. That to this end the Attorney-General shall have power, at any and all times, to require the officers, agents or employees of any such corporation, and all other persons having knowledge with respect to the matters and affairs of such corporations, to

submit themselves to examination by him, and produce for his inspection any of the books and papers of any such corporations, or which are in any way connected with the business thereof; and the Attorney-General is hereby given the right to administer oath to any person whom he may desire to examine. He shall also, if it may become necessary, have a right to apply to any judge of the Supreme or Superior Court, after five days notice of such application, for an order on any such person or corporation he may desire to examine to appear and subject himself or itself to such examination, and disobedience of such order shall constitute contempt, and shall be punishable as in other cases of disobedience of a proper order of such judge: *Provided*, that no person so examined shall be subject to indictment, prosecution, punishment or penalty by reason or on account of anything disclosed by him upon such examination, and full immunity to prosecution and punishment by reason or on account of anything so disclosed is hereby extended to all persons so examined.

Right to administer oaths.
Application for order of discovery.

Disobedience of order contempt of court and punishable as such.
Proviso: immunity to witnesses.

SEC. 10. That any corporation unlawfully refusing or willfully neglecting to furnish the information required by this act when it is demanded as herein provided shall be guilty of a misdemeanor and fined not less than one thousand dollars: *Provided*, that if any corporation shall in writing notify the Attorney-General that it objects to the time or place designated by him for the examination or inspection provided for in the ninth section hereof, it shall be his duty to apply to a judge of the Supreme or Superior Court who shall fix an appropriate time and place for such examination or inspection, and such corporation shall, in such event, be guilty under this section, only in the event of its failure, refusal or neglect to appear at the time and place so fixed by said judge and furnish the information required by this act. False swearing by any person examined under the provisions of this act shall constitute perjury, and the person guilty of it shall be punishable as in other cases of perjury.

Refusal or neglect of corporation to furnish information misdemeanor.
Punishment.
Proviso: time and place for examination or inspection of corporation fixed by order of court.

Corporation guilty on failure, refusal or neglect to appear and furnish information.

False swearing perjury.
Punishment.

SEC. 11. If it shall become necessary to do so, the Attorney-General may prosecute civil actions in the name of the State on relation of the Attorney-General to obtain a mandatory order to carry out the provisions of this act, and the venue shall be in any county as selected by the Attorney-General.

Remedy by mandamus.

Venue.

SEC. 12. That it shall be the duty of the Attorney-General, upon his ascertaining that the laws have been violated by any trust or public service corporation, so as to render it liable to prosecution in a civil action, to prosecute such action in the name of the State, or any officer or department thereof, as provided by law, or in the name of the State on relation of the Attorney-General, and to prosecute all officers or agents or employees of such corporations, whenever in his opinion the interests of the public require it.

Attorney-general to prosecute actions.

Prosecution of persons.

SEC. 13. That the Attorney-General in carrying out the provisions of this act shall have a right to send bills of indictment before any grand jury in any county in which it is alleged this

Attorney-general may send bills of indictment.

May take charge of prosecution.	act has been violated or in any adjoining county, and may take charge of and prosecute all cases coming within the purview of
Assistance of solicitor.	this act, and shall have the power to call to his assistance in the performance of any of these duties of his office which he may assign to them any of the solicitors in the State, who shall, upon being so required to do so by the Attorney-General, send bills of indictment and assist him in the performance of the duties of his
Proviso: payments to solicitors.	office: <i>Provided</i> , that the State shall pay the actual and necessary expenses of the solicitor incurred while performing such duties and not over one hundred dollars as an extra fee when the expense account is approved by the Attorney-General and Governor, and duly audited, and the amount of the fee is fixed by them.
Expense of enforcing act.	That the necessary expenses incident to carrying out the provisions of this act shall, when approved by the Governor and audited, be paid out of any money in the state treasury not otherwise appropriated.
Right of action for injury to business.	SEC. 14. That if the business of any person, firm or corporation shall be broken up, destroyed or injured by reason of any act or thing done by any other person, firm or corporation in violation of the provisions of this act, such person, firm or corporation so injured shall have a right of action on account of such injury done, and if damages are assessed by a jury in such case judgment shall be rendered in favor of the plaintiff and against the defendant for treble the amount fixed by the verdict.
Treble damages.	
Acts heretofore committed.	SEC. 15. That nothing herein shall be construed to repeal the present law so far as it applies to acts committed prior to the ratification of this act. With this exception all laws and clauses of laws in conflict with this act are repealed as of the date when this act becomes effective.
	In the General Assembly read three times and ratified this the 3d day of March, 1913.

CHAPTER 42.

AN ACT TO ENABLE COUNTIES TO ESTABLISH AND MAINTAIN PUBLIC HOSPITALS, LEVY A TAX AND ISSUE BONDS THEREFOR, ELECT HOSPITAL TRUSTEES, MAINTAIN TRAINING SCHOOLS FOR NURSES, ETC.

The General Assembly of North Carolina do enact:

Establishment of public hospital.
Petition for tax.

SECTION 1. Any county may establish a public hospital in the following manner: Whenever the board of county commissioners of any county shall be presented with a petition signed by two hundred (200) resident freeholders of such county, one hundred and fifty (150) of whom shall not be residents of the city, town or village where it is proposed to locate such public hospital, asking that an annual tax may be levied for the establishment and

maintenance of a public hospital at a place in the county named therein, and shall specify in their petition the maximum amount of money proposed to be expended in purchasing or building said hospital, such board of county commissioners shall submit the question to the qualified electors of the county at the next general election to be held in the county, or at a special election called for that purpose, first giving ninety days notice thereof in one or more newspapers published in the county, if any be published therein, and by posting such notice, written or printed, in each township of the county, which notice shall include the text of the petition and state the amount of the tax to be levied upon the assessed property of the said county, which tax shall not exceed cents on the dollar for a period of time not exceeding twenty (20) years and be for the issue of county bonds to provide funds for the purchase of a site or sites and the erection thereon of a public hospital and hospital buildings; and for the support of same; which said election shall be held at the usual places in such county for electing county officers, the vote to be canvassed in the same manner as that for county officers.

Question submitted to election.

Notice of election.

Issue of bonds.

Voting places.

Canvass of votes.

SEC. 2. The board of county commissioners of such county shall submit to the qualified electors thereof, at a regular or special election, the question whether there shall be levied upon the assessed property of such county a tax of cents on the dollar for the purchase of real estate for hospital purposes, for the construction of hospital buildings, and for maintaining same, or for either or all of such purposes. The ballots to be used at any election at which the hospital question is submitted, shall be printed with a statement substantially as follows:

Election on tax levy.

Ballots.

Yes.

For a cent tax for a bond issue for a public hospital and for maintenance of same.

No.

If a majority of votes cast at such election on the proposition so submitted shall be in favor of a cent tax for a bond issue for a public hospital and for maintenance of same, the board of county commissioners shall levy the tax so authorized, which shall be collected in the same manner as other taxes are collected, and credited to the "Hospital Fund," and shall be paid out on the order of the hospital trustees for the purposes authorized by this act, and for no other purposes whatever.

Majority of votes cast to govern.

Hospital fund.

Specific appropriation.

SEC. 3. Should a majority of all the votes cast upon the question be in favor of establishing such county hospital, the board of county commissioners shall proceed at once to appoint seven (7) trustees chosen from the citizens at large with reference to their fitness for such office, three (3) of whom may be women, all residents of the county, not more than four (4) of said trustees to be residents of the city, town or village in which said hospital is to be located, who shall constitute a board of trustees for said public

Appointment of trustees.

Women eligible.

Residence of trustees.

Term of trustees. Election of successors.	hospital. The said trustees shall hold their offices until the next following general election, when seven (7) hospital trustees shall be elected and hold their offices, two (2) for two (2) years, two (2) for four (4) years, three (3) for six (6) years, and who shall by lot determine their respective terms. At each subsequent general election the offices of the trustees whose terms of office are about to expire shall be filled by the nomination and election of hospital trustees in the same manner as other officers are elected, none of whom shall be practicing physicians.
Practicing physicians not eligible.	
Trustees to qualify and organize.	SEC. 4. The said trustees shall, within ten days after their appointment or election, qualify by taking the oath of civil officers and organize as a board of hospital trustees by the election of one of their number as chairman, one as secretary, and by the election of such other officers as they may deem necessary, but no bond shall be required of them. The county treasurer of the county in which such hospital is located shall be treasurer of the board of trustees. The treasurer shall receive and pay out all moneys under the control of said board, as directed by it, but shall receive no compensation from such board. No trustee shall receive any compensation for his services performed, but he may receive reimbursement for any cash expenditures actually made for personal expenses incurred as such trustee, and an itemized statement of all such expenses and money paid out shall be made under oath by each of such trustees and filed with the secretary, and allowed only by the affirmative vote of all the trustees present at a meeting of the board. The board of hospital trustees shall make and adopt such by-laws, rules and regulations for their own guidance and for the government of the hospital as may be deemed expedient for the economic and equitable conduct thereof, not inconsistent with this act and the ordinances of the city or town wherein such public hospital is located. They shall have the exclusive control of the expenditure of all moneys collected to the credit of the hospital fund, and the purchase of site or sites, the purchase or construction of any hospital building or buildings, and of the supervision, care and custody of the grounds, rooms or buildings purchased, constructed, leased, or set apart for that purpose: <i>Provided</i> , that all moneys received for such hospital shall be deposited in the treasury of the county to the credit of the hospital fund, and paid out only upon warrants drawn by the auditor of said county upon the properly authenticated vouchers of the hospital board. Said board of hospital trustees shall have power to appoint a suitable superintendent or matron, or both, and necessary assistants and fix their compensations, and shall also have the power to remove such appointees; and shall in general carry out the spirit and intent of this act in establishing and maintaining a county public hospital with equal rights to all and special privileges to none. Such board of hospital trustees shall hold meetings at least once each month, shall keep a complete record of all its proceedings; and four (4) mem-
Organization.	
Treasurer.	
Duty of treasurer.	
Trustees allowed expenses only.	
Statement and allowance of expenses.	
By-laws, rules and regulations.	
Matters under exclusive control of trustees.	
Proviso: deposit and expenditure of money.	
Superintendent, matron and assistants.	
Meetings and records.	
Quorum.	

bers of such board shall constitute a quorum for the transaction of business. One of said trustees shall visit and examine said hospital at least twice each month, and the board shall, during the first week in January of each year, file with the board of county commissioners of said county a report of their proceedings with reference to such hospital, and a statement of all receipts and expenditures during the year; and shall at such time certify the amount necessary to maintain and improve such hospital for the ensuing year. No trustee shall have a personal pecuniary interest, either directly or indirectly, in the purchase of any supplies for said hospital, unless the same are purchased by competitive bidding.

Semi-monthly visits.
Annual reports.

Personal interest of trustees in contracts forbidden.

SEC. 5. Vacancies in the board of trustees occasioned by removals, resignations or otherwise, shall be reported to the board of county commissioners and be filled in like manner as original appointments, appointees to hold office until the next following general election, when such vacancies shall be filled by election in the usual manner.

Vacancies.

SEC. 6. Whenever any county in this State shall have provided for the appointment and election of hospital trustees, and have voted a tax for a term not exceeding twenty (20) years for hospital purposes, as authorized by law, the said county may issue bonds in anticipation of the collection of such tax in such sums and amounts as the board of hospital trustees shall certify to the board of county commissioners of said county to be necessary for the purposes contemplated by such tax, but such bonds in the aggregate shall not exceed the amount which might be realized by said tax, based on the amount which may be yielded on the property valuation of the year in which the tax is voted, and such bonds shall mature in twenty (20) years from date and shall be in sums not less than one hundred (100) dollars or more than one thousand (1,000) dollars, drawing interest at a rate not exceeding five (5) per cent per annum, payable annually or semi-annually; said bonds shall be payable at pleasure of county after five (5) years, and each of said bonds shall provide that it is subject to this condition, and shall not be sold for less than par, and shall be substantially in the form provided for county bonds, but subject to changes that will conform them to the provisions of this act, and be numbered consecutively and redeemable in the order of their issuance.

Bond issues authorized.

Limit of amount.

Maturity of bonds

Denomination.

Interest.

Bonds subject to call.

Sale below par forbidden.

SEC. 7. If the board of hospital trustees and the owners of any property desired by them for hospital purposes, can not agree as to the price to be paid therefor, they shall report the fact to the board of county commissioners and condemnation proceedings shall be instituted by the board of county commissioners and prosecuted in the name of the county wherein such public hospital is to be located, by the county attorney for such county, under the provisions of chapter, Revisal of North Carolina of one thousand nine hundred and five.

Power to condemn land.

Proceedings.

Plans, specifications and advertisement for bids.

SEC. 8. No hospital buildings shall be erected or constructed until the plans and specifications have been made therefor and adopted by the board of hospital trustees, and bids advertised for according to law for other county buildings.

Municipal jurisdiction.

SEC. 9. The jurisdiction of the city, town or village in or near which public hospital is located, shall extend over all lands used for hospital purposes outside the corporate limits, if so located, and all ordinances of such cities and towns shall be in full force and effect in and over the territory occupied by such public hospital.

Additional appropriation.

SEC. 10. In the counties exercising the rights conferred by this act, the board of county commissioners may appropriate each year, in addition to tax for hospital fund hereinbefore provided for, not exceeding five (5) per cent of its general fund for the improvement and maintenance of any public hospital so established.

Charges to patients not paupers.

SEC. 11. Every hospital established under this act shall be for the benefit of the inhabitants of such county and of any person falling sick or being injured or maimed within its limits; but every inhabitant or person who is not a pauper shall pay to such board of hospital trustees or such officers as it shall designate for such county public hospital, a reasonable compensation for occupancy, nursing, care, medicine, or attendance, according to the rules and regulations prescribed by said board, such hospital always being subject to such reasonable rules and regulations as said board may adopt, in order to render the use of said hospital of the greatest benefit to the greatest number; and said board may exclude from the use of such hospital any and all inhabitants and persons who shall willfully violate such rules and regulations. And said board may extend the privileges and use of such hospital to persons residing outside of such county, upon such terms and conditions as said board may from time to time, by its rules and regulations, prescribe.

Rules and regulations.

Exclusion for violation.

Non-resident patients.

Inmates and visitors subject to rules.

SEC. 12. When such hospital is established, the physicians, nurses, attendants, the persons sick therein, and all persons approaching or coming within the limits of same, and all furniture and other articles used or brought there, shall be subject to such rules and regulations as said board may prescribe.

Donations.

SEC. 13. Any person or persons, firm, organization, corporation or society desiring to make donations of money, personal property or real estate for the benefit of such hospital, shall have the right to vest title of the money or real estate so donated in said county to be controlled, when accepted, by the board of hospital trustees according to the terms of the deed, gift, devise, or bequest of such property.

Privileges to medical practitioners.

SEC. 14. In the management of such public hospital no discrimination shall be made against practitioners of any school of medicine recognized by the laws of North Carolina, and all such legal practitioners shall have equal privileges in treating patients in such hospital. The patient shall have the absolute right to

employ at his or her own expense, his or her own physician, and when acting for any patient in such hospital the physician employed by such patient shall have exclusive charge of the care and treatment of such patient, and nurses therein shall as to such patient be subject to the directions of such physician, subject always to such general rules and regulations as shall be established by the board of trustees under the provisions of this act.

Employment of physician.

Charge of patient.

SEC. 15. The board of trustees of such county public hospital may establish and maintain, in connection therewith and as a part of said public hospital, a training school for nurses.

Training school for nurses.

SEC. 16. The said board of trustees shall at all times provide a suitable room for the detention and examination of all persons who are brought before the commissioners of insanity for such county, provided that such public hospital is located at the county seat.

Room for commissions of examination for insanity.

SEC. 17. The board of trustees of said hospital are hereby authorized to provide a department of said public hospital, but not necessarily attached thereto, suitable accommodation and means for the care and treatment of persons suffering from tuberculosis, and to formulate such rules and regulations for the government of such persons, and for the protection from infection of other patients and of nurses and attendants in such public hospital as they may deem necessary; and it shall be the duty of all persons in charge of or employed at such hospitals, or residents thereof, to faithfully obey and comply with any and all such rules and regulations. Said board of hospital trustees shall, if practicable, employ as head nurse to be placed in charge of said public tuberculosis sanatorium, one who has had experience in the management and care of tuberculous persons.

Care and treatment of tuberculous patients.

Employees to obey rules.

Head nurse.

SEC. 18. The board of hospital trustees shall have the power to determine whether or not patients presented at said public hospital for treatment, are subjects for charity, and shall fix such price for compensation for patients other than those unable to assist themselves, as the said county and credited by him to the hospital fund.

Trustees to designate charity and pay patients.

SEC. 19. The board of county commissioners of any county where no suitable provision has been made for the care of indigent tuberculous residents, may contract with the board of hospital trustees of any public hospital for the care of such persons in the sanatorium department of such hospital, upon such reasonable terms as may be agreed upon.

Non-resident tuberculous patients.

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

In the General Assembly read three times and ratified this the 3d day of March, 1913.

CHAPTER 43.

AN ACT TO REGULATE FISHING IN CERTAIN PARTS OF ALBEMARLE SOUND.

The General Assembly of North Carolina do enact:

- Use of gill nets. SECTION 1. That it shall be unlawful to set, fish or use any gill nets of any description, either stake, anchor or drift, for commercial purposes in the Albemarle Sound west of a line drawn straight from Batt's Island on nothern side of Albemarle Sound to mouth of Scuppernong River on south side of said sound, except between the hours of four o'clock and eleven o'clock p. m., and then said nets or combinations of such nets shall not be more than six hundred yards in length and there shall not be allowed to any boat more than six hundred yards of such gill nets.
- Territory affected.
- Limit of length of net.
- Fish commissioner to seize and dispose of unlawful nets. SEC. 2. It shall be the duty of the fish commissioner or other persons entrusted with the enforcement of the fishery laws of the State to seize and remove any gill net of any description being set, setting or being used in violation of this act, or which is more than six hundred yards in length, and to dispose of the same as provided by law.
- Enforcement of act. SEC. 3. It shall be the duty of the fish commissioner to keep a deputy, assistant or inspector on the waters of Albemarle Sound to enforce this act and the other fish laws applicable to official bond liable to the penalty prescribed in section one, chapter eighteen, Public Laws one thousand nine hundred and eleven.
- Violation of act misdemeanor. Punishment. SEC. 4. Any person, firm or corporation violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than two hundred dollars (one-half to go to the informant and the other half to the school fund), or imprisoned in the discretion of the court.
- SEC. 5. That this act shall be in force from and after its ratification.
- In the General Assembly read three times and ratified this the 3d day of March, 1913.

CHAPTER 44.

AN ACT TO SECURE THE ENFORCEMENT OF THE LAWS AGAINST THE SALE AND MANUFACTURE OF INTOXICATING LIQUORS.

The General Assembly of North Carolina do enact:

Handling spirituous, vinous or malt liquors for profit forbidden.

- SEC. 1. That it shall be unlawful for any person, firm, corporation, association or company, by whatever name called, other than druggists and medical depositories duly licensed thereto, to engage in the business of selling, exchanging, bartering, giving

away for the purpose of direct or indirect gain, or otherwise handling spirituous, vinous or malt liquors in the State of North Carolina. Any person, firm or corporation or association violating the provisions of this act shall be guilty of a misdemeanor.

SEC. 2. That it shall be unlawful for any person, firm, association or corporation by whatever name called, other than druggists and medical depositories duly licensed thereto, to have or keep in his, their or its possession, for the purpose of sale, any spirituous, vinous or malt liquors; and proof of any one of the following facts shall constitute *prima facie* evidence of the violation of this section:

First: The possession of a license from the government of the United States to sell or manufacture intoxicating liquors; or

Second: The possession of more than one gallon of spirituous liquors at any one time, whether in one or more places; or

Third: The possession of more than three gallons of vinous liquors at any one time, whether in one or more places; or

Fourth: The possession of more than five gallons of malt liquors at any one time, whether in one or more places; or

Fifth: The delivery to such person, firm, association or corporation of more than five gallons of spirituous or vinous liquors, or more than twenty gallons of malt liquors within any four successive weeks, whether in one or more places; or

Sixth: The possession of intoxicating liquors as samples to obtain orders thereon: *Provided*, that this section shall not prohibit any person from keeping in his possession wines and ciders in any quantity where such wines and ciders have been manufactured from grapes or fruit grown on the premises of the person in whose possession said wines and ciders may be.

SEC. 3. Upon the filing of complaint, under oath, by a reputable citizen, or information furnished under oath by an officer charged with the execution of the law, before a justice of the peace, recorder, mayor, or other officer authorized by law to issue warrants, charging that any person, firm, corporation, association or company, by whatever name called, has in his, their or its possession, at a place or places specified, more than one gallon of spirituous or vinous liquors or more than five gallons of malt liquors for the purpose of sale, a warrant shall be issued commanding the officer to whom it is directed to search the place or places described in such complaint or information, and if more than one gallon of spirituous or vinous liquors or more than five gallons of malt liquors be found in any such place or places, to seize and take into his custody all such intoxicating liquors described in said complaint or information, and seize and take into his custody all glasses, bottles, kegs, pumps, bars or other equipment used in the business of selling intoxicating liquors which may be found at such place or places, and safely keep the same subject to the orders of the court. The complaint or information shall describe the place or places to be searched with sufficient particularity to

Misdemeanor.

Possession of liquors for sale forbidden.
Exceptions.

Prima facie evidence.

Possession of national license.

Possession of more than one gallon of spirituous liquor.

Or of three gallons of vinous liquor.

Or of five gallons of malt liquor.

Receipt of more than five gallons of spirituous or vinous or twenty gallons of malt liquor within four weeks.

Possession of liquors as samples.
Proviso: wines and ciders.

Oath charging possession of liquor for sale.

Search warrant to issue.

Liquor to be seized if found.

Equipment to be seized.

Description of places, liquor and other property.

Liquors held pending trial. To be returned on acquittal. Or destroyed upon conviction or default of appearance.

Handling drafts related to receipt of liquor forbidden.

Misdemeanor.

Records of liquor shipments by transportation companies.

Consignee to sign receipt on record.

Record open to inspection.

Record prima facie evidence.

Violation of section misdemeanor.

Proviso: delivery to agent on certificate of disability of consignee.

Signature by agent. Certificate to be filed.

Allegation of sale to particular person not necessary.

Fact proven by circumstantial evidence.

identify the same, and shall describe the intoxicating liquors or other property alleged to be used in carrying on the business of selling intoxicating liquors as particularly as practicable, and any description, however general, that will enable the officer executing the warrant to identify the property seized shall be deemed sufficient. All spirituous, vinous or malt liquors seized under this section shall be held and upon acquittal of the person so charged shall be returned to such person, and upon conviction, or upon default of appearance, shall be destroyed.

SEC. 4. It shall be unlawful for any bank incorporated under the laws of this State, or national bank, or any individual, firm or association, to present, collect or in any wise handle any draft, bill of exchange or order to pay money, to which draft, bill of exchange or order to pay money is attached a bill of lading, or order, or receipt for intoxicating liquors, or which draft is enclosed with, connected with, or in any way related to, directly or indirectly, any bill of lading, order or receipt for intoxicating liquors. Any person, firm, corporation, association, or bank violating the provisions of this act shall be guilty of a misdemeanor.

SEC. 5. All express companies, railroad companies, or other transportation companies doing business in this State are required hereby to keep a separate book in which shall be entered immediately upon receipt thereof the name of the person to whom the liquor is shipped, the amount and kind received, and the date when received, the date when delivered, by whom delivered, and to whom delivered, after which record shall be a blank space, in which the consignee shall be required to sign his name, or if he can not write, shall make his mark in the presence of a witness, before such liquor is delivered to such consignee, and which said book shall be open for inspection to any officer or citizen of the State, county, or municipality any time during business hours of the company, and said book shall constitute *prima facie* evidence of the facts therein and will be admissible in any of the courts of this State. Any express company, railroad company, or other transportation company or any employee or agent of any express company, railroad company, or other transportation company violating the provisions of this section shall be guilty of a misdemeanor: *Provided*, upon the filing of a certificate signed by a reputable physician or two (2) reputable citizens that the consignee is unable, by reason of sickness or infirmities of age, to appear in person, then the said company is authorized to deliver any package to the agent of said consignee, and the agent shall sign the name of the consignee and his own name, and the certificate shall be filed of record.

SEC. 6. That in indictments for violating section one of this act it shall not be necessary to allege a sale to a particular person, and the violation of law may be proven by circumstantial evidence as well as by direct evidence.

SEC. 7. That no person shall be excused from testifying on any prosecution for violating this act or any law against the sale or manufacture of intoxicating liquors, but no discovery made by such person shall be used against him in any penal or criminal prosecution, and he shall be altogether pardoned for the offense done or participated in by him.

No person excused from testifying.

Discovery not used in prosecution.

Pardon for past offenses.

SEC. 8. That all laws or parts of laws in conflict with this act be, and the same are hereby, to the extent of such conflict, repealed: *Provided, however,* that nothing in this act shall operate to repeal any of the local or special acts of the General Assembly of North Carolina prohibiting the manufacture or sale or other disposition of any of the liquors mentioned in this act, or any laws for the enforcement of the same, but all such acts shall continue in full force and effect and in concurrence herewith, and indictment or prosecution may be had either under this act or any special or local act relating to the same: *Provided, further,* that this act shall not in any way repeal or modify chapter seventy-one of the Public Laws of North Carolina of the extra session of one thousand nine hundred and eight.

Repealing clause.

Proviso: acts not affected.

Proviso: law of 1908 not repealed or modified.

SEC. 9. That this act shall not apply to any act committed prior to its ratification.

Acts heretofore committed.

SEC. 10. That this act shall be in force from and after first day of April, one thousand nine hundred and thirteen.

When act effective.

In the General Assembly read three times and ratified this the 3d day of March, 1913.

CHAPTER 45.

AN ACT TO AMEND SECTION 6, CHAPTER 540, PUBLIC LAWS OF 1909, REGULATING FISHING IN WATERS OF ALBEMARLE SOUND.

The General Assembly of North Carolina do enact:

SECTION 1. That section six, chapter five hundred and forty, Public Laws of one thousand nine hundred and nine, be amended by striking out in line five the words "within thirty days."

Time of payment of license.

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

In the General Assembly read three times and ratified this the 3d day of March, 1913.

CHAPTER 46.

AN ACT TO AMEND CHAPTER 100, REVISAL 1905 OF NORTH CAROLINA, AND DEFINE AND REGULATE FRATERNAL ORDERS AND SOCIETIES.

The General Assembly of North Carolina do enact:

Revisal amended.

SECTION 1. That subchapter twelve, chapter one hundred, Revisal one thousand nine hundred and five of North Carolina, sections four thousand seven hundred and ninety-five, four thousand seven hundred and ninety-six, four thousand seven hundred and ninety-seven, and four thousand seven hundred and ninety-eight be amended to read as follows:

XII. FRATERNAL ORDERS AND SOCIETIES.

Laws applicable to benevolent societies.

4794. *What laws applicable to.* Nothing in the general insurance laws, except such laws as apply to fraternal orders or fraternal societies, shall be construed to extend to benevolent associations, incorporated under the laws of this State that only levy an assessment on the members to create a fund to pay the family of a deceased member and make no profit therefrom, and do not solicit business through agents. Such benevolent associations providing death benefits in excess of three hundred dollars to any one person, or disability benefits not exceeding three hundred dollars in any one year to any one person, or both, shall be known as "fraternal benefit societies"; and those providing benefits of three hundred dollars or less shall be known as "fraternal orders."

Fraternal benefit societies.

Fraternal orders.

Societies declared fraternal orders.

4795. *Fraternal Orders Defined.* Every incorporated association, order or society doing business in this State on the lodge system, with ritualistic form of work and representative form of government, for the purpose of making provision for the payment of benefits of three hundred dollars or less in case of death, sickness, temporary or permanent physical disability, either as the result of disease, accident or old age, formed and organized for the sole benefit of its members and their beneficiaries, and not for profit, is hereby declared to be a "fraternal order." Societies and orders which do not make insurance contacts or collect dues or assessments therefor, but simply pay burial or other benefits out of the treasury of their orders, and use their funds for the purpose of building homes or asylums for the purpose of caring for and educating orphan children and aged and infirm people in this State, shall not be considered as "fraternal orders" or "fraternal benefit societies" under this chapter; and such order or association paying death or disability benefits may also create, maintain, apply or disburse among its membership a reserve or emergency fund as may be provided in its constitution or by-laws; but no profit or gain shall be added to the payments made by a member.

Societies and orders not classed.

4796. *Funds must be derived from assessments and dues.* The fund from which the payment of benefits, as provided for in the next preceding section, shall be made, and the fund from which the expenses of such association, order or society shall be defrayed, shall be derived from assessments or dues collected from its members. Such societies or associations shall be governed by the laws of the State governing fraternal orders or societies, and shall be exempt from the provisions of all general insurance laws of this State, and no law hereafter passed shall apply to such societies unless fraternal orders or societies be designated therein.

Funds derived from assessments and dues.

Law governing societies.

4797. *Supreme governing body may meet out of the State; principal business office must be here.* Any such society or order incorporated and organized under the laws of this State may provide for the meeting of its supreme legislative or governing body in any other state, province or territory wherein such society shall have subordinates lodges, and all business that has been heretofore or may hereafter be transacted at such meetings shall be as valid in all respects as if such meetings were held within this State; but the principal business office of such society shall always be kept within this State and never removed therefrom. No fraternal order or society or beneficiary association shall be authorized to do business in this State under the provisions of this act, whether incorporated under the laws of this or any other state, province or territory, which associates with, or seeks in this State to associate with, as members of the same lodge, fraternity, society, association, the white and colored races with the objects and purposes provided in this act.

Meetings of governing body.

Principal business office.

Segregation of races.

4798. *Conditions precedent to doing business here.* Any such fraternal, beneficiary order, society or association as is defined by this chapter, chartered and organized in this State or organized and doing business under the laws of any other state, district, province or territory, having the qualifications required of domestic societies of like character, upon satisfying the Insurance Commissioner that its business is proper and legitimate and so conducted, may be admitted to transact business in this State upon the same conditions as are prescribed by this chapter for admitting and authorizing foreign insurance companies to do business in this State, except that such fraternal orders shall not be required to have the capital required of such insurance companies.

Admission to State.

Capital not required.

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

In the General Assembly read three times and ratified this the 6th day of March, 1913.

CHAPTER 47.

AN ACT TO AMEND AND CONSOLIDATE THE MILITARY LAWS OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That the following sections of chapter one hundred and two of The Revisal of nineteen hundred and five of North Carolina shall read as follows:

- Citizens liable for militia duty. 4848. *Who liable for duty in.*—All able-bodied male citizens of the State of North Carolina between the ages of twenty-one and forty-five years, who are citizens of the United States, shall be liable for duty in the militia: *Provided*, that all persons who may be averse to bearing arms from religious scruples shall be exempt therefrom.
- Proviso: persons having religious scruples exempted. 4849. *Divided into active and inactive.*—The militia shall be divided into two classes, the active and inactive. The active militia shall consist of all regularly enlisted volunteers; the inactive militia shall consist of all other persons subject to military duties.
- Classes of militia. 4850. *Commander-in-Chief; power to call out.*—The government shall be commander-in-chief, and shall have power to call out the militia to execute the law, suppress riots or insurrections, and to repel invasions.
- Active. 4851. *Active first ordered out.*—In all cases the active militia hereinafter provided for shall be first ordered into service.
- Inactive. 4852. *White and colored enrolled separately; only white officers.*—The white and colored militia shall be separately enrolled, and shall never be compelled to serve in the same organization. No organization of colored troops shall be permitted where white troops are available, and when permitted to be organized, colored troops shall be under command of white officers: *Provided*, that nothing in this section contained shall be construed to prevent the enrollment or employment of a general service corps by the chief of quartermaster corps.
- Governor commander in chief. Power to call out militia. 4853. *Commander-in-chief prescribes rules for its government.* The Governor as commander-in-chief, may from time to time prescribed such orders, rules, regulations, forms and proceedings as he may think proper (not inconsistent with the discipline prescribed by the United States) for the use, government and instruction of the militia.
- Active militia first ordered into service. 4854. *Discipline.*—The active militia and the inactive militia when called into active service, shall be organized and disciplined in the same manner and according to the rules and regulations required by the Congress of the United States for the organizing and disciplining the National Guard.
- Segregation of races. 4855. *Ordered out for service; failure to appear; penalties.*—Every soldier ordered out for active duty, or who shall volunteer or be drafted, who does not appear at the time and place ordered,
- Colored troops not organized when white troops available. White officers. Proviso: general service corps.
- Governor to prescribe rules and regulations.
- Organization and discipline prescribed by Congress.
- Court-martial for failure to appear.

or who has not some able-bodied and proper substitute at such time and place, or does not furnish a reasonable excuse for such nonappearance, shall be liable to such punishment as a court-martial may determine.

4856. *When paid.*—The militia of the State, both officers and enlisted men, when called into the service of the State, shall receive the same pay and rations as when called into the service of the United States: *Provided, however,* that when called in aid of the civil authorities to guard any jail or prisoners, or to quell riots, enlisted men shall receive in addition to said pay the sum of sixty (60) cents per day. Pay of officers and enlisted men. *Provide:* when in aid of civil authorities.

4857. *By whom paid.*—When the militia or any portion thereof shall be called into active service, according to law, to serve any county of the State, or for guarding the jail of such county on account of prisoners from some other county being imprisoned in such jail, the county commissioners of the county from which said prisoners may be or may have been taken shall audit the account of said militia, and draw a warrant upon the county treasurer for the same, and the county treasurer shall pay the same out of any county funds not otherwise appropriated. Payment by counties.

4858. *May be ordered on duty; pay.*—The Governor may, whenever the public service requires it, order upon special or regular duty any officer of the National Guard, and his expenses and compensation therefor shall be paid upon the approval of the Governor and warrant of the Auditor. Such compensation shall not exceed four dollars per diem. No staff officer who receives a salary as such shall be entitled to any additional compensation for any service connected with his office: *Provided,* that the Inspector General shall be allowed the pay of his rank while engaged in the duties of his office. Governor may order officers on special duty. *Payment of expenses and compensation.* Limit of per-diem. Salaried officers not paid extra. *Provide:* pay of Inspector General.

II. OFFICERS.

4859. *How appointed and commissioned.*—All officers of the militia shall be appointed and commissioned by the Commander-in-Chief. He may revoke the commission of any officer at any time. When not in active service the officers of the active militia, below the rank of brigadier general, shall be previously elected or nominated as provided by law. Officers appointed and commissioned by Governor. *Revocation of commission.* Officers elected or nominated.

4860. *To take and subscribe oath of office.*—Every commissioned officer of the militia, before entering upon his duties, shall take and subscribe before a justice of the peace or other qualified officer, the oath prescribed by the Constitution, which shall at once be forwarded to the Adjutant General. Officers to be sworn.

4861. *Rank according to date of commission.*—Commissioned officers shall take rank according to the date of their commissions. The day of appointment or election of an officer shall be expressed in his commission, and considered as the date thereof. Whenever an officer shall be recommended within six months after Date of commission to determine rank. *Date of renewed commission.*

Priority in commissions of even date. Priority designated.	the expiration or revocation of his original commission, in the same grade in which he has served in the State Guard, his new commission shall bear date even with and he shall take rank from the date provided for in his former commission. When two commissions bear the same date, the officer who has had priority of rank in any lower grade shall have precedence. And if the officers have not served in a lower grade, the Commander-in-Chief shall designate their respective rank or priority.
Officers to make reports.	4862. <i>Reports by.</i> —Every officer shall make all such reports as may be required of him by any law or regulation, or as may be called for by any superior officer.
Personal staff and administrative staff. Term of office.	4863. <i>Staff, how divided.</i> —The military staff of the State of North Carolina shall be divided into two kinds: the personal staff of the Commander-in-Chief, and the administrative staff. All staff officers shall hold office until their successors are appointed and qualified, but may be removed at any time by the Governor.
Personal staff.	4864. <i>Commander-in-Chief's personal staff.</i> —The personal staff of the Commander-in-Chief shall consist of seven aides-de-camp with the rank of colonel, two of them to be naval aides, and the Governor may appoint his private secretary as an additional personal aide, and commission him with the rank of colonel.
Private secretary.	
Administrative staff.	4865. <i>Administrative staff.</i> —The administrative staff shall consist of an adjutant general with the rank of brigadier general; one chief of quartermaster corps, one chief of ordnance, one inspector general, one surgeon general, one chief of engineers, one judge advocate general, one paymaster general, each with the rank of colonel. The Commander-in-Chief may appoint additional assistants to each of said officers with the rank not higher than that of lieutenant colonel, if in his judgment it is for the best interest of the service.
Assistants.	
Adjutant General chief of staff. Control of military department. Subordinate only to governor. Other duties.	4866. <i>Adjutant General; duties.</i> —The Adjutant General shall be chief of staff, and shall be in control of the military department of the State, and as such subordinate only to the Governor in matters pertaining to said department. He will perform such other duties as pertain to the office of adjutant general, under the regulations and customs of the United States army. He will prepare and forward to the War Department at Washington all returns and reports required by the United States government from this State. He shall keep a register of all enlistments made in the several branches of the militia, as well as a roster of all officers, and shall also keep in his office all records and papers required by law to be filed therein. He shall make an annual report to the Governor on or before the thirty-first day of December of each year, including a detailed statement of all expenditures for military purposes during that year, and shall also make a biennial report to the General Assembly. He shall, when necessary, and at the expense of the State, cause the military law, the regulations governing the National Guard of the State, and the Articles of War of the United States, to be printed, indexed, and
Returns and reports to national department.	
Register of enlistments. Roster of officers.	
Annual reports.	
Biennial reports.	
Printing and distribution of laws and regulations.	

bound in proper and compact form and distributed to the commissioned officers of this State at the rate of one copy to each officer; and to each commissioned officer of the general headquarters he shall issue one copy of the necessary text-books, and a copy also of the annual reports concerning the act of militia. He shall cause to be prepared and issued all necessary blank books, blanks, forms, and notices required to carry into full effect the provisions of this chapter. All such books and blanks shall be and remain the property of the State. The Adjutant General shall have such assistants, clerks and employees as may be prescribed by the Commander-in-Chief. The Adjutant General shall perform such other duties not herein specified as may be required of him by the military laws and regulations or by the Commander-in-Chief. The Adjutant General shall be allowed all such necessary expenses as may be incurred for clerk hire, and for printing, and for making the blank forms, books, orders and reports required in his office, not to exceed one thousand dollars.

4867. *The chief of quartermaster corps.*—First: There shall be one chief of the quartermaster corps, with the rank of colonel, to be appointed by the Commander-in-Chief. The Commander-in-Chief may appoint such assistants to the chief of quartermaster corps as he may deem proper for the best interest of the service. These officers shall be appointed and commissioned by the Governor upon the recommendation of the chief of quartermaster corps, and shall at the time of their appointment be officers in active service in the National Guard of the State, and shall be entitled to the rights and privileges of officers of the National Guard of corresponding rank. The chief of quartermaster corps shall have the necessary clerks and employees, not exceeding four, and as many general service corps men and laborers as may be required from time to time. The clerks and employees shall be appointed and the laborers hired with the approval of the Governor by the chief of quartermaster corps. The chief of quartermaster corps, under the direction of the Commander-in-Chief, shall be, and he is hereby authorized to appoint such laborers as may be necessary from time to time, who shall be known as "the general service corps."

Second: The chief of quartermaster corps may require his assistants to give bonds with sufficient security in not exceeding ten thousand (\$10,000.00) dollars each to the people of the State, conditioned for the faithful performance of their duties, such bonds to be approved by the Governor and Adjutant General, and filed in the latter's office.

Third: He shall attend to the care, preservation, safekeeping and issue of quartermaster's property and stores belonging to the State, or issued to the State by the government of the United States for the purpose of clothing and equipping the organized militia. All military property of the State which, after a proper inspection, shall be found unsuitable for the use of the State,

Blank books, forms and notices.

Assistants, clerks and employees.

Other duties.

Allowance of expenses.

Chief of quartermaster corps. Rank.

Assistants.

Appointment and commission.

Clerks, employees and laborers.

Appointment and hiring.

General service corps.

Bonds of assistants.

Approval and filing of bonds.

Duties.

Sale of unsuitable property.

- shall, under the direction of the Governor, be disposed of by the chief of quartermaster corps, as required by law. He shall be responsible for all clothing and stores and other military property which may be issued to the State by the Secretary of War in compliance with law; and it shall thereafter be his duty to prepare returns of said clothing and other property of the United States at the times and in the manner requested by the Secretary of War.
- Responsible for military property.**
- Returns of military property.**
- Accounts.** Fourth: He shall keep a just and true account of all money paid, and expenses necessarily incurred, including pay of officers and enlisted men in his department, transportation of land forces, and of all military property of the State, and such accounts shall be rendered semi-annually to the Adjutant General, by whom they shall be audited in the same manner as other military accounts.
- Accounts rendered semi-annually. Audit.**
- General duties.** In addition to what is specially prescribed, the duties of the other staff officers shall be such as are discharged by similar officers in the United States army, and such other duties as they may be directed to perform by the Commander-in-Chief. And in the cases of disbursing or distributing officers, the Governor shall have power to prescribe forms of bonds for the faithful performance of duty, which shall not exceed in amount twice the sum of money or property passing annually into their hands. The disbursing officer, designated by the Governor to receive and disburse the funds apportioned to this State from the national government for the National Guard of the State, shall file with the Governor duplicates of his statements and reports to the auditor of the War Department, and said duplicate shall be printed in the annual reports of the Adjutant General.
- Bonds of disbursing officers.**
- Duplicates of statements and reports.**
- Officers to give notice of absence.** 4868. *Absent; give notice.*—When any officer shall have occasion to be absent from his usual residence two weeks or more, he shall notify the officer next entitled to the command, and also his next superior officer in command, of his intended absence.
- Officers debarred.** 4869. *Officers debarred from holding commission.*—Any officer convicted by general court-martial or dismissed from the service shall be forever thereafter debarred from holding a military commission in this State.
- Settlements with successors.** 4870. *Delivers public property to successor.*—All officers who shall have in their hands either money, public property or papers received by virtue of their appointments shall, when they leave their office, pay and deliver the same to their successors in office.
- Officers accountable for public property.** 4871. *Accounts for public property.*—Every officer receiving public property or money for military use shall be accountable for the articles received by him, and make return of such property or money at such times and in such manner, and on such forms, as may be prescribed. He shall be liable to trial by court-martial upon neglect of duty, and also make good the value of all such property or money defaced, injured, destroyed or lost by any neglect or default on his part, to be recovered in an action at law to
- Trial by court-martial.**
- Action for recovery.**

be instituted at the door of the Adjutant General. All money received on account of such loss or damage shall be paid to the paymaster general, and shall be accounted for in his return. Moneys paid to paymaster general.

III. DISCHARGES.

4872. *Honorable discharge; dismissal.*—A commissioned officer may be honorably discharged upon tender of resignation, upon disbandment of the organization to which he belongs, upon report of the board of examination, or for failure to appear before such board when ordered. He may be dismissed upon the sentence of a court-martial or conviction in a court of justice of an infamous offense. Honorable discharge.
Dismissal.

4873. *Certificate of, given.*—Every soldier discharged from the service shall be furnished with a certificate of such discharge, which shall state clearly the reason therefor. Dishonorable discharges will have the word "Dishonorable" written or printed diagonally across their faces in large characters with red ink, and the reënlistment clause will be erased by a line. Certificate of discharge.
Dishonorable discharge.

4874. *Honorable.*—No enlisted man shall be honorably discharged before the expiration of his term of service, except by order of the Commander-in-Chief and for the following reasons: upon his own ratification, approved by the commanding officer of his company and by superior commanders; when not in active service, upon removal from the county in which the organization of which he is a member is situated; upon disability established by certificate of the medical officer; to accept promotion by commission whenever in the opinion of the Commander-in-Chief the interest of the service demands such discharge. Enlisted men discharged only by expiration of term.
Exceptions.

4875. *Dishonorable.*—Enlisted men shall be dishonorably discharged by order of the Commander-in-Chief, to carry out his sentence of court-martial, upon conviction of a felony in a civil court, upon discovery of reënlistment after previous dishonorable discharge. Dishonorable discharge of enlisted men.

4876. *Lost discharge papers.*—Duplicate discharges will not be granted to enlisted men. Should any soldier unavoidably lose his discharge papers, a certificate (according to form in the office of the Adjutant General) will be furnished in lieu of the said discharge papers, upon representation of the facts of said loss, attested by some commissioned officer of the guard, or some civil magistrate. Duplicate discharge not granted.
Certificate in lieu of discharge papers.

IV. COURT-MARTIAL.

4877. *How formed and governed.*—Courts-martial for the active militia shall be governed according to the laws and regulations of the United States army. The military courts of this State shall be general court, garrison court, summary court, and courts of inquiry. The form and manner in which proceedings of a military court shall be conducted and recorded, and the forms of oaths and affirmations taken in the administration of military Law governing courts-martial.
Military courts.
Forms and proceedings.

Liability of courts and officers.	law by such courts, and the limits of punishment and proceedings in revision, shall be governed by the articles of war and the law and procedure of the courts-martial of the United States. No action or proceeding shall be prosecuted or maintained against a member of a military court, or against an officer or person acting under its authority or reviewing its proceedings, on account of the approval or imposition or execution of any sentence or the imposition or collection of a fine or penalty, or the execution of any warrant, writ, execution, process or mandate of a military court.
Jurisdiction of courts. Burden of proof.	<i>Presumption of jurisdiction.</i> —The jurisdiction of the courts and board established by this chapter shall be presumed, and the burden of proof shall rest upon any person seeking to oust such courts or boards of jurisdiction in any action or proceeding.
Jurisdiction of courts-martial.	Courts-martial shall have the power to try any officer or enlisted man for any violation of any of the articles of war of the United States, of any statute of the State of North Carolina regulating the government of the militia, and upon conviction when not in active service may dishonorably discharge the person so convicted from the service, or may impose a fine not exceeding fifty (\$50.00) dollars, or may imprison for a period of thirty days the person so convicted, or both, and the commitment of the president of such court in such cases shall be duly recognized by the sheriff of such county in which the organization is located of which the person so convicted is a member: <i>Provided</i> , that this section shall not be construed to be a limitation on the rights of courts-martial when on active service as to the punishments inflicted.
Limit of punishment.	
Commitments recognized by sheriff.	
Proviso: punishments in active service.	
Judge advocate to issue subpoenas.	4878. <i>Witnesses before, how subpoenaed.</i> —The judge advocate of any court-martial constituted according to this chapter may issue a summons, in the nature of a subpoena in criminal cases, directed to any sheriff or constable, or to any soldier, to summon witnesses for the State and the accused; and the persons summoned by him shall be bound to attend and give evidence before the court-martial, under the same penalties as in criminal actions, and if a soldier, under penalty of being tried and punished by court-martial for disobedience of orders.
Penalties for non-attendance.	
Witnesses sworn.	4879. <i>Witnesses sworn.</i> —All witnesses shall be sworn by the judge advocate, before they give their evidence, as in criminal cases, according to the following form: "You,, do swear that the evidence you will give to the court in the case between the State and C D shall be the truth, the whole truth, and nothing but the truth: so help you, God."
Form of oath.	

V. ARMS AND EQUIPMENT.

Uniform, arms and equipments. Land forces.	4880. <i>Same as United States army and navy.</i> —The uniform, arms and equipment of the militia shall, for the land forces, be in accordance with the regulations governing the United States
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army; and for the naval forces, in accordance with the regulations governing the United States navy. Naval forces.

4881. *How obtained.*—Each company of the National Guard, on application by the commander thereof to the Adjutant General, through his regimental and brigade commander, if there be such, and producing satisfactory evidence that the law in relation to the distribution of public arms has been fully complied with, shall be furnished with such appropriate arms and equipment as shall be determined by the Commander-in-Chief, upon such terms and under such conditions as the law prescribes. Arms and equipments furnished companies.

4882. *Additional organizations.*—The Governor is hereby empowered to organize such additional companies, troops, batteries, or other organizations conforming to the regulations of the War Department or laws of the State as he may deem necessary for the efficiency of the active militia. Additional organizations.

4883. The Commander-in-Chief shall have the right and power, and it shall be his duty, from time to time to make such additional orders with regard to the organization, armament, equipment, and discipline of the organized militia as shall at all times cause it to comply with the requirements by law of the United States governing the organized militia of the several states. Additional orders.

4884. *Bond.*—Commanders of regiments and companies and all other officers who are responsible for public military property, shall execute and deliver to the Adjutant General a bond, payable to the State of North Carolina, in a sufficient sum and with sufficient sureties, to be approved by the Governor, conditioned for the proper care and use of said public property, and the return of the same when ordered by competent authority, in good order, ordinary wear and unavoidable loss and damage excepted; and in case of such loss or damage, to immediately furnish the Adjutant General with properly attested affidavits, setting forth all the facts attending said loss or damage. Officers to give bond. Condition of bond.

4886. *Care and return of military property.*—All public military property except when in use in the performance of military duty, shall be kept in armories, or other properly designated places of deposit; and it shall be unlawful for any person charged with the care and safety of said public property to allow the same out of his custody except as above specified. Safe keeping of property.

4886. *Where kept.*—All the public arms of every description belonging to the State, which may not be distributed among the militia according to law, shall, under the direction of the Adjutant General, be deposited and kept in the public arsenal established in Raleigh. Arms kept in public arsenal.

4887. *Freight on public arms paid out of general fund.*—The Auditor of the State is hereby authorized and directed to issue his warrant upon the State Treasurer for the payment of such sums as may be certified by the Adjutant General and the Governor to be actually necessary to pay the freight upon ammunition, uniforms and equipment shipped out from or returned to the State arsenals. Freight on ammunition, uniforms and equipment.

- Arms and accoutrements to be kept in good order. 4888. *Kept in good order.*—Every noncommissioned officer and private belonging to any company equipped with public arms shall keep and preserve his arms and accoutrements in good order and in a soldier-like manner; and for every neglect to do so may be punished by court-martial.
- Punishment for neglect. 4889. *Receipts taken for, when distributed.*—Every officer of the militia receiving any public arms shall give a duplicate receipt for the same to the party from whom he received such arms. Upon distribution of any arms to any of the militia, either active or inactive, receipt shall be taken from each person receiving the same, which receipt should be entered in a bound book, which shall at all times be open to the inspection and examination of all officers of the militia.
- Duplicate receipts. 4890. *Governor to send out, in case of insurrection.*—In case of insurrection or invasion, or a probability thereof, the Governor is authorized to distribute the public arms and to send them to such places as he may deem necessary and expedient, and to draw warrants on the Treasurer of the State for the sums necessary for that purpose.
- Receipts on distribution of arms. 4891. *When arms loaned to military schools.*—The said arms shall be kept in the arsenal at Raleigh, and upon the application of the principal of any military school setting forth the number of students and the number of arms required, and giving the bond as now required by law, it shall be the duty of the Adjutant General, under the direction of the Governor, to issue the number so required, and take the receipts from the principal, which shall be filed as similar receipts are now filed.
- Receipt book open for inspection. 4892. *Failure of Adjutant General to draw arms.*—Should the Adjutant General, under the direction of the Governor, fail to draw the arms specified, then it shall be the Governor's duty, upon application as aforesaid, to issue to said principal any arms which may be in said arsenal.
- Distribution of arms in case of emergencies. VII. ACTIVE.
- Payment of expenses. 4893. *How designated.*—The active militia shall be known and designated as the North Carolina National Guard.
- Issue of arms to military school. 4894. *Number limited.*—The National Guard of North Carolina shall not in time of peace consist of more than five thousand officers and enlisted men. No new company of infantry shall be uniformed and equipped as long as any existing company is lacking in any part of the equipment necessary to fit them for field service.
- Receipts. 4895. *Who may enlist and term of enlistment.*—Able-bodied men of good moral character, who can read and write, between the ages of eighteen and forty-five years, may enlist in the National Guard; such enlistment shall be for a period of three years and made by signing duplicate enlistment papers in such form as may be prescribed by the Adjutant General, one to be forwarded to him by the enlisting officer and one to be filed with
- Issue of arms. 4896. *Enlistment papers.*—The Adjutant General shall issue to each company a book of arms, which shall be kept in good order and in a soldier-like manner; and for every neglect to do so may be punished by court-martial.
- Issue of arms to military school. 4897. *When arms loaned to military schools.*—The said arms shall be kept in the arsenal at Raleigh, and upon the application of the principal of any military school setting forth the number of students and the number of arms required, and giving the bond as now required by law, it shall be the duty of the Adjutant General, under the direction of the Governor, to issue the number so required, and take the receipts from the principal, which shall be filed as similar receipts are now filed.
- Receipts. 4898. *Failure of Adjutant General to draw arms.*—Should the Adjutant General, under the direction of the Governor, fail to draw the arms specified, then it shall be the Governor's duty, upon application as aforesaid, to issue to said principal any arms which may be in said arsenal.
- Issue of arms. 4899. *How designated.*—The active militia shall be known and designated as the North Carolina National Guard.
- Limit of number. 4900. *Number limited.*—The National Guard of North Carolina shall not in time of peace consist of more than five thousand officers and enlisted men. No new company of infantry shall be uniformed and equipped as long as any existing company is lacking in any part of the equipment necessary to fit them for field service.
- Limit as to new companies. 4901. *Who may enlist and term of enlistment.*—Able-bodied men of good moral character, who can read and write, between the ages of eighteen and forty-five years, may enlist in the National Guard; such enlistment shall be for a period of three years and made by signing duplicate enlistment papers in such form as may be prescribed by the Adjutant General, one to be forwarded to him by the enlisting officer and one to be filed with
- Persons entitled to enlist. 4902. *Enlistment papers.*—The Adjutant General shall issue to each company a book of arms, which shall be kept in good order and in a soldier-like manner; and for every neglect to do so may be punished by court-martial.
- Term of enlistment. 4903. *How designated.*—The active militia shall be known and designated as the North Carolina National Guard.
- Enlistment papers. 4904. *Number limited.*—The National Guard of North Carolina shall not in time of peace consist of more than five thousand officers and enlisted men. No new company of infantry shall be uniformed and equipped as long as any existing company is lacking in any part of the equipment necessary to fit them for field service.

the records of the company in which enlistment is made. Minors between the ages of eighteen and twenty-one years may be enlisted with the written consent of father, only surviving parent, or legally appointed guardian.

Enlistment of minors.

4896. *When ordered out.*—The National Guard shall be liable at all times to be ordered into active service. The Commander-in-Chief may at any time, upon reasonable apprehension of riot, insurrection or invasion, or for any other reasonable cause, order out such portion of the active militia as he may deem necessary. Whenever any portion of the militia shall be on duty under or pursuant to the order of the Governor or other competent authority, or shall be ordered to assemble for duty in time of war, insurrection, invasion, public danger, or to aid the civil authorities on account of any breach of the peace, tumult, riot, resistance to legal process of this State, or imminent danger thereof, or for any other cause, the articles of war governing the army of the United States and the regulations prescribed for the army of the United States, as far as such regulations are consistent with this chapter, and the regulations issued thereunder, shall be enforced and regarded as a part of this chapter until said forces shall be duly relieved from such duty. As to offenses committed, when such articles of war are so enforced, courts-martial shall possess, in addition to the jurisdiction and power of sentence and punishment herein vested in them, all additional jurisdiction and power of sentence and punishment exercisable by like courts under such articles of war or regulations or laws governing United States army or the customs and usages thereof; but no punishment under such rules and articles, which will extend to the taking of life, shall in any case be inflicted except in time of war, invasion or insurrection, declared by a proclamation of the Governor to exist, and then only after approval by the Governor of the sentence inflicting such punishment. Imprisonment other than in guard house shall be executed in jails or prisons designated by the Governor for that purpose.

Governor may order out guard.

Laws enforced on active service.

Powers of courts-martial.

Punishment extending to taking of life.

Imprisonment.

4897. *Divided into land and naval forces.*—The Commander-in-Chief may organize the National Guard into such brigades, regiments, battalions, batteries, companies, or unattached companies as he may think best for the public service, and may allow to be enrolled not more than six companies, to be designated as divisions, which shall constitute the naval brigade of North Carolina.

Organization of guard.

Naval brigade.

4898. There shall be allowed annually to the commander of the brigade of infantry, to each colonel of an infantry regiment, and to the captain of the naval brigade, the sum of two hundred (\$200.00) dollars, and to the commander of the coast artillery corps the sum of one hundred (\$100.00) dollars, with which to defray the necessary expenses of their respective offices. There shall be allowed likewise annually to each company of infantry, each company of coast artillery, each battery of field artillery, each troop of cavalry, each division of naval militia, each band

Allowances to officers.

Allowances to companies, troops and divisions.

	of the infantry regiments, each signal corps company, each company of engineers, and of the field hospital corps, which complies with the law and regulations of the State not exceeding in number so many as may be recommended by the War Department of the United States for the organized militia of the several states, to be applied to the payment of necessary current expenses, the sum of two hundred and fifty (\$250.00) dollars, respectively.
Hospital corps or ambulance company.	Each hospital corps or ambulance company shall receive two hundred and fifty (\$250.00) dollars per annum for like purposes.
Pay of enlisted men.	Every enlisted man shall receive twenty-five (25) cents for each drill participated in by him at the home station of his organization, not exceeding two drills per month, payments to be made semi-annually upon certificate of the organization commander furnished to the Adjutant General in such manner as from time to time may be prescribed by the Adjutant General. The commanding officer of each company of infantry and artillery, and each troop of cavalry and each division of naval militia shall be paid annually the sum of one hundred (\$100.00) dollars, to be paid in semi-annual installments of fifty (\$50.00) dollars each.
Pay of officers.	
Quartermaster sergeants.	The quartermaster sergeant of each company of infantry and troop of cavalry and company or battery of artillery shall likewise receive the sum of fifty (\$50.00) dollars each, to be paid in semi-annual installments of twenty-five (\$25.00) dollars. Company, battery and division commanders shall file with the paymaster general on the first of December of each year an itemized statement of all receipts and disbursements of said funds. All amounts herein authorized shall be paid in semi-annual installments, and no payments shall be made unless all drills and parades required by law are duly performed by all organizations named. All organizations of the land and naval forces shall be located on lines of railroad, steamboat or telegraphic communication. No larger amount shall be paid out annually for the support and maintenance of the guard, including salaries and office expenses, than the sum of fifty thousand (\$50,000) dollars.
Statements of receipts and disbursements.	
Payments made semi-annually.	
Location of organizations.	
Limit of total expenditures.	
Advisory board.	4999. <i>Advisory board.</i> —There shall be an advisory board of which the Commander-in-chief shall be <i>ex officio</i> president composed of the Adjutant General, the commander of the first brigade, the chief of the quartermaster corps, and the commanding officers of the three infantry regiments which shall meet from time to time when ordered by the Commander-in-Chief, and which shall have jurisdiction and control over all the administrative affairs of the guard.
Meetings.	
Jurisdiction.	
Brigadier general.	5000. <i>Brigade officers.</i> The Commander-in-chief shall appoint a brigadier-general to command the National Guard of the State as now organized, and wherever it shall become necessary to organize the same into more than one brigade, the commanders of such brigades shall be appointed by the Commander-in-Chief. The staff officers of the brigade shall be nominated by the permanent commander thereof.
Brigade staff officers.	

5001. *Regimental and company officers.* There shall be to each organization of the North Carolina National Guard the same commissioned and non-commissioned officers as are prescribed for the United States army, and the Governor may by general order fix the number of enlisted men. Regimental and company officers.

5002. *Officers to be examined.*—Every person accepting an office in the National Guard shall, as early as practicable and when ordered by the Commander-in-Chief, appear before an examining board to be appointed by the Commander-in-Chief, which board shall examine said officer as to his military and other qualifications. Officers to be examined.

5003. *Regimental officers, how elected.*—Field officers of separate corps and battalions and of corresponding grades in the naval brigades shall be elected by the commissioned officers of the separate corps and naval brigade; and company, battery, troop and naval division officers shall be elected by the enlisted men of such company, battery, troop and naval division at such time and place as may be fixed by the Commander-in-Chief; and such officers shall hold office until vacancies occur, either by promotion, resignation, removal, or death. The regimental staff officers shall be nominated by the permanent commander thereof. Election of field officers.
Election of line officers.
Term of office.
Regimental staff.

5004. *Election to fill vacancies in line officers.*—The Commander-in-Chief shall order elections to fill all vacancies occurring among the line officers of the National Guard. Elections to fill vacancies.

5005. *Retirement of officers.*—Whenever an officer of ten years' service and upwards makes application for retirement he may, by consent of the Commander-in-Chief, be retired with the next higher grade, and all officers now on the retired list of the National Guard of this State are advanced one grade. When an officer reaches the age of sixty-four years he may be retired by the Commander-in-Chief. Application for retirement.
Officers on retired list advanced.
Officers retired for age.

In the General Assembly read three times and ratified this the 5th day of March, one thousand nine hundred and thirteen.

CHAPTER 48.

AN ACT RELATING TO CONTINUANCES OF CASES IN THE SUPERIOR COURTS OF STOKES COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be the duty of the Clerk of the Superior Court of Stokes County, after the close of each term of both the civil and criminal terms of the Superior Courts thereof, to carry forward on the respective civil and criminal dockets of said county each case not finally disposed of to make up the docket for the next succeeding term, and shall number the cases on the Cases not finally disposed of.

Cases numbered. respective dockets consecutively beginning with number one, and the number of each case shall be entered on the left-hand margin of the page where it appears opposite said case, and a corresponding number of said case shall be entered on the right-hand margin of the case at the preceding term so that cases may be conveniently traced from their first appearance on the docket to final judgment.

Fees of clerk. SEC. 2. That for each case so continued and carried forward on the docket aforesaid the Clerk of the Superior Court of Stokes County shall receive a fee of thirty cents for each term it is so continued and carried forward, to be taxed as a part of the cost in the case, the same as other costs.

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

In the General Assembly read three times and ratified this the 5th day of March, 1913.

CHAPTER 49.

AN ACT TO AMEND SECTION 68 OF THE REVISAL OF 1905, FOR THE PROTECTION OF HEIRS AT LAW AND DEVISEES.

The General Assembly of North Carolina do enact:

SECTION 1. That section sixty-eight of The Revisal of nineteen hundred and five be, and the same is, hereby amended by adding at the end thereof the following: "But such executor, administrator or collector, in lieu of asking for an order for the immediate sale of real estate, may ask for an order authorizing him to rent out the same for a term of not exceeding three years, and if it shall appear to the court that the best interests of the heirs at law and devisees of the deceased will be promoted by granting such order and that it is probable that the rents derived from the said real estate during the said term will be sufficient to pay off and discharge the said debts and the costs of the administration, the Superior Court may, with the consent of the creditors, make such order upon such terms as may be best for the heirs at law, devisees and creditors of the estate, authorizing such executor, administrator or collector to rent such real estate for a term not exceeding three years; or if it shall be made to appear to the court that such executor, administrator or collector is able to borrow sufficient money with which to pay off and discharge all valid and just claims against the estate of the deceased, then the court shall have the power to authorize said executor or administrator to borrow money for the purpose of paying off and discharging such claims and authorizing him to rent the real estate for a term not exceeding three years and to apply the rents to the

Application for order to rent.

Limit of term.
Court may make order.

Authority to borrow money.

Rents applied to repayment.

repayment of the money thus borrowed, and the said estate shall be and remain liable for the payment of said sums as may be borrowed under such order of the court to the same extent and no further as the estate was liable for the indebtedness of the deceased to pay off and discharge the debt for which the said sums were borrowed; that any and all orders made by the court pursuant to this section shall be approved by the judge residing in or holding the court of the district in which such county is situated.

Orders to be approved by judge.

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

In the General Assembly read three times and ratified this the 5th day of March, 1913.

CHAPTER 50.

AN ACT TO CEDE EAGLE ISLAND BY THE COUNTY OF BRUNSWICK TO THE COUNTY OF NEW HANOVER, UPON CERTAIN CONDITIONS.

The General Assembly of North Carolina do enact:

SECTION 1. That all of that portion of the territory which lies in the county of Brunswick and known as Eagle Island, surrounded by the waters of the Cape Fear River and the Brunswick River, and lying east of the eastern boundary of Brunswick River, be, and the same is, hereby ceded and annexed to the county of New Hanover: *Provided, however,* that New Hanover County build a free bridge across the Cape Fear River at Wilmington, with suitable approaches and a substantial roadway across Eagle Island to Brunswick River.

Territory ceded.

Proviso: free bridge and substantial road.

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

In the General Assembly read three times and ratified this the 5th day of March, 1913.

CHAPTER 51.

AN ACT TO PROVIDE FOR THE SURVEY AND INSPECTION OF LEADS, LODES, VEINS, AND ORE BODIES.

The General Assembly of North Carolina do enact:

SECTION 1. Any person or persons, company or corporation, being the owner or owners of, or in possession under any lease or contract, of any mine or mines within the State of North Carolina, shall have the right to institute and maintain an action for

Persons entitled to bring suit.

Basis of suit.	the recovery of any damages that may accrue by reason of the manner in which any mine or mines have been or are being worked and managed by any person or persons, company or corporation, who may be the owner or owners, or in possession of and working such mine or mines under lease or contract, and to prevent the continuance of working and managing such mine or mines in such manner as to hinder, injure, or in any wise endanger the safety of any mine or mines adjacent or adjoining thereto. And any such owner of, or person in the possession of any mine, mines or mining claims, who shall enter upon and into, in any manner, any mine or mining claim, either on the surface or underground, the property of another, and mine, extract, excavate or carry away any valuable mineral therefrom, shall be liable to the owner or owners of any such mine or mines trespassed upon as aforesaid, double for the value of all such mineral mined, extracted, excavated or carried away, and for all other damages, and the value of all such mineral mined, extracted, excavated or carried away shall be presumed to be twice the amount of the gross value of the same ascertained by an average assay of the excavated material or vein or ledge from which it was taken: <i>And, provided</i> , that if such trespass is wrongfully and willfully made, punitive damages may be allowed.
Persons liable to suit.	
Damages for double amount.	
Value presumed.	
Ascertainment of value.	
Proviso: punitive damages.	
Application for order of survey.	SEC. 2. Any person or persons named in the preceding section shall have the right to apply for and obtain from any judge of the Superior Court having jurisdiction to grant injunctions and restraining orders under sections eight hundred and fourteen, eight hundred and fifteen, and eight hundred and sixteen of The Revisal of North Carolina, one thousand nine hundred and five, an order of survey in the following manner: an application shall be made by filing the affidavit of the person making the application, which affidavit shall state, as near as can be described, the location of the mine or mines of the parties complained of, and, as far as known, the names of such parties; also the location of the mine or mines of the party or parties making such application, and that he has reason to believe that the said parties complained of, their agent or employees, are or have been trespassing upon the mine or mines of the party complaining, or are working their mine in such manner as to damage or endanger the property of the affiant. Upon the filing of the affidavit, as aforesaid, the judge shall cause a notice to be given to the party or parties complained of, or their agent, which notice shall state the time, the place, and before whom the application will be heard, and shall cite the party to appear in not less than ten nor more than twenty days from the date thereof, to show cause why an order of survey should not be granted; and upon good cause shown the judge shall grant such order directed to some competent disinterested surveyor, or to some competent mining engineer, or both, as the case may be, who shall proceed to make the necessary examination and surveys as directed by the court and re-
Affidavit.	
Notice to parties complained of.	
Citation to appear and show cause.	
Issuance of order.	
Examination, survey and report.	

port the result and conclusions to the court. The party or parties selected by the judge to make the said survey and examination shall be disinterested, and shall be residents of the State, and before entering upon the discharge of their duties, shall take and subscribe an oath that they will fairly and impartially survey the mine or mines described in the petition. In all other respects except those stated above the surveyor or surveyors so appointed by the judge shall proceed as in surveys in disputed boundaries under section one thousand five hundred and four of The Revisal of North Carolina, one thousand nine hundred and five. Upon such order being made by the judge for the survey of the mine in question, in such manner, at such time, and by such persons as are mentioned in the order, which shall include a representative of the party making the application, who shall not be one of the surveyors. Such persons shall have free access to such mine for the purpose of such survey in conformity with the order of the judge, and any interference with such persons while acting under such order shall be contempt of court and punished accordingly. If the parties named in the order of survey require, they, together with their instruments, shall be carefully lowered and raised in and out of said mine with the cage, bucket or skip ordinarily used in the shaft or shafts of said mine. And the parties named in said order may demand of the owner, manager or agent of owner of such mine, that they be raised and lowered in and out of such mine at a speed agreeable to them and not endanger their comfort and safety or damage the accuracy of their instruments; and the owners of such mine, their managers and agents, shall be liable in damages for any injury to the persons examining such mine, or to their instruments, while being raised or lowered in and out of mine examined under such order, caused by the careless, negligent operation of any such bucket, cage or skip at such a high rate of speed as to cause damage to the persons or instruments raised or lowered under said order. The costs of the order and survey shall be paid by the person or persons making the application, unless such parties shall subsequently maintain an action and recover damages, as provided for in section one, by reason of a damage done or threatened prior to such survey or examination having been made, and, in that case, such costs shall be taxed against the defendant as other costs in the suit. The party obtaining such survey shall be liable for any unnecessary injury done to the property inspected and surveyed in the making of such survey.

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

In the General Assembly read three times and ratified this the 5th day of March, 1913.

Qualifications for surveyors.

To be sworn.

Method of survey.

Free access to mine.

Interference contempt of court.

Conveyance into mine.

Speed and manner of conveyance.

Liabilities for damage in conveyance.

Costs of order and survey.

Liability of person obtaining survey.

CHAPTER 52.

AN ACT EXTENDING THE HANDWRITINGS TO BE USED AS STANDARDS FOR COMPARISON IN TRIALS.

The General Assembly of North Carolina do enact:

Comparison of disputed writing with writing proved genuine.

Evidence submitted to court and jury.

Proviso: pending actions.

SECTION 1. That in all trials in this State, when it may otherwise be competent and relevant to compare handwritings, a comparison of a disputed writing with any writing proved to the satisfaction of the judge to be genuine, shall be permitted to be made by witnesses, and such writings and the evidence of witnesses respecting the same may be submitted to the court and jury as evidence of the genuineness or otherwise of the writing in dispute: *Provided*, this shall not apply to pending actions.

In the General Assembly read three times and ratified this the 5th day of March, 1913.

CHAPTER 53.

AN ACT TO AMEND SECTION 4313, REVISAL OF 1905, VOLUME II, ENTITLED "AN ACT WHERE CHAIRMEN MEET IN SENATORIAL DISTRICTS."

The General Assembly of North Carolina do enact:

Day of meeting.

First district.

Second district.

Third district.

Fourth district.

Sixth district.

Seventh district.

Ninth district.

Tenth district.

Eleventh district.

Thirteenth district.

Fourteenth district.

SECTION 1. That section four thousand three hundred and thirteen, Revisal of one thousand nine hundred and five, volume two, be amended so as to read as follows: "That the chairmen of the county boards of elections in the various senatorial districts, composed of more than one county, after receiving the returns from the board of county canvassers, shall meet on the ninth day after election at the following places in their respective districts for the purpose of comparing polls:

- In the first district at Hertford, in the county of Perquimans.
- In the second district at Plymouth, in the county of Washington.
- In the third district at Roxobel, in the county of Bertie.
- In the fourth district at Halifax, in the county of Halifax.
- In the sixth district at Rocky Mount, in the county of Nash.
- In the seventh district at New Bern, in the county of Craven.
- In the ninth district at Wallace, in the county of Duplin.
- In the tenth district at Wilmington, in the county of New Hanover.
- In the eleventh district at Clarkton, in the county of Bladen.
- In the thirteenth district at Fayetteville, in the county of Cumberland.
- In the fourteenth district at Dunn, in the county of Harnett.

- In the sixteenth district at Norlina, in the county of Warren. Sixteenth district.
- In the seventeenth district at Berea, in the county of Granville. Seventeenth district.
- In the eighteenth district at Hillsboro, in the county of Orange. Eighteenth district.
- In the twenty-first district at Aberdeen, in the county of Moore. Twenty-first district.
- In the twenty-second district at Asheboro, in the county of Randolph. Twenty-second district.
- In the twenty-third district at Norwood, in the county of Stanly. Twenty-third district.
- In the twenty-fourth district at Charlotte, in the county of Mecklenburg. Twenty-fourth district.
- In the twenty-seventh district at Pilot Mountain, in the county of Surry. Twenty-seventh district.
- In the twenty-eighth district at Yadkinville, in the county of Yadkin. Twenty-eighth district.
- In the thirtieth district at Maiden, in the county of Catawba. Thirtieth district.
- In the thirty-second district at Rutherfordton, in the county of Rutherford. Thirty-second district.
- In the thirty-third district at Morganton, in the county of Burke. Thirty-third district.
- In the thirty-fourth district at Jefferson, in the county of Ashe. Thirty-fourth district.
- In the thirty-fifth district at Burnsville, in the county of Yancey. Thirty-fifth district.
- In the thirty-seventh district at Sylva, in the county of Jackson. Thirty-seventh district.
- In the thirty-eighth district at Murphy, in the county of Cherokee. Thirty-eighth district.

SEC. 2. That all laws and clauses 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.

In the General Assembly read three times and ratified this the 6th day of March, 1913.

CHAPTER 54.

AN ACT TO AMEND SECTIONS 3956 AND 3960 OF THE REVISAL OF 1905 BY CHANGING THE MANNER OF ENFORCING THE PENALTY FOR FAILURE TO ATTACH TAX TAGS TO FERTILIZER AND COTTONSEED MEAL BAGS.

The General Assembly of North Carolina do enact:

SECTION 1. That section three thousand nine hundred and fifty-six of The Revisal of one thousand nine hundred and five be amended as follows: That the words "ten dollars" in line seven be stricken out and the words "the price paid the manufacturer" inserted in their stead, and that the words "any person who may sue for same" in lines eight and nine shall be stricken out and the following words inserted instead: "the Commissioner of Agriculture by suit brought in the name of the State, and any amount penalty.
Suit for and
division of
penalty.

so recovered shall be paid, one-half to the informer and one-half to the State Treasurer for the use of the Department of Agriculture."

Penalty.
Suit for and division of penalty.

SEC. 2. That section three thousand nine hundred and sixty of The Revisal of one thousand nine hundred and five be amended as follows: That the words "ten dollars" in line five be stricken out and the words "the price paid the manufacturer" inserted in their stead, and that the words "any person who may sue for same" in lines seven and eight shall be stricken out and the following words inserted instead: "the Commissioner of Agriculture by suit brought in the name of the State, and any amount so recovered shall be paid, one-half to the informer and one-half to the State Treasurer for the use of the Department of Agriculture."

Pending suits. SEC. 3. This act shall not apply to pending suits.

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

In the General Assembly read three times and ratified this the 6th day of March, 1913.

CHAPTER 55.

AN ACT TO PAY CERTAIN CLAIMS AGAINST THE STATE OF NORTH CAROLINA INCURRED BY THE FISH COMMISSION.

The General Assembly of North Carolina do enact:

Payment of claims directed. SECTION 1. That the Auditor be, and he is, hereby authorized, empowered and directed to pay the following claims incurred by acts of one thousand nine hundred and seven, chapter nine hundred and seventy-seven:

Items.	C. S. Vann.....	\$562.50
	J. C. B. Ehringhaus.....	208.21
	W. R. Gray.....	445.00
	W. O. Barnett.....	57.00
	A. H. Davenport.....	8.00
	S. E. Mann.....	30.00
	D. M. Stringfield.....	25.00
	W. M. Bond.....	25.00
	J. C. Bond.....	3.25
	M. F. Bond.....	25.00
	Mr. Tillet	52.00
	Auto Machine Company.....	350.00
	T. S. Meekins.....	1,155.00
	W. O. Lupton.....	898.33
	Total	\$3,403.74

SEC. 2. The above claims shall be duly approved by the geological board, upon voucher as provided by chapter nine hundred and seventy-seven, Public Laws of one thousand nine hundred and seven. Approval of claims
and vouchers.

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

In the General Assembly read three times and ratified this the 6th day of March, 1913.

CHAPTER 56.

AN ACT TO PROTECT WATERSHEDS OWNED BY CITIES AND TOWNS FROM DAMAGE BY FIRE.

The General Assembly of North Carolina do enact:

SECTION 1. That any person, firm or corporation owning lands or the standing timber on lands within four hundred feet of any watershed held or owned by any city or town, for the purpose of furnishing a city or town water supply, upon cutting or removing the timber, or permitting same cut or removed, from lands so within said four hundred feet of said watershed, or any part thereof, shall, within three months after cutting, or earlier upon written notice by said city or town, remove or cause to be burned under proper supervision, all treetops, boughs, laps and other portions of timber not desired to be taken for commercial or other purposes, within four hundred feet of the boundary line of such part of said watershed as is held or owned by such town or city, so as to leave such space of four hundred feet immediately adjoining the boundary lines of such watershed so held or owned, free and clear of all such treetops, laps, boughs and other inflammable material caused by or left from cutting such standing timber, so as to prevent the spread of fire from such cutover area and the consequent damage to such watershed. Persons cutting
timber to remove
debris.

SEC. 2. That any such person, firm or corporation violating the provisions of this act shall be guilty of a misdemeanor. Violation of act
misdemeanor.

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

In the General Assembly read three times and ratified this the 6th day of March, 1913.

CHAPTER 57.

AN ACT TO VALIDATE THE PROBATE AND REGISTRATION OF CERTAIN DEEDS.

The General Assembly of North Carolina do enact:

Probates by deputy
clerks validated.

SECTION 1. That where any deed or conveyance of lands in this State, executed prior to January first, one thousand nine hundred and thirteen, has been acknowledged by the grantor or grantors, and the privy examination of any married woman, or either has been taken before the deputy clerk of a court of record of any other State, and said certificate of acknowledgment and privy examination is otherwise sufficient in form and substance under the laws of this State, except that said certificate appears to have been signed in the name of the clerk of said court, by such deputy clerk, and the seal of said court has been affixed to such certificate, and such certificate has been duly approved by the clerk of the Superior Court of this State, in the county where the lands conveyed by such deed are situated and such instrument ordered to be recorded, such certificate and probate and the registration of such instrument made thereon is hereby validated, and such conveyance, if otherwise sufficient, is hereby declared and made valid and binding as a conveyance of the lands therein described.

Registration
validated.

Vested rights and
pending litigation.

SEC. 2. That this act shall not affect the vested rights of any other person or corporation nor apply to any pending legislation.

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

In the General Assembly read three times and ratified this the 6th day of March, 1913.

CHAPTER 58.

AN ACT TO FIX BY LAW THE SALARY OF THE COMMISSIONER OF AGRICULTURE.

The General Assembly of North Carolina do enact:

Salary.

SECTION 1. That chapter nine hundred and ninety-four, section two, Laws of one thousand nine hundred and seven, be amended by adding at the end of said section the words, "the salary of the Commissioner of Agriculture shall be three thousand and five hundred dollars (\$3,500) per year, to be paid monthly out of the receipts of the Agricultural Department."

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

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

In the General Assembly read three times and ratified this the 6th day of March, 1913.

CHAPTER 59.

AN ACT TO PROVIDE FOR THE NECESSARY CLERICAL AND STENOGRAPHIC ASSISTANCE TO THE REPORTER IN THE PUBLICATION OF THE REPORTS OF THE SUPREME COURT.

The General Assembly of North Carolina do enact:

SECTION 1. That the Supreme Court Reporter is authorized and empowered to employ a stenographer and clerk at a yearly salary of not exceeding four hundred dollars, payable monthly directly to the person so employed by the Reporter, by voucher drawn by the State Auditor on the State Treasurer, out of the general funds of the State. Employment of stenographer and clerk authorized. Salary.

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

In the General Assembly read three times and ratified this the 6th day of March, 1913.

CHAPTER 60.

AN ACT TO AUTHORIZE THE FORECLOSURE OF CERTAIN CONDITIONAL SALES AND PRESCRIBING THE METHOD THEREFOR.

The General Assembly of North Carolina do enact:

SECTION 1. That in all sales of personal property wherein the title is retained by the seller to secure the purchase money, or any part thereof, and no power of sale is conferred and default is made in the payment of said obligation by the purchaser, then in all such cases it shall be lawful for the owner of such debt thereby secured, without an order of court, to sell such property, or so much thereof as may be necessary to pay off said indebtedness, at public auction for cash, after first giving twenty days notice at three or more public places in the county wherein the sale is to be made, and apply the proceeds of such sale to the discharge of said debt, interest on the same, and costs of foreclosure, and pay any surplus to the person legally entitled thereto. That before making any such sale, in addition to the advertisement above required, the owner of said debt shall, at least ten days before the day of sale, mail a copy of the notice of sale to the last known post office address of the original purchaser or his assigns. Sales authorized. Notice of sale. Application of proceeds. Notice to original purchaser.

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

In the General Assembly read three times and ratified this the 6th day of March, 1913.

CHAPTER 61.

AN ACT TO AMEND CHAPTER 91 OF THE PUBLIC LAWS OF 1911, WHICH IS "AN ACT TO VALIDATE THE REGISTRATION OF CERTAIN DEEDS AND OTHER INSTRUMENTS."

The General Assembly of North Carolina do enact:

Omission of order for registration cured.

SECTION 1. That section one of chapter ninety-one of the Public Laws of one thousand nine hundred and eleven be, and the same is, hereby amended by striking out all of said section after the word "first" in the first line of said section and inserting in lieu thereof the words "one thousand nine hundred and thirteen."

On deeds up to 1913.

SEC. 2. That this act shall not affect any suit, action or proceeding now pending in any of the courts of this State.

Pending litigation.

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

In the General Assembly read three times and ratified this the 6th day of March, 1913.

CHAPTER 62.

AN ACT TO INCORPORATE AND ESTABLISH A CONFEDERATE WOMEN'S HOME IN NORTH CAROLINA AND TO MAKE AN APPROPRIATION FOR ITS SUPPORT.

The General Assembly of North Carolina do enact:

Corporators.

SECTION 1. That Julian S. Carr, John H. Thorp, Robert H. Ricks, Robert H. Bradley, E. R. Preston, Simon B. Taylor, Joseph F. Spainhour, A. D. McGill, M. Leslie Davis, T. T. Thorne, and

Corporate rights.

W. A. Grier, together with their successors in office, be, and the same are, hereby constituted a body politic and corporate under

Corporate powers.

the name and style of Confederate Woman's Home Association, and by that name may sue and be sued, purchase, hold and sell

Object of incorporation.

real and personal property and have all the powers and enjoy all the privileges of a charitable corporation under the law enabling them to establish, maintain and govern a home for the

Power to receive donations.

deserving, needy and dependent wives and widows of North Carolina Confederate soldiers and other worthy dependent women of the Confederacy who are *bona fide* residents of this State. The

Endowment fund.

corporation may solicit and receive donations in money or property for the purposes of site on which to erect its buildings, to equip, furnish and maintain it, or for any other purpose whatsoever, may invest its funds to constitute an endowment fund,

Corporate existence.
Donations for aid of indigent women.

and shall have a corporate existence of forty years. It shall also have the power to solicit and receive donations for the purpose of aiding indigent Confederate women at their homes in the various counties of North Carolina, and shall have all powers necessary to this end.

- SEC. 2. The powers conferred by this act shall be exercised by a board of directors, consisting of seven members, to be appointed by the Governor of the State and who shall hold office for the term of two years, and in case of a failure to appoint, the members of such board of directors shall hold their offices until their successors are appointed. The board of directors shall elect a president and a secretary, and the Treasurer of North Carolina shall be the treasurer of the Woman's Confederate Home Association. The board of directors shall appoint such other officers, agents or employees as it shall see fit and shall prescribe the duties of such officers and employees. The board of directors shall locate the said Confederate Woman's Home at such place in North Carolina as they shall deem proper, and it shall be located in or near that town or city offering the largest inducement, having due regard to the desirability and suitability for the location of said home. The board of directors shall establish rules and regulations for the maintenance and government of the home and shall have entire control and management of it; it shall prescribe the rules for the admission of the inmates and their discharge and shall take whatever action may be desirable in reference to the collection and disbursement of subscriptions, either to the home or to the needy Confederate women aforesaid elsewhere in the State. The accounts of the officers and employees shall be duly audited and published and report thereof made as now required by law from the other State institutions.
- SEC. 3. That Mrs. Hunter Smith, Mrs. N. B. Mann, Mrs. T. L. Costner, Mrs. R. F. Dalton, Mrs. F. A. Woodard, Mrs. W. H. Mendenhall, Mrs. E. C. Chambers, Mrs. Charles S. Wallace, Mrs. M. O. Winstead, Mrs. Marshall Williams be, and they are, hereby appointed an advisory board of lady managers for a term of two years, whose duties it shall be to assist the directors in the equipment and management of the home as they may be requested to do, shall solicit contributions for the home and generally shall use all the powers given to and perform all the duties required of them by the board of directors. The successors in office of said lady managers shall be selected one from each congressional district in the State. All vacancies occurring in said advisory board, whether from expiration of office or otherwise, shall, subject to the limitations herein set out respecting the way of selection, be filled by the board of directors.
- SEC. 4. That if the land on which the said home shall be located or used in connection therewith shall at any time cease to be used for that purpose, or for the use and benefit of the dependent wives and widows of the Confederate soldiers as herein specified, or other worthy indigent Confederate women of this State, the same shall revert to the person or persons donating the same, if it has been acquired entirely by donations, otherwise it shall revert to the State; but in all cases of nonuser for the said purpose the buildings thereon, the furniture and equipment generally of every nature shall revert and belong to the State.

Board of directors.

Appointment by Governor.

Term of officers.

President, secretary and treasurer.

Directors to appoint officers and prescribe duties.

Location of home.

Maintenance and government of home.

Admission and discharge of inmates.

Audit and publication of accounts.

Advisory board of lady managers.

Duties.

Selection of successors.

Vacancies.

Reversion of site.

Reversion of buildings and equipment.

Appropriation for building and equipment.

Appropriation for maintenance.

Payment of appropriations.

Reports.

SEC. 5. That to build and erect the said Confederate Woman's Home and its necessary outhouses, and to provide for such system of water, lights and sanitation as the board of directors may deem best, the sum of ten thousand dollars is hereby appropriated, and the sum of five thousand dollars is hereby annually appropriated to aid in the maintenance of said Confederate Woman's Home and the support of its inmates. These appropriations to be paid to the treasurer of the association, the appropriation for building and erection, as aforesaid, to be by him disbursed under the orders of the board of directors, and the appropriations for maintenance and support, as aforesaid, to be paid quarterly under the orders of the board of directors. A report of the receipts and disbursements and the general affairs of the home shall be annually made to the Governor of the State, to be by him laid before the General Assembly at its biennial session.

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

In the General Assembly read three times and ratified this the 6th day of March, 1913.

CHAPTER 63.

AN ACT TO DIVIDE THE STATE INTO TWENTY SUPERIOR COURT JUDICIAL DISTRICTS AND TO FIX THE NUMBER OF WEEKS OF COURTS FOR EACH, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

Division of State.
Number of districts.
Weeks of court.

SECTION 1. That the State be, and the same is, hereby divided into twenty Superior Court judicial districts, numbered first to twentieth, and that each county shall have the number of regular weeks of Superior Court annexed to it as set out in section two hereof.

SEC. 2. That said districts shall be as follows:

First district.

FIRST.

Currituck	3 weeks
Camden	3 weeks
Pasquotank	7 weeks
Perquimans	4 weeks
Chowan	3 weeks
Gates	3 weeks
Dare	2 weeks
Tyrrell	3 weeks
Hyde	2 weeks
Beaufort	11 weeks

Total 41 weeks

SECOND.

Second district.

Washington	4 weeks
Martin	6 weeks
Edgecombe	8 weeks
Nash	9 weeks
Wilson	10 weeks
	<hr/>
Total	37 weeks

THIRD.

Third district.

Hertford	4 weeks
Bertie	6 weeks
Northampton	6 weeks
Halifax	10 weeks
Warren	6 weeks
Vance	6 weeks
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Total	38 weeks

FOURTH.

Fourth district.

Wayne	12 weeks
Johnston	10 weeks
Harnett	8 weeks
Chatham	5 weeks
Lee	6 weeks
	<hr/>
Total	41 weeks

FIFTH.

Fifth district.

Pitt	14 weeks
Craven	12 weeks
Pamlico	4 weeks
Jones	2 weeks
Carteret	4 weeks
	<hr/>
Total	36 weeks

SIXTH.

Sixth district.

Lenoir	12 weeks
Greene	5 weeks
Duplin	10 weeks
Onslow	5 weeks
Sampson	12 weeks
	<hr/>
Total	44 weeks

Seventh district.

SEVENTH.

Wake	30 weeks
Franklin	10 weeks
Total	40 weeks

Eighth district.

EIGHTH.

New Hanover	20 weeks
Brunswick	3 weeks
Columbus	11 weeks
Pender	6 weeks
Total	40 weeks

Ninth district.

NINTH.

Robeson	21 weeks
Cumberland	14 weeks
Bladen	4 weeks
Hoke	4 weeks
Total	43 weeks

Tenth district.

TENTH.

Alamance	12 weeks
Orange	4 weeks
Durham	12 weeks
Person	4 weeks
Granville	7 weeks
Total	39 weeks

Eleventh district.

ELEVENTH.

Ashe	5 weeks
Alleghany	2 weeks
Surry	7 weeks
Forsyth	18 weeks
Rockingham	10 weeks
Caswell	3 weeks
Total	45 weeks

Twelfth district.

TWELFTH.

Guilford	28 weeks
Davidson	9 weeks
Stokes	4 weeks
Total	41 weeks

THIRTEENTH.

Thirteenth district.

Union	12 weeks
Anson	8 weeks
Scotland	6 weeks
Moore	6 weeks
Richmond	8 weeks
Stanly	6 weeks
	<hr/>
Total	46 weeks

FOURTEENTH.

Fourteenth district.

Mecklenburg	30 weeks
Gaston	10 weeks
	<hr/>
Total	40 weeks

FIFTEENTH.

Fifteenth district.

Davie	4 weeks
Iredell	8 weeks
Randolph	8 weeks
Rowan	10 weeks
Cabarrus	8 weeks
Montgomery	7 weeks
	<hr/>
Total	45 weeks

SIXTEENTH.

Sixteenth district.

Polk	4 weeks
Cleveland	8 weeks
Lincoln	5 weeks
Burke	10 weeks
Caldwell	10 weeks
	<hr/>
Total	37 weeks

SEVENTEENTH.

Seventeenth district.

Mitchell	6 weeks
Wilkes	8 weeks
Alexander	3 weeks
Yadkin	3 weeks
Catawba	8 weeks
Watauga	6 weeks
Avery	4 weeks
	<hr/>
Total	42 weeks

Eighteenth
district.

EIGHTEENTH.

Transylvania	6 weeks
Henderson	9 weeks
Rutherford	9 weeks
McDowell	9 weeks
Yancey	5 weeks
Total	38 weeks

Nineteenth
district.

NINETEENTH.

Buncombe	32 weeks
Madison	8 weeks
Total	40 weeks

Twentieth
district.

TWENTIETH.

Cherokee	8 weeks
Graham	4 weeks
Swain	6 weeks
Haywood	9 weeks
Jackson	6 weeks
Macon	4 weeks
Clay	2 weeks
Total	30 weeks

Judges subject to
call for extra duty.

SEC. 3. That any judge of the Superior Court who is in a district having fewer than twenty regular weeks for the six months shall hold without extra compensation, if directed by the Governor, enough extra weeks of court to make out the twenty weeks for the six months.

When act effective.

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

In the General Assembly read three times and ratified this the 6th day of March, 1913.

CHAPTER 64.

AN ACT TO REGULATE AND RESTRICT LABOR IN MANUFACTURING ESTABLISHMENTS.

The General Assembly of North Carolina do enact:

Employment of children under twelve years of age forbidden.
 Proviso: employment of children of twelve and thirteen years of age.

SECTION 1. That no child under twelve years of age shall be employed or work in any factory or manufacturing establishment within this State: *Provided*, that no child between the ages of twelve and thirteen years shall be employed or work in a factory

except in apprenticeship capacity, and only then after having attended school four months in the preceding twelve months.

SEC. 2. That no person under sixteen years of age shall be employed or permitted to work in any mill, factory or manufacturing establishment in this State between the hours of nine p. m. and six a. m. Night work by children under sixteen forbidden.

SEC. 3. That no child under sixteen years of age shall be employed or permitted to work at night, nor shall any child under the age of thirteen years be employed on day work in any mill, factory or manufacturing plant in this State, unless the person, firm or corporation employing such child or permitting such child to work shall have procured and shall keep on file and accessible to any inspector of factories or other authorized officer charged with the enforcement of this act a certificate from the parent, guardian or person standing in *loco parentis* to any such child, which certificate shall show the name and age of such child; and in case such child is under thirteen and more than twelve years of age, said certificate must set forth the fact that such child has attended school four months in the preceding twelve months. Night work by children under sixteen forbidden. Certificate of parents on employment of child under thirteen. Certificate to show school attendance.

SEC. 4. That any person, firm or corporation, agent or manager of any firm or corporation, who willfully, whether for himself or for such firm or corporation, employs or permits to work any child in violation of any of the provisions of this act, and whoever, having under his control as parent, guardian or otherwise, shall willfully set forth any false statement in the certificate of employment herein required, or otherwise suffers such children to be employed or to work, in violation of any of the provisions of this act, shall be guilty of a misdemeanor. Violation of act misdemeanor.

SEC. 5. That it shall be the duty of the county superintendent of public schools to investigate any violation of this act and to report the same to the solicitor of the judicial district in which said violation occurred, together with the names of all witnesses. Investigation and report by superintendent of schools.

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

SEC. 7. That this act shall be in force from and after the first day of January, one thousand nine hundred and fourteen. When act effective.

In the General Assembly read three times and ratified this the 6th day of March, 1913.

CHAPTER 65.

AN ACT TO PROVIDE SHELTERS FOR WORKMEN AT DIVISION POINTS OF RAILWAY COMPANIES.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be, and is, hereby made the duty of every person, firm, corporation or company that may now or hereafter own, control or operate any line or lines of railroad in the Erection and maintenance of sheds ordered.

State of North Carolina, to erect and maintain at every division point where cars are regularly taken out of trains for repairs or construction work, or where other railroad equipment is regularly made, repaired or constructed, a building or shed with a suitable and sufficient roof over the repair and construction track or tracks so as to provide that all men or employees permanently employed in the construction and repair of cars, trucks or other railroad equipment of whatever description, shall be under shelter and protected during snows, rains, sleet and other inclement weather: *Provided*, the Corporation Commission shall have the power to direct the points at which sheds shall be erected, and the character of the sheds: *Provided, further*, that such order shall only be made after a hearing of which public notice shall have been given.

Proviso: location ordered by corporation commission.
Proviso: order after hearing.

Failure to comply by 1st December misdemeanor.

Punishment.

Each day of non-compliance a separate offense.

SEC. 2. That on and after the first day of December, nineteen hundred and thirteen, any person, firm, corporation or company failing to comply with the requirements set out in section one of this act shall be guilty of a misdemeanor, and for each and every offense shall be fined not less than one hundred dollars nor more than five hundred dollars.

SEC. 3. That each and every day that any person, firm, corporation or company shall refuse or fail to comply with the provisions of this act after the first day of December, nineteen hundred and thirteen, shall constitute a separate offense and violation of the provisions of section one hereof.

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

In the General Assembly read three times and ratified this the 6th day of March, 1913.

CHAPTER 66.

AN ACT TO CONSTITUTE A COMMISSION TO SUPERINTEND THE REPAIR AND RENOVATION OF THE INTERIOR OF THE GOVERNOR'S MANSION AND TO APPROPRIATE THE SUM OF ONE THOUSAND DOLLARS FOR THE SAME.

The General Assembly of North Carolina do enact:

Commission named.

Duties.

Powers of commission.

SECTION 1. That Mrs. Charles Busbee and Mrs. Josephus Daniels and Mrs. John F. Sprague are hereby constituted a commission to superintend the repairing and renovating of the interior of the Governor's Mansion and making disposition of worn and unsuitable furniture and furnishings therein and replacing the same.

SEC. 2. That as a commission they are hereby empowered to do and perform any act looking to the suitable repair and renovation of the interior of the building, and to this end they may

make contracts in respect thereto and may purchase materials and supplies to accomplish this result: *Provided*, that the cost incurred in this behalf shall not exceed the sum of one thousand dollars and such additional sum as may be realized from the sale and disposition of old and worn and unsuitable furniture and furnishings. Limit of cost.

SEC. 3. That said commission is fully authorized to sell and dispose of, at the best price possible and in such manner as they deem best, any furniture or furnishings in the building that they decide for any reason is unsuitable and unsatisfactory, and any sum realized therefrom is to be used as a supplementary fund to the one thousand dollars hereinafter appropriated for the purposes named. Sale of furniture and furnishings. Supplementary fund.

SEC. 4. That the sum of one thousand dollars is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, for the purposes herein named, and that the same shall be paid by the State Treasurer upon the order of the commission to the State Auditor, who shall issue a voucher or vouchers upon the State Treasurer for the same. Appropriation.

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

In the General Assembly read three times and ratified this the 7th day of March, 1913.

CHAPTER 67.

AN ACT TO APPOINT A BOARD OF DIRECTORS FOR CULLOWHEE NORMAL AND INDUSTRIAL SCHOOL.

The General Assembly of North Carolina do enact:

SECTION 1. That the following named citizens of the State, for the terms indicated below, are hereby appointed directors of the Cullowhee Normal and Industrial School, to wit: D. D. Davies, W. D. Wike, Walter E. Moore, J. C. Martin and D. R. Noland, for the term of six years; Thomas A. Cox, Felix E. Alley, T. C. Henderson, and J. D. Coward, for the term of four years; C. C. Cowan, J. Robert Long, A. L. Martin, J. P. Patton, and M. D. Billings, for the term of two years from the ratification hereof, and the Superintendent of Public Instruction of the State is hereby made *ex officio* a member and chairman of said board; that the successors of this board are to be elected as their respective terms expire, by the General Assembly, but vacancies occurring by death, resignation or otherwise may be filled by this board. Trustees and terms of office. Superintendent of public instruction, ex-officio chairman. Election of successors. Vacancies.

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

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

In the General Assembly read three times and ratified this the 7th day of March, 1913.

CHAPTER 68.

AN ACT TO AUTHORIZE THE STATE BOARD OF AGRICULTURE AND THE BOARD OF TRUSTEES OF THE NORTH CAROLINA COLLEGE OF AGRICULTURE AND MECHANIC ARTS TO COOPERATE IN SUCH WORK AS BOTH BOARDS ARE DOING SO AS TO AVOID EXPENSE OF DUPLICATION.

The General Assembly of North Carolina do enact:

Joint committee for agricultural work.

Composition of committee.

Exofficio members.

Selection of members.

Service on committee.

Members heretofore designated.

Work to be supervised by joint committee.

Funds to be used by committee.

Employment of workers.

Approval of actions.

SECTION 1. That there is hereby authorized and legalized a joint committee to be known as the "Joint Committee for Agricultural Work"; that this committee shall be composed of four members of each of the boards of agriculture and the trustees of the North Carolina College of Agriculture and Mechanic Arts; and in addition thereto the commissioner of agriculture and the president of the North Carolina College of Agriculture and Mechanic Arts be *ex officio* members of said committee.

SEC. 2. That the four members of the joint committee from each of the two boards shall be designated by the board of which they are members respectively, and shall serve on the committee during their terms as members of the board, unless excused from such service by their respective boards. The members already designated by the two boards for service on this committee shall continue to serve during their terms as board members.

SEC. 3. That for the purpose of preventing duplication and friction and for increasing efficiency in agricultural work in the State the joint committee for agricultural work heretofore provided for shall have supervision and control of such agricultural work of the same kind or kinds as both the Department of Agriculture of the State and the North Carolina College of Agriculture and Mechanic Arts are conducting or may conduct under authority of law, together with any work which either of these institutions may agree to place under the joint committee, and especially shall this joint committee have supervision and control of all experimental and investigational work in agriculture in the State.

SEC. 4. The joint committee shall use funds as may be designated by law or which may be placed at its disposal by each of the two boards or by any benefactions in the conduct of the work outlined in section three of this report. It shall determine and employ such workers as may be necessary for the conduct of the work and regulate their salaries and duties. All actions of the joint committee shall be subject to the approval of the Board of Agriculture and the board of trustees of the North Carolina College of Agriculture and Mechanic Arts.

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

In the General Assembly read three times and ratified this the 7th day of March, 1913.

CHAPTER 69.

AN ACT TO CURE CERTAIN PROBATES MADE BY CONSULS, VICE-CONSULS, AMBASSADORS, MINISTERS OR COMMERCIAL AGENTS OF THE UNITED STATES TAKEN OUTSIDE OF THE UNITED STATES.

The General Assembly of North Carolina do enact:

SECTION 1. That in all cases where the acknowledgment, privy examination or other proof of the execution of any deed, mortgage or other instrument authorized or required to be registered has been taken or had by or before any ambassador, minister, consul, vice-consul, vice-consul general or commercial agent of the United States in any country beyond the limits of the United States, and such deed, mortgage or other instrument has heretofore been recorded in any county in this State, but such ambassador, minister, consul, vice-consul, vice-consul general or commercial agent has omitted to attach his seal of office, or it does not appear of record that such seal was attached to the original deed, mortgage or other instrument, or such ambassador, minister, consul, vice-consul, vice-consul general or commercial agent has certified the same as under his "official seal" or seal of his office, or words of similar import, and no such seal appears of record, then all such acknowledgments, privy examinations or other proofs of such deeds, mortgages or other instruments, and the registration thereof, are hereby made in all respects valid and binding, and all such deeds, mortgages or other instruments, after the ratification hereof, shall be competent to be read in evidence: *Provided*, this act shall not apply to pending suits.

Omissions and irregularities cured.

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

Proviso: pending suits.

In the General Assembly read three times and ratified this the 7th day of March, 1913.

CHAPTER 70.

AN ACT TO AMEND SECTION 904, REVISAL OF 1905 OF NORTH CAROLINA, RELATING TO REMOVAL OF PROCEEDINGS FROM CLERKS OF SUPERIOR COURT TO CLERKS OF ADJOINING COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. That section nine hundred and four of Revisal of one thousand nine hundred and five of North Carolina be, and the same is, amended by adding the following: "Or to make and render either in vacation or term time all necessary orders and judgments in any proceeding where the clerk is disqualified, said

Judge to make orders in vacation or term time.

judge being hereby authorized and empowered to make and render any and all necessary orders and judgments as if he had same original jurisdiction as the clerk over such proceeding.”

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

In the General Assembly read three times and ratified this the 7th day of March, 1913.

CHAPTER 71.

AN ACT TO AMEND CHAPTER 30 OF THE REVISAL OF 1905, SO AS TO ALLOW AN ILLEGITIMATE CHILD OF A MOTHER WHO MARRIES AFTER THE BIRTH OF SUCH TO INHERIT ALONG WITH CHILDREN BORN IN WEDLOCK.

The General Assembly of North Carolina do enact:

SECTION 1. That rule nine of chapter thirty of The Revisal of one thousand nine hundred and five be amended so that same will read as follows:

Illegitimate
children heirs.

Proviso:
exceptions.

“Rule nine. Every illegitimate child of the mother and the descendants of any such child deceased shall be considered an heir: *Provided, however,* that where the mother leaves legitimate and illegitimate children such illegitimate child or children shall not be capable of inheriting of such mother any land or interest therein which was conveyed or devised to such mother by the father of the legitimate child or children; but such illegitimate child or descendant shall not be allowed to claim, as representing such mother, any part of the estate of her kindred, either lineal or collateral.”

In the General Assembly read three times and ratified this the 7th day of March, 1913.

CHAPTER 72.

AN ACT TO AMEND SECTION 5414, REVISAL 1905, TO INCREASE AGE FROM FIFTEEN TO TWENTY-FIVE OF PRISONERS WHO MAY BE PLACED IN SPECIAL DEPARTMENT IN STATE'S PRISON.

The General Assembly of North Carolina do enact:

Prisoners under
18 years of age.

SECTION 1. That section five thousand four hundred and fourteen, Revisal of one thousand nine hundred and five, be amended by striking out the word “fifteen” and inserting in lieu thereof “eighteen.”

In the General Assembly read three times and ratified this the 7th day of March, 1913.

CHAPTER 73.

AN ACT PROVIDING FOR JUDGMENT OF NONSUIT IN CRIMINAL ACTIONS IN CERTAIN CASES.

The General Assembly of North Carolina do enact:

SECTION 1. When on the trial of any criminal action in the Superior Court the State shall have produced its evidence and rested its case, the defendant may move to dismiss the action or for judgment of nonsuit. If the motion shall be allowed, judgment shall be entered accordingly; and such judgment shall have the force and effect of a verdict of "not guilty" as to such defendant.

Motion for dismissal or nonsuit.

Judgment if motion allowed.

If the motion is refused, the defendant may except; and if the defendant introduces no evidence, the case shall be submitted to the jury as in other cases, and the defendant shall have the benefit of his exception on appeal to the Supreme Court.

Exception if motion disallowed.

Nothing in this act shall prevent the defendant from introducing evidence after his motion for nonsuit shall have been overruled; and he may again move for judgment of nonsuit after all of the evidence in the case is concluded. If the motion is then refused, upon consideration of all of the evidence, the defendant may except; and, after the jury shall have rendered its verdict, he shall have the benefit of such latter exception on appeal to the Supreme Court.

Defendant may introduce evidence.

Motion at conclusion of evidence.

Exception by defendant.

If such defendant's motion for judgment of nonsuit, made at the trial as herein provided, be granted, or be sustained on appeal to the Supreme Court, it shall in all cases have the force and effect of a verdict of "not guilty."

Effect of judgment of nonsuit.

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

In the General Assembly read three times and ratified this the 7th day of March, 1913.

CHAPTER 74.

AN ACT TO WITHDRAW CERTAIN LANDS IN CARTERET COUNTY FROM PUBLIC ENTRY.

WHEREAS, by United States Government contract in the dredging of Beaufort harbor there has been built up upon the bed of a certain shoal therein a small body of land above high water level directly in front of the town of Beaufort, in said county; and whereas, it is desired by the municipal authorities of the said town of Beaufort to have title to said tract of land in trust for municipal purposes and for the use of the State of North Carolina and the United States of America governments; now, therefore,

Preamble: land formed by dredging.

Preamble: use for public purposes.

*The General Assembly of North Carolina do enact:*Land withdrawn
from entry.

SECTION 1. That said tract or parcel of land, the same being an island in said Beaufort harbor and being the same as deposited by the dredge known as dredge "A" during the fall of one thousand nine hundred and twelve, while working under the aforesaid United States Government contract, be, and the same hereby is, withdrawn from public entry, and all entries or entry heretofore laid or attempted to be laid or made on same said piece, tract or parcel of land are declared inoperative and void.

Entries heretofore
made void.Title vested in
town as trustee.

SEC. 2. That the title of the State of North Carolina to said body of land be, and the same hereby is, vested in the said municipality of Beaufort, Carteret County, upon trust, for the use of the said town of Beaufort and to the use of the governments of the State of North Carolina and the United States of America: *Provided, however,* that said town shall not use, nor permit to be used, said land or any part thereof, or any privilege or rights thereunto appertaining for any other than a public use.

Proviso: land
devoted to public
use.

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

In the General Assembly read three times and ratified this the 7th day of March, 1913.

CHAPTER 75.
AN ACT TO AMEND SECTION 1, CHAPTER 1012 OF THE PUBLIC LAWS OF 1907, CONCERNING THE CRIMES OF AND PUNISHMENT FOR KEEPING OF BAWDY OR DISORDERLY HOUSES.
*The General Assembly of North Carolina do enact:*Proviso—crime
not abolished.

SECTION 1. That section one, chapter one thousand and twelve of Public Laws of one thousand nine hundred and seven, be amended by adding to the said section the following: *Provided,* that nothing herein is intended or shall be construed as abolishing the crime of keeping a bawdy house or disorderly house, or lessening the punishment prescribed by law for such crime.

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

In the General Assembly read three times and ratified this the 7th day of March, 1913.

CHAPTER 76.

AN ACT TO AMEND CHAPTER 174 OF THE PUBLIC LAWS OF 1911, ENTITLED "AN ACT TO PROVIDE FOR THE AUDITING OF BOOKS OF CORPORATIONS."

The General Assembly of North Carolina do enact:

SECTION 1. That section one of chapter one hundred and seventy-four of the Public Laws of one thousand nine hundred and eleven be amended by inserting after the word "stockholders" and before the word "of," in line two of said section, the following: "Or of any stockholder or stockholders owning twenty-five per cent of the capital stock"; and by adding after the word "ascertained," in line six of said section, the following: "That upon refusal or failure of such corporation to commence the auditing of its books within thirty days after such notice, the requesting stockholder or stockholders, after ten days notice to such corporation, may apply to the judge of the district, or to the judge holding the courts in the district in which such corporation has its residence, either at chambers or term time, at any place in the district, and the judge shall appoint an auditor and require the books to be audited at the expense of such corporation; and the officers of such corporation shall render to such auditor any assistance or information they can, and give him access to all of the assets, books, papers, etc., relating to the affairs of such corporation, in order that a proper audit may be made; that upon completion of such audit the auditor shall render a statement to the corporation and to the petitioning stockholder or stockholders.

Request for audit.

Application to court on default of corporation.

Judge to appoint auditor and require audit.

Expense of audit.

Officers to render assistance and information.

Access to sources of information.

Statement to corporation and petitioning stockholders.

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

In the General Assembly read three times and ratified this the 7th day of March, 1913.

CHAPTER 77.

AN ACT TO REGULATE THE USE OF ASSUMED NAMES IN PARTNERSHIPS.

The General Assembly of North Carolina do enact:

SECTION 1. No person or persons shall hereafter carry on, conduct or transact business in this State under assumed name, or under any designation, name or style other than the real name or names of the individual or individuals owning, conducting or transacting such business, unless such person or persons shall file in the office of the clerk of the Superior Court of the county or counties in which such person or persons own, conduct or

Certificates to be filed with clerks of Superior Court.

transact, or intend to own, conduct or transact such business, or maintain an office or place of business, a certificate setting forth the name under which such business owned is or is to be conducted or transacted, and the true or real full name or names of the person or persons owning, conducting or transacting the same, with the home and post office address or addresses of said person or persons. Said certificate shall be executed and duly acknowledged by the person or persons so owning, conducting or intending to conduct said business: *Provided*, that the selling of goods by sample or through traveling agents or traveling salesmen, or by means of orders forwarded by the purchaser through the mails, shall not be construed for the purpose of this act as conducting or transacting business so as to require the filing of said certificates.

Execution and acknowledgment of certificates.
 Proviso: exceptions.

Index of certificates.

Fee of clerk.

Copy of certificates evidence.

SEC. 2. The several clerks of the Superior Court of this State shall keep an alphabetical index of all persons filing certificates provided for herein, and for the indexing and filing of such certificates they shall receive a fee of twenty-five cents. A copy of such certificates duly certified to by said clerk, in whose office the same shall be filed, shall be presumptive evidence in all courts of law in this State of the facts therein contained.

Corporations.

SEC. 3. This act shall in no way affect or apply to any corporation created and organized under the laws of this State, or to any corporation organized under the laws of any other State and lawfully doing business in this State, nor shall this act in any manner affect the right of any person or persons to form limited partnerships as provided by the laws of this State.

Limited partnerships.

Failure to comply with law misdemeanor.

SEC. 4. Any person or persons owning, carrying on or conducting or transacting business as aforesaid, who shall fail to comply with the provisions of this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than fifty dollars or imprisonment in the county jail for a term of not exceeding thirty days.

Punishment.

When act effective.

SEC. 5. That this act shall go into effect and become operative on the first day of July, one thousand nine hundred and thirteen.

In the General Assembly read three times and ratified this the 7th day of March, 1913.

CHAPTER 78.

AN ACT RELATIVE TO ASSIGNMENT OF OFFICE SPACE FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION AND OTHER OFFICERS.

The General Assembly of North Carolina do enact:

Bond issue authorized.

SECTION 1. That for the purpose of carrying out the provisions of this act hereinafter provided, the State Treasurer is hereby authorized and directed to issue bonds for the State of North

Carolina, payable forty years after the first day of July, one thousand nine hundred and thirteen, to an amount not exceeding the sum of forty thousand dollars, such bonds to be issued and sold, after due advertisement, on the best obtainable terms from time to time as the money is needed to meet the expenses of the committee on public buildings and grounds. Said bonds shall not be sold for less than par. All of said bonds shall bear interest at a rate not exceeding four per cent per annum from the date of issue until paid, which said interest shall be paid semi-annually on the first days of January and July of each and every year, so long as any portion of the said bonds shall remain due and unpaid. If in the progress of the work funds should be needed at a time when financial conditions should seem unfavorable for the sale of bonds, then, in his discretion, the State Treasurer may and is hereby fully authorized to negotiate a temporary loan upon the best obtainable terms, and if necessary to pledge any of the unsold bonds as collateral therefor.

Maturity of bonds.
Amount.
Sale of bonds.
Sale below par
forbidden
Interest.
Temporary loans.

SEC. 2. That the bonds authorized and directed to be issued by the preceding section shall be coupon bonds of the denominations of one hundred dollars, five hundred dollars, or one thousand dollars each, as may be determined by said State Treasurer, and shall be signed by the Governor and State Treasurer, and shall be sealed with the great seal of the State. The coupons thereon may be signed by the State Treasurer, or may have a *fac simile* of his signature printed, engraved, or lithographed thereon; and the said bonds shall in all other respects be in such form as the said State Treasurer may direct.

Denominations.
Authentication.

SEC. 3. The said bonds and coupons shall be exempt from all State, county or municipal taxation or assessment, direct or indirect, general or special, whether imposed for the purposes of general revenue or otherwise, and the interest paid thereon shall not be subject to taxation as for income, nor shall said bonds or coupons be subject to taxation when constituting a part of the surplus of any bank, trust company or other corporation, but when constituting a part of such surplus shall be deducted from the total assets in order to ascertain the taxable value of such shares.

Exemption from
taxation.

SEC. 4. That the proceeds of the bonds hereinbefore provided for shall be used for equipping and furnishing the state building, known as the Supreme Court building, for the better use and purposes of the departments hereinafter named.

Appropriation of
proceeds.

SEC. 5. That the expenditure of this appropriation be placed in the hands of the board of public buildings and grounds; and the Auditor is authorized to draw his warrant on the State Treasurer upon the presentation of bills for service or material when properly approved by the committee hereinbefore named.

Expenditure of
appropriation.
Approval of bills.

SEC. 6. The improvements in the building to consist of the following: The several floors of the building to be rebuilt, remodeled or repaired as may be necessary, and the space as herein-

Improvements in
buildings.

after assigned to be arranged for the best convenience of the departments to use same; the basement to be repaired, the present heating plant removed; additional toilet accommodations supplied; an elevator installed and a fireproof vault constructed with apartment on each floor, for the preservation of valuable records.

Allotment of space.
 Corporation commission.
 Department of public instruction.
 Department of labor and printing.
 Insurance Commissioner.
 State board of health.

SEC. 7. That the following shall be the allotment of space in the building: The Corporation Commission shall be allotted the space on the first floor; the department of the Superintendent of Public Instruction and the department of the Commissioner of Labor and Printing shall be allotted the space on the second floor; the department of Insurance Commissioner shall be allotted the space on the third floor, and the State Board of Health shall be allotted the space on the fourth floor, the basement space to be divided between and used exclusively by the departments occupying said building.

SEC. 8. That all laws or clauses of laws in conflict with this act are hereby repealed.

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

In the General Assembly read three times and ratified this the 8th day of March, 1913.

CHAPTER 79.

AN ACT TO REGULATE THE LICENSING OF INSURANCE AGENTS.

The General Assembly of North Carolina do enact:

Application for license for agent.

SECTION 1. That before any license is issued to an insurance agent in this State, the agent applying for such license and the company for which he desires to act as agent, shall apply for such license on forms to be prescribed by the Insurance Commissioner, and before any license to such agent is issued the Insurance Commissioner shall satisfy himself that such person so applying for license as an agent, is a person of good moral character, that he has not willfully violated any of the insurance laws of this State, and that he is a proper person for such position.

Examination by insurance commissioner.

SEC. 2. That whenever the Insurance Commissioner shall become satisfied that any insurance agent licensed by this State has willfully violated any of the insurance laws of this State, or has willfully overinsured property of any of the citizens of the State, or has willfully misrepresented any policy of insurance, or has dealt unjustly with or willfully deceived any citizen of this State in regard to any insurance policies, or has failed or refused to pay over to the company, which he represents or has represented, any money or property in the hands of such agent be-

Causes for revocation of license.

longing to the company, when demanded, or has in any other way become unfit for such position, then and in any of such cases the Insurance Commissioner may, and it shall be his duty to revoke the license of such agent for all the companies which he represents in this State for such length of time as he may decide, not exceeding one year: *Provided, however,* that the Insurance Commissioner shall give to said agent ten days notice of such revocation of such license, and shall give the reasons therefor. And said agent shall have the right to have such revocation reviewed by any judge of the Superior Court of North Carolina upon appeal.

Proviso: notice to agent.

Review by court.

SEC. 3. When, for the purpose of investigation, under this act, the Insurance Commissioner shall have all the powers conferred by section four thousand seven hundred and sixty-seven of The Revisal of one thousand nine hundred and five.

Powers of commissioner.

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

In the General Assembly read three times and ratified, this the 8th day of March 1913.

CHAPTER 80.

AN ACT TO AUTHORIZE AND EMPOWER A CITIZEN AND TAXPAYER OF ANY COUNTY TO INSTITUTE SUIT FOR THE RECOVERY OF ANY FUND FRAUDULENTLY OR UNLAWFULLY AND WRONGFULLY WITHHELD OR RETAINED, OR FRAUDULENTLY OR UNLAWFULLY AND WRONGFULLY PAID OVER TO AN OFFICIAL OF ANY COUNTY, CITY OR TOWN BY THE AUTHORITIES OF ANY COUNTY, CITY OR TOWN.

The General Assembly of North Carolina do enact:

SECTION 1. That whenever any official of any county, city or town shall be authorized or empowered by virtue of his office to collect and account for any fund by virtue of his office to which the county, city or town may be entitled, or any part thereof, and such official shall unlawfully or wrongfully hold or retain any part of such fund, he shall be liable in an action against himself and his sureties on his official bond for such unlawful or wrongful retaining and holding of such fund or any part thereof.

Officers liable on official bonds.

SEC. 2. Any citizen and taxpayer may have the right to institute suit and recover said fund for such county or city or town which is unlawfully or wrongfully retained by such official.

Citizens and taxpayers may institute suits.

SEC. 3. That whenever any county commissioners, aldermen, councilmen or governing board shall fraudulently and unlawfully and wrongfully authorize and permit any official to retain any

Officers personally liable.

funds which in law said official may not be entitled to hold and retain, then said county commissioners, aldermen, councilmen or governing board shall be held personally liable therefor.

Citizens and tax payers may institute suits.

SEC. 4. Any citizen and taxpayer shall have the right to institute suit and recover for such county, city or town from such commissioners, aldermen, councilmen or governing board any funds which such commissioners, aldermen, councilmen or governing board may have fraudulently and unlawfully and wrongfully authorized or permitted any official to retain contrary to law.

Statement to be filed before institution of suit.

SEC. 5. That before such private citizen shall have the right to institute suit to recover any funds under the provisions of this act such citizen desiring to institute suit against such official or officials shall file a statement before the county commissioners or treasurer, or other officers who are authorized by law to institute such suit, setting forth the fund alleged to have been unlawfully or wrongfully retained, or fraudulently, wrongfully and unlawfully permitted to be retained, demanding that such suit be instituted by the proper authorities empowered to institute such suit within sixty days, and then it shall be lawful for any private citizen and taxpayer to institute such suit in his name for the benefit of such county, city or town, and said citizen and taxpayer shall receive out of the recovery one third part thereof to indemnify him for such services: *Provided, however,* that such citizen and taxpayer shall not receive more than five hundred dollars in any case.

Demand for institution of suit.

Suit instituted by citizen on default of officer.

One-third of recovery to citizen.

Proviso: limit of amount.

Prosecution bond.

SEC. 6. That before such private citizen and taxpayer shall institute such suit he shall be required to give such bond as is now required by law in actions instituted in the Superior Court.

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

In the General Assembly read three times and ratified this the 8th day of March, 1913.

CHAPTER 81.

AN ACT TO PROHIBIT THE SALE OR GIVING AWAY OR OTHERWISE DISPENSING COCAINE, ALPHA OR BETA EUCAINE, OR ANY MIXTURE OF EITHER.

The General Assembly of North Carolina do enact:

Sale or gift without prescription misdemeanor.

SECTION 1. That no person shall sell, give away or otherwise dispense cocaine, alpha or beta eucaine, or any mixture of either or any salt or compound of any of the foregoing substances, or any preparation or compound containing any of the foregoing substances, or their salts or compounds, except on the prescription of a licensed physician, and any person violating the provisions

of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined or imprisoned, or both fined and imprisoned, in the discretion of the court: *Provided*, that nothing herein contained shall be construed to prohibit the sale of cocaine or alpha or beta eucaine, or any mixture of either, or any salt or compound of any of the foregoing substances, or any preparation or compound containing any of the foregoing substances or their salts or compounds, by any licensed manufacturing pharmacist or chemist or wholesale or retail druggist to other licensed manufacturing pharmacist or chemist, or wholesale or retail pharmacist or druggist, or to hospitals, colleges, scientific or public institutions, or to licensed physicians, dentists or veterinary surgeons; nor to the use of cocaine or alpha or beta eucaine, or any mixture of either, or any salt or compound of any of the foregoing substances, or any preparation or compound containing any of the foregoing substances or their salts or compounds by any licensed physicians, dentists or veterinary surgeon in the regular course of his practice.

Punishment.

Proviso: sales to pharmacists or chemists.

Sales for scientific, public or medicinal uses.

SEC. 2. If any person, except a licensed physician, dentist or veterinary surgeon, manufacturing pharmacist or chemist, or wholesale or retail pharmacist or druggist, have in his possession cocaine or alpha or beta eucaine, or any mixture of either, or any salt or compound of any of the foregoing substances, or any preparation or compound containing any of the foregoing substances, or their salts or compounds (except when obtained in a *bona fide* manner upon the prescription of a licensed physician) he shall be guilty of a misdemeanor and fined or imprisoned, or both, within the discretion of the court: *Provided*, that the possession of cocaine or alpha or beta eucaine, or any mixture of either, or any salt or compound of any of the foregoing substances, or any preparation or compound containing any of the foregoing substances, or their salts or compounds, shall be *prima facie* evidence of violation of this section: *Provided, further*, that nothing herein contained shall be construed to apply to any hospital, college or scientific or public institution.

Possession of forbidden drugs misdemeanor.

Punishment.

Proviso: possession prima facie evidence.

Proviso: hospitals, scientific and public institutions.

SEC. 3. Every prescription for the use of cocaine or alpha or beta eucaine, or any mixture of either, or any salt or compound of any of the foregoing substances, or any preparation or compound containing any of the foregoing substances, or their salts or compounds must be signed by the licensed physician giving the same, and the name and address of the patient must be plainly written upon the prescription, which prescription may be filled only once, and any person violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned in the discretion of the court.

Requirements of prescriptions.

Refilling prescription forbidden. Violation of section misdemeanor. Punishment.

SEC. 4. That upon affidavit being made that there is reason to believe that the provisions of this act are being violated at any place or by any person, those officers or persons authorized to issue process in cases provided in section three thousand seven

Affidavit for issue of summons.

- Summons to appear and give evidence. hundred and twenty-one of The Revisal of one thousand nine hundred and five and the amendments thereof may, and are hereby authorized to, issue to any lawful officer of the city or county where such place or person may be a subpœna, *capias ad testificandum* or summons in writing, commanding any person who may have information concerning such violation of law to appear and give evidence upon oath concerning the same.
- No person excused from giving evidence. SEC. 5. That no person shall be excused from testifying on any prosecution for violating this act or at any investigation concerning the violation of any law prohibiting the sale, dispensing or possession of any of the substances, mixtures or compounds enumerated in this act, or any other law of the State concerning the same, but no discovery made by such person shall be used against him in any penal or criminal prosecution, and he shall be altogether pardoned for the offense done or participated in by him.
- Indemnity to witnesses. SEC. 6. If any credible witness shall prove upon oath, before any person authorized to issue process in cases provided in section three thousand seven hundred and twenty-one of The Revisal of one thousand nine hundred and five and the amendments thereof, that there is a reasonable cause to suspect that any provision of this act is being violated or any other act prohibiting the sale, dispensing or possession of the substances, mixtures or compounds enumerated herein, it shall be lawful for such officer or person to grant a warrant, to be executed within the limits of the county in which such violation is alleged to have occurred, or be occurring, to any proper officer authorizing him to search the place where or the person by whom it is alleged (in such affidavit) such act has been or is being violated, and to seize and preserve any evidence of the violation of this act, to be used in the trial of any person arrested by reason of the examination, search or seizure herein provided. All cocaine, alpha or beta eucaine, or any mixture of either, or any salt or compound of any of the foregoing substances or any preparation or compound containing any of the foregoing substances, or their salts or compounds, seized under this act, shall be held, and upon acquittal of the person so charged shall be returned to him, and upon conviction shall be destroyed.
- Affidavit for warrant. SEC. 7. This act shall be in force and effect from and after its ratification.
- Issue of search warrant. In the General Assembly read three times and ratified this the 8th day of March, 1913.
- Seizure and preservation of evidence.
- Destruction or return of drugs.

CHAPTER 82.

AN ACT TO CHANGE THE BOUNDARY LINE BETWEEN THE
COUNTIES OF ASHE AND WILKES.

The General Assembly of North Carolina do enact:

SECTION 1. That the boundary line between the counties of Ashe and Wilkes be, and the same is, hereby changed so as to include the lands of James Bowlin and Samuel Miller, which are now in Ashe County, in the county of Wilkes. Line changed.

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

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

In the General Assembly read three times and ratified this the 8th day of March, 1913.

CHAPTER 83.

AN ACT TO COMPEL ALL PERSONS AND CORPORATIONS
ENGAGED IN MANUFACTURING OR OTHER BUSINESS
ENTERPRISES WHERE MALE AND FEMALE EMPLOYEES
ARE EMPLOYED TO PROVIDE SEPARATE AND DISTINCT
TOILETS.

The General Assembly of North Carolina do enact:

SECTION 1. That all persons and corporations employing males and females in any manufacturing industry, or other business employing more than two males and females in towns and cities having a population of one thousand persons or more, and where such employees are required to do indoor work chiefly, shall provide and keep in a cleanly condition separate and distinct toilet rooms for such employees, said toilets to be lettered and marked in a distinct manner, so as to separate the white and colored males and females of both sexes: *Provided* that the provisions of this section shall not apply to cases where toilet arrangements or facilities are furnished by said employer off the premises occupied by him. Employers to furnish separate and distinct toilet rooms.
Toilets to be lettered and marked.
Provide: toilets furnished off premises.

SEC. 2. That any person or corporation refusing to comply with the provision of section one of this act shall be guilty of a misdemeanor and upon conviction fined five dollars for the first offense and five dollars for each day they shall fail to make the provisions required under section one of this act. Non-compliance misdemeanor.
Punishment.

SEC. 3. That it shall be the duty of the police officers of any town or city to investigate the places of business of any person or corporation employing males and females and see that the provisions of this act are put in force, and it shall be his duty to Officers to investigate places.

Warrants and prosecution.

swear out a warrant before the mayor or other proper officer of any town or city and prosecute all persons, corporations and managers of corporations who shall violate any of the provisions of this act, he or she, shall be fined five dollars.

Location in buildings hereafter erected.

SEC. 4. That it shall be the duty of the persons or corporation mentioned under this act to locate their toilets for males and females, white and colored, in separate parts of their buildings or grounds, in buildings hereafter erected, and in those now erected, all closets shall be separated by substantial walls of brick or timber, and any employee who shall willfully intrude or use any toilet not intended for his or her sex or color shall be guilty of a misdemeanor and upon conviction shall be fined five dollars.

Separation in existing buildings. Intrusion on toilets misdemeanor.

Punishment.

Sheriffs to enforce act in county.

SEC. 5. That whenever any persons or corporations shall have located, outside of any city or town, its manufacturing plant or other business, it shall be the duty of the sheriff of the county to make investigation of the condition of the toilets used by such manufacturing plant or business and see that section one of this act is complied with, and it shall be his duty to swear out a warrant before a justice of the peace and prosecute any one violating the provisions of this act.

Proviso; counties excepted.

SEC. 6. *Provided*, that this act shall not apply to Sampson, Harnett, Lee, Johnston, Northampton, Cleveland, Rutherford, Polk and Henderson counties.

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

In the General Assembly read three times and ratified this the 8th day of March, 1913.

CHAPTER 84.

AN ACT TO AMEND SECTION 14, CHAPTER 977 OF PUBLIC LAWS OF 1907, CREATING A FISH COMMISSIONER.

The General Assembly of North Carolina do enact:

Collection and settlement of tax.

SECTION 1. That section fourteen, chapter nine hundred and seventy-seven of Public Laws of nineteen hundred and seven be amended by adding at the end of said section the following: "The sheriff shall collect and be responsible for the taxes above named in the same manner as provided for the collection of and accounting for other State taxes, and shall receive as compensation for same five per cent."

Commission of sheriff.

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

In the General Assembly read three times and ratified this the 8th day of March, 1913.

CHAPTER 85.

AN ACT TO PROMOTE AND PROTECT THE OYSTER INDUSTRY IN NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter nine hundred and sixty-nine of the Public Laws of one thousand nine hundred and seven shall be amended as follows: In section four, line seven, strike out the word "March" and insert in lieu thereof the word "April." Close season.

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

In the General Assembly read three times and ratified this the 8th day of March, 1913.

CHAPTER 86.

AN ACT TO AMEND SECTION 1816 OF THE REVISAL OF 1905, RELATIVE TO THE REMOVAL OF A WARD'S ESTATE.

The General Assembly of North Carolina do enact:

SECTION 1. Amend section one thousand eight hundred and sixteen of The Revisal of one thousand nine hundred and five by inserting the words "or Canada, or other foreign country" between the comma after the word "Columbia" and before the word "is" in line three of said section. Removal to foreign country.

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

In the General Assembly read three times and ratified this the 8th day of March, 1913.

CHAPTER 87.

AN ACT TO AUTHORIZE THE BOARD OF AGRICULTURE TO MAKE PREPARATIONS TO FURNISH LIME TO THE FARMERS OF THE STATE FOR AGRICULTURAL PURPOSES AT A REASONABLE COST.

The General Assembly of North Carolina do enact:

SECTION 1. That the North Carolina Board of Agriculture is hereby authorized to consider the question of furnishing lime for agricultural purposes to the farmers of the State, and if they conclude that anything can be accomplished to promote this they Consideration of question authorized.

Arrangements authorized.
Material.
Machinery.

Sale of lime and by-products.

Convicts to be furnished.

Pay for convicts.

Care and maintenance of convicts.
Proviso: limit of expenses.

Regulations.

Annual reports.

State geologist to examine and report on property.

are authorized and directed to make such arrangements as they deem advisable for this purpose, and to this end may lease or purchase oyster shells in large quantities and beds of limestone and erect machinery suitable for the preparation of the material for use by the farmers; and any lime so prepared and any by-products shall be sold for agricultural purposes to the citizens of the State at a reasonable cost, which shall produce an amount of money sufficient to maintain and operate the plant.

SEC. 2. With the approval of the Governor, when requested by the board of agriculture, the superintendent of the penitentiary shall furnish a superintendent with a squad of able-bodied convicts, not to exceed fifty, to do such work as the commissioners, with the authority of the board, may deem necessary to mine, prepare, load and dispose of the material. The board shall pay the State quarterly one dollar and twenty-five cents per day for each convict while at work, out of the proceeds of the sales, and the State shall guard, feed, clothe and work convicts: *Provided, however,* that after the first year's operations the expenses of the work shall not exceed the amount of the sales.

SEC. 3. The board of agriculture are authorized to make all regulations necessary to execute the provisions of this act and shall report annually to the Governor and furnish him itemized statement of the receipts and expenditures, which shall be published in the report of the Commissioner of Agriculture to the Legislature.

SEC. 4. The State Geologist, when requested by the Commissioner of Agriculture, shall have any property which it is proposed to purchase or lease examined and report as to the amount of material on the same, value, and further concerning the property as may be requested.

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

In the General Assembly read three times and ratified this the 8th day of March, 1913.

CHAPTER 88.

AN ACT SUPPLEMENTAL TO AN ACT TO PROVIDE FOR A SIX MONTHS PUBLIC SCHOOL.

Preamble: law enacted.

WHEREAS, the State has, at the present session of the General Assembly, enacted a law intended to secure a six months public school in every school district in the State; and

Preamble: appropriation.

WHEREAS, five cents of the taxes levied for general state purposes has been set aside to aid in carrying out the provisions of said six months public school act; and

WHEREAS, it appears that it may be necessary to increase the amount of taxes levied by the State for general state purposes, and that such an increase may leave the counties without sufficient revenues with which to pay their current necessary expenses; now, therefore,

Preamble:
increase in tax rate.

The General Assembly of North Carolina do enact:

SECTION 1. That for the years one thousand nine hundred and thirteen and one thousand nine hundred and fourteen the board of county commissioners in the several counties in the State are directed, on or before the first Monday in August, to examine the tax abstracts for the current year, and if, upon such examination, it shall appear, and the board of county commissioners shall find as a fact, that the taxes which the board is authorized to levy, after deducting from the sixty-six and two-thirds cents on the one hundred dollars worth of property, the taxes levied by the State for general state purposes, for pensions and for schools, will not be sufficient to meet the current necessary expenses of the county for the current year, then the board of county commissioners shall spread upon the minutes of the board a record of said finding of fact; and thereupon the said board of county commissioners shall be and is hereby authorized to levy a special tax to meet the current necessary expenses of the county, not exceeding the increase in the levy made by this General Assembly for state purposes over and above the levy made by the General Assembly of one thousand nine hundred and eleven.

County commissioners to examine tax lists.

Record of fact if tax be found necessary.

Special tax authorized.

Limit of rate.

SEC. 2. The tax so levied shall be collected in the same manner as other taxes.

Collection of tax.

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

In the General Assembly read three times and ratified this the 8th day of March, 1913.

CHAPTER 89.

AN ACT FOR THE REGULATION AND CONTROL OF FRATERNAL BENEFIT SOCIETIES.

The General Assembly of North Carolina do enact:

SECTION 1. *Fraternal benefit societies defined.*

Any corporation, society, order or voluntary association, without capital stock, organized and carried on solely for the mutual benefit of its members and their beneficiaries, and not for profit and having a lodge system with ritualistic form of work and representative form of government, and which shall make provisions for the payment of benefits in accordance with section four hereof, is hereby declared to be a fraternal benefit society.

Fraternal benefit society.

SEC. 2. *Lodge system defined.*

Lodge system.

Any society having a supreme governing or legislative body and subordinate lodges or branches by whatever name known, into which members shall be elected, initiated and admitted in accordance with its constitution, laws, rules, regulations and prescribed ritualistic ceremonies, which subordinate lodges or branches shall be required by the laws of such society to hold regular or stated meetings at least once in each month, shall be deemed to be operating on the lodge system.

SEC. 3. *Representative form of government defined.*

Representative form of government.

Any such society shall be deemed to have a representative form of government when it shall provide in its constitution and laws for a supreme legislative or governing body, composed of representatives elected either by the members or by delegates elected directly or indirectly by the members, together with such other members as may be prescribed by its constitution and laws:

Proviso: elective members.

Provided, that the elective members shall constitute a majority in number and have not less than two-thirds of the votes, nor less than the votes required to amend its constitution and laws:

Proviso: meetings and elections.

And provided, further, that the meetings of the supreme or governing body, and the election of officers, representatives or delegates shall be held as often as once in four years. The members, officers, representatives or delegates of a fraternal benefit society shall not vote by proxy.

Vote by proxy forbidden.

SEC. 4. *Benefits.*

Classes of benefits.

Subsection 1. Every society transacting business under this act shall provide for the payment of death benefits, and may provide for the payment of benefits in case of temporary or permanent physical disability, either as the result of disease, accident or old age:

Proviso: minimum for old age benefits.

Provided, the period of life at which the payment of benefits for disability on account of old age shall commence shall not be under seventy years, and may provide for monuments or tombstones to the memory of its deceased members, and for the payment of funeral benefits. Such society shall have the power to give a member, when permanently disabled or on attaining the age of seventy, all, or such portion of the face value of his certificate as the laws of the society may provide:

Payment on permanent disability.

Provided, that nothing in this act contained shall be so construed as to prevent the issuing of benefit certificates for a term of years less than the whole of life which are payable upon the death or disability of the member occurring within the term for which the benefit certificate may be issued. Such society shall, upon written application of the member, have the power to accept a part of the periodical contributions in cash, and charge the remainder, not exceeding one-half of the periodical contribution, against the certificate, with interest payable or compounded annually at a rate not lower than four per cent per

Proviso: term certificates.

Payment of contributions.

annum: *Provided*, that this privilege shall not be granted except to societies which have readjusted or may hereafter readjust their rates of contributions, and to contracts affected by such readjustment.

Proviso: societies entitled to privilege.

Subsection 2. Any society which shall show by the annual valuation hereinafter provided for that it is accumulating and maintaining the reserve not lower than the usual reserve computed by the American Experience Table and four per cent interest, may grant to its members extended and paid-up protection, or such withdrawal equities as its constitution and laws may provide: *Provided*, that such grants shall in no case exceed in value the portion of the reserve to the credit of such members to whom they are made.

Extended and paid up protection and withdrawal equities.

Proviso: limit of amount.

SEC. 5. *Beneficiaries.*

The payment of death benefits shall be confined to wife, husband, relative by blood to the fourth degree, father in law, mother in law, son in law, daughter in law, stepfather, stepmother, stepchildren, children by legal adoption, or to a person or persons dependent upon the member: *Provided*, that if after the issuance of the original certificate the member shall become dependent upon an incorporated charitable institution, he shall have the privilege, with the consent of the society, to make such institution his beneficiary. Within the above restrictions each member shall have the right to designate his beneficiary, and, from time to time, have the same changed in accordance with the laws, rules or regulations of the society, and no beneficiary shall have or obtain any vested interest in the said benefit until the same has become due and payable upon the death of the said member: *Provided*, that any society may, by its laws, limit the scope of beneficiaries within the above classes.

Beneficiaries.

Proviso: charitable institution.

Designation and change of beneficiary.

Interest of beneficiary.

Proviso: power of limitation.

SEC. 6. *Qualifications for membership.*

Any society may admit to beneficial membership any person not less than sixteen and not more than sixty years of age, who has been examined by a legally qualified physician, and whose examination has been supervised and approved in accordance with the laws of the society: *Provided*, that any beneficiary member of such society who shall apply for a certificate providing for disability benefits, need not be required to pass an additional medical examination therefor. Nothing herein contained shall prevent such society from accepting general or social members.

Qualifications for members.

Proviso: beneficiary member applying for disability insurance.

General or social members.

SEC. 7. *Certificate.*

Every certificate issued by any such society shall specify the amount of benefit provided thereby, and shall provide that the certificate, the charter or articles of incorporation, or, if a voluntary association, the articles of association, the constitution and laws of the society and the application for membership and medi-

Certificate to specify amount of benefit.

Items constituting agreement.

Copies received in evidence.
Changes governing agreement.

cal examination, signed by the applicant, and all amendments to each thereof, shall constitute the agreement between the society and the member, and copies of the same certified by the secretary of the society, or corresponding officer, shall be received in evidence of the terms and conditions thereof, and any changes, additions or amendments to said charter or articles of incorporation, or articles of association, if a voluntary association, constitution or laws duly made or enacted subsequent to the issuance of the benefit certificate shall bind the member and his beneficiaries, and shall govern and control the agreement in all respects the same as though such changes, additions or amendments had been made prior to and were in force at the time of the application for membership.

SEC. 8. *Funds.*

Emergency or surplus fund.
Investment and disbursement.
Fund for payment of benefits and expenses.
Proviso: stated periodical contributions.

Subsection 1. Any society may create, maintain, invest, disburse and apply an emergency, surplus or other similar fund in accordance with its laws. Unless otherwise provided in the contract, such funds shall be held, invested and disbursed for the use and benefit of the society, and no member or beneficiary shall have or acquire individual rights therein or become entitled to any apportionment or the surrender of any part thereof, except as provided in subsection two of section four of this act. The funds from which benefits shall be paid and the funds from which the expenses of the society shall be defrayed, shall be derived from periodical or other payments by the members of the society and accretions of said funds: *Provided*, that no society, domestic or foreign, shall hereafter be incorporated or admitted to transact business in this State, which does not provide for stated periodical contributions sufficient to provide for meeting the mortuary obligations contracted, when valued upon the basis of the National Fraternal Congress Table of Mortality as adopted by the National Fraternal Congress, August twenty-third, one thousand eight hundred and ninety-nine, or any higher standard, with interest assumption not more than four per cent per annum, nor write or accept members for temporary or permanent disability benefits except upon tables based upon reliable experience, with an interest assumption not higher than four per cent per annum.

Deferred payments or installments of claims.
Measure of liability.
Maintenance of fund.

Subsection 2. Deferred payments or installments of claims shall be considered as fixed liabilities on the happening of the contingency upon which such payments or installments are thereafter to be paid. Such liability shall be the present value of such future payments or installments upon the rate of interest and mortality assumed by the society for valuation, and every society shall maintain a fund sufficient to meet such liability regardless of proposed future collections to meet any such liabilities.

SEC. 9. *Investments.*

Every society shall invest its funds only in securities permitted by the laws of this State for the investment of the assets of life insurance companies: *Provided*, that any foreign society permitted or seeking to do business in this State, which invests its funds in accordance with the laws of the State in which it is incorporated where it has such laws, shall be held to meet the requirements of this act for the investment of funds.

Investment of funds.

Proviso: investments by foreign societies.

SEC. 10. *Distribution of funds.*

Every provision of the laws of the society for payment by members of such society, in whatever form made, shall distinctly state the purpose of the same and the proportion thereof which may be used for expenses, and no part of the money collected for mortuary or disability purposes or the net accretions of either or any of said funds shall be used for expenses.

Apportionment of receipts.

Mortuary, disability or accretion fund not used for expenses.

SEC. 11. *Organization.*

Ten or more persons, citizens of the United States, and a majority of whom are citizens of this State, who desire to form a fraternal benefit society, as defined by this act, may make and sign (giving their addresses) and acknowledge before some officer competent to take acknowledgment of deeds, articles of incorporation in which shall be stated:

Organization.

1st. The proposed corporate name of the society, which shall not so closely resemble the name of any society or insurance company already transacting business in this State as to mislead the public or lead to confusion.

Corporate name.

2d. The purpose for which it is formed—which shall not include more liberal powers than are granted by this act: *Provided*, that any lawful social, intellectual, educational, charitable, benevolent, moral or religious advantages may be set forth among the purposes of the society—and the mode in which its corporate powers are to be exercised.

Purpose of corporation and mode of exercise of powers.

3d. The names, residences and official titles of all the officers, trustees, directors or other persons who are to have and exercise the general control and management of the affairs and funds of the society for the first year or until the ensuing election at which all such officers shall be elected by the supreme legislative or governing body, which election shall be held not later than one year from the date of the issuance of the permanent certificate.

Names, residence and titles of officers.

Election.

Such articles of incorporation and duly certified copies of the constitution and laws, rules and regulations, and copies of all proposed forms of benefit certificates, applications therefor and circulars to be issued by such society, and a bond in the sum of five thousand dollars, with sureties approved by the superintendent of insurance, conditioned upon the return of the advance payments, as provided in this section, to applicants, if the organization is not completed within one year, shall be filed with the

Papers and bond to be filed with insurance commissioner.

Insurance Commissioner, who may require such further information as he deems necessary, and if the purposes of the society conform to the requirements of this act, and all provisions of law have been complied with, the Insurance Commissioner shall so certify to the Secretary of State, and upon his issuing the articles of incorporation shall furnish the incorporators a preliminary license authorizing said society to solicit members as hereinafter provided.

Certificate to Secretary of State. Preliminary license.

Members for completion of organization. Collections and receipts.

Completion of organization.

Report to insurance commissioner.

Proof of advanced payments.

Aggregate amount.

Upon receipt of said license from the Insurance Commissioner said society may solicit members for the purpose of completing its organization and shall collect from each applicant the amount of not less than one regular monthly payment, in accordance with its table of rates as provided by its constitution and laws, and shall issue to each such applicant a receipt for the amount so collected. But no such society shall incur any liability other than for such advanced payments, nor issue any benefit certificate nor pay or allow, or offer or promise to pay or allow, to any person any death or disability benefit until actual *bona fide* applications for death benefit certificates have been secured upon at least five hundred lives for at least one thousand dollars each, or the largest amount written on any one person, and all such applicants for death benefits shall have been regularly examined by legally qualified practicing physicians, and certificates of such examinations have been duly filed and approved by the chief medical examiner of such society; nor until there shall be established ten subordinate lodges or branches into which said five hundred applicants have been initiated; nor until there has been submitted to the Insurance Commissioner under oath of the president and secretary, or corresponding officers of such society, a list of such applicants, giving their names, addresses, date examined, date approved, date initiated, name and number of the subordinate branch of which each applicant is a member, amount of benefits to be granted, rate of stated periodical contributions, which shall be sufficient to provide for meeting the mortuary obligation, contracted, when valued for death benefits upon the basis of the National Fraternal Congress Table of Mortality, as adopted by the National Fraternal Congress, August twenty-third, one thousand eight hundred and ninety-nine, or any higher standard at the option of the society, and for disability benefits by tables based upon reliable experience and for combined death and permanent total disability benefits by tables based upon reliable experience, with an interest assumption not higher than four per cent per annum; nor until it shall be shown to the Insurance Commissioner by the sworn statement of the treasurer, or corresponding officer of such society, that at least five hundred applicants have each paid in cash at least one regular monthly payment as herein provided per one thousand dollars of indemnity to be effected, which payments in the aggregate

gate shall amount to at least twenty-five hundred dollars; all of which shall be credited to the mortuary or disability fund on account of such applicants, and no part of which may be used for expenses. Amount credited to mortuary or disability fund use for expenses forbidden.

Said advanced payments shall, during the period of organization, be held in trust, and, if the organization is not completed within one year as hereinafter provided, returned to said applicants. Advanced payments held in trust. Return.

The Insurance Commissioner may make such examination and require such further information as he deems advisable, and, upon presentation of satisfactory evidence that the society has complied with all the provisions of law, he shall issue to such society a certificate or license to that effect. Such certificate shall be *prima facie* evidence of the existence of such society at the date of such certificate. Examination by insurance commissioner. Issue of license.

No preliminary certificate or license granted under the provisions of this section shall be valid after one year from its date, or after such further period, not exceeding one year, as may be authorized by the Insurance Commissioner, upon cause shown; unless the five hundred applicants herein required have been secured and the organization has been completed as herein provided; and the articles of incorporation and all proceedings thereunder shall become null and void in one year from the date of said preliminary certificate, or at the expiration of said extended period, unless such society shall have completed its organization and commenced business as herein provided. When any domestic society shall have discontinued business for the period of one year, or has less than four hundred members, its charter shall become null and void. Limit of preliminary certificate. Incorporation avoided.

Every such society shall have the power to make a constitution and by-laws for the government of the society, the admission of its members, the management of its affairs, and the fixing and readjusting of the rates of contribution of its members from time to time; and it shall have the power to change, alter, add to, or amend such constitution and by-laws and shall have such other powers as are necessary and incidental to carrying into effect the objects and purposes of the society. Discontinuation of business. Constitution and by-laws.

Sec. 12. *Power retained; reincorporation; amendments.*

Any society now engaged in transacting business in this State may exercise, after the passage of this act, all of the rights conferred thereby, and all the rights, powers and privileges now exercised or possessed by it under its charter or articles of incorporation not inconsistent with this act, if incorporated; or, if it be a voluntary association, it may incorporate hereunder. But no society already organized shall be required to reincorporate hereunder, and any such society may amend its articles of incorporation from time to time in the manner provided by law. Societies now operating. Reincorporation not required.

SEC. 13. *Mergers and transfers.*

Contract to be in writing.

No domestic society shall merge with or accept the transfer of the membership or funds of any other society unless such merger or transfer is evidenced by a contract in writing, setting out in full the terms and conditions of such merger or transfer, and filed with the Insurance Commissioner of this State, together with a sworn statement of the financial condition of each of said societies, by its president and secretary, or corresponding officers, and a certificate of such officers, duly verified under oath of said officers of each of the contracting societies that such merger or transfer has been approved by a vote of two-thirds of the members of the supreme legislative or governing body of each of said societies.

Information filed with insurance commissioner.

Approval by two-thirds vote.

Examination and approval of merger.

Upon the submission of said contract, financial statements and certificates the Insurance Commissioner shall examine the same, and, if he shall find such financial statements to be correct and the said contract to be in conformity with the provisions of this section, and that such merger or transfer is just and equitable to the members of each of said societies, he shall approve said merger or transfer, issue his certificate to that effect, and thereupon the said contract of merger or transfer shall be of full force and effect.

In case such contract is not approved, the fact of its submission and its contents shall not be disclosed by the Insurance Commissioner.

SEC. 14. *Annual license.*

Societies now operating.

Societies which are now authorized to transact business in this State may continue such business until the first day of April next succeeding the passage of this act, and the authority of such societies may thereafter be renewed annually, but in all cases to terminate on the first day of the succeeding April: *Provided, however,* the license shall, upon payment of license fee, continue in full force and effect until the new license be issued or specifically refused. For each such license or renewal the society shall pay the Insurance Commissioner twenty-five dollars. A duly certified copy or duplicate of such license shall be *prima facie* evidence that the license is a fraternal benefit society within the meaning of this act.

Annual renewal.

License fee.

SEC. 15. *Place of meeting; location of office.*

Place of meetings.

Any domestic society may provide that the meetings of its legislative or governing body may be held in any state, district, province, or territory wherein such society has subordinate branches and all business transacted at such meetings shall be as valid in all respects as if such meetings were held in this State; but its principal office shall be located in this State.

Principal office.

SEC. 16. *No personal liability.*

Officers and members of the supreme, grand or any subordinate body of any such incorporated society shall not be individually liable for the payment of any disability or death benefit provided for in the laws and agreements of such society; but the same shall be payable only out of the funds of such society and in the manner provided by its laws.

Officers and members not personally liable.

SEC. 17. *Waiver of the provisions of the laws.*

The constitution and laws of the society may provide that no subordinate body, nor any of its subordinate officers or members, shall have the power or authority to waive any of the provisions of the laws and constitution of the society, and the same shall be binding on the society and each and every member thereof and on all beneficiaries of members.

Power to forbid waiver.

SEC. 18. *Benefits not attachable.*

No money or other benefit, charity or relief or aid to be paid, provided or rendered by any such society shall be liable to attachment, garnishment or other process, or be seized, taken, appropriated or applied by any legal or equitable process or operation of law to pay any debt or liability of a member or beneficiary or any other person who may have a right thereunder, either before or after payment.

Benefits or relief not subject to debts.

SEC. 19. *Constitution and laws. Amendment.*

Every society transacting business under this act shall file with the Insurance Commissioner a duly certified copy of all amendments of or additions to its constitution and laws within ninety days after the enactment of the same. Printed copies of the constitution and laws as amended, changed or added to, certified by the secretary or corresponding officer of the society, shall be *prima facie* evidence of the legal adoption thereof.

Copies of amendments to be filed with insurance commissioner.

Certified copies evidence.

SEC. 20. *Annual reports.*

Every society transacting business in this State shall annually, on or before the first day of March, file with the Insurance Commissioner in such form as he may require, a statement, under oath of its president and secretary or corresponding officers, of its condition and standing on the thirty-first day of December next preceding, and of its transactions for the year ending on that date, and also shall furnish such other information as the commissioner may deem necessary to a proper exhibit of its business and plan of working. The commissioner may at other times require any further statement he may deem necessary to be made relating to such society.

Annual reports.

Other information.

Commissioner may require other statements.

In addition to the annual report herein required, each society shall annually report to the commissioner a valuation of its certificates in force on December thirty-first, last preceding; excluding those issued within the year for which the report is

Report of valuation of certificates.

Proviso: first valuation.	<p>filed, in cases where the contributions for the first year in whole or in part are used for current mortality and expenses: <i>Provided</i>, the first report of valuation shall be made as of December thirty-first, one thousand nine hundred and twelve. Such report of valuation shall show, as contingent liabilities, the present mid-year value of the promised benefits provided in the constitution and laws of such society under certificates then subject to valuation; and as contingent assets, the present mid-year value of the future net contributions provided in the constitution and laws as the same are in practice actually collected. At the option of any society, in lieu of the above, the valuation may show the net value of the certificates subject to valuation hereinbefore provided, and said net value, when computed in case of monthly contributions, may be the mean of the terminal values for the end of the preceding and of the current insurance years.</p>
Contingent liabilities and assets.	
Verification of valuation.	<p>Such valuation shall be certified by a competent accountant or actuary, or, at the request and expense of the society, verified by the actuary of the department of insurance of the home state of the society, and shall be filed with the commissioner within ninety days after the submission of the last preceding annual report. The legal minimum standard of valuation for all certificates, except for disability benefits, shall be the National Fraternal Congress Table of Mortality as adopted by the National Fraternal Congress August twenty-third, one thousand eight hundred and ninety-nine, or, at the option of the society, any higher table; or, at its option, it may use a table based upon the society's own experience of at least twenty years and covering not less than one hundred thousand lives with interest assumption not more than four per centum per annum. Each such valuation report shall set forth clearly and fully the mortality and interest basis and the method of valuation. Any society providing for disability benefits shall keep the net contributions for such benefits in a fund separate and apart from all other benefit and expense funds and the valuation of all other business of the society: <i>Provided</i>, that where a combined contribution table is used by a society for both death and permanent total disability benefits, the valuation shall be according to tables of reliable experience, and in such case a separation of the funds shall not be required.</p>
Minimum standard.	
Disability benefits.	
Proviso: combined contribution table.	
Test of financial solvency.	<p>The valuation herein provided for shall not be considered or regarded as a test of the financial solvency of the society, but each society shall be held to be legally solvent so long as the funds in its possession are equal to or in excess of its matured liabilities.</p>
Reports to be mailed to members.	<p>Beginning with the year one thousand nine hundred and fourteen a report of such valuation and an explanation of the facts concerning the condition of the society thereby disclosed shall be printed and mailed to each beneficiary member of the society not later than June first of each year; or, in lieu thereof, such report of valuation and showing of the society's condition as</p>

thereby disclosed may be published in the society's official paper, and the issue containing the same mailed to each beneficiary member of the society. The laws of such society shall provide that if the stated periodical contributions of the members are insufficient to pay all matured death and disability claims in full, and to provide for the creation and maintenance of the funds required by its laws, additional, increased or extra rates of contribution shall be collected from and members to meet such deficiency; and such laws may provide that, upon the written application or consent of the member, his certificate may be charged with its proportion of any deficiency disclosed by valuation, with interest not exceeding five per centum per annum.

Increased rates of contribution.

Certificates charged with deficiency.

SEC. 20a. *Provisions to insure future security.*

If the valuation of the certificates, as hereinbefore provided, on December thirty-first, one thousand nine hundred and seventeen, shall show that the present value of future net contributions, together with the admitted assets, is less than the present value of the promised benefits and accrued liabilities, such society shall thereafter maintain said financial condition at each succeeding triennial valuation in respect of the degree of efficiency as shown in the valuation as of December thirty-first, one thousand nine hundred and seventeen. If at any succeeding triennial valuation such society does not show at least the same condition, the commissioner shall direct that it thereafter comply with the requirements herein specified. If the next succeeding triennial valuation after the receipt of such notice shall show that the society has failed to maintain the condition required herein, the commissioner may, in the absence of good cause shown for such failure, institute proceedings for the dissolution of such society, in accordance with the provisions of section twenty-four of this act, or in the case of a foreign society, its license may be canceled in the manner provided in this act.

Valuation to be maintained.

Notification by commissioner.

Proceedings for dissolution.

Cancellation of license of foreign society.

Any such society, shown by any triennial valuation, subsequent to December thirty-first, one thousand nine hundred and seventeen, not to have maintained the condition herein required, shall, within two years thereafter, make such improvement as to show a percentage of deficiency not greater than as of December thirty-first, one thousand nine hundred and seventeen, or thereafter, as to all new members admitted, be subject, so far as stated rates of contributions are concerned, to the provisions of section eleven of this act, applicable in the organization of new societies: *Provided*, that the net mortuary or beneficiary contributions and funds of such new members shall be kept separate and apart from the other funds of the society. If such required improvement is not shown by the succeeding triennial valuation, then the said new members may be placed in a separate class and their certificates valued as an independent society in respect of contributions and funds.

Improvement of condition.

Proviso: beneficiary contributions and funds.

New members in separate class.

Valuation on accumulation basis.	SEC. 20b. In lieu of the requirements of section twenty and twenty-a, any society accepting in its laws the provisions of this section may value its certificates on a basis herein designated "accumulation basis," by crediting each member with the net amount contributed for each year, and with interest at approximately the net rate earned and by charging him with his shares of the losses for each year, herein designated "cost of insurance" and carrying the balance, if any, to his credit. The charge for the cost of insurance may be according to the actual experience of the society applied to a table of mortality recognized by the law of this State, and shall take into consideration the amount at risk during each year, which shall be the amount payable at death less the credit to the member. Except as specifically provided in its articles or laws or contracts no charge shall be carried forward from the first valuation hereunder against any member of any past share of losses exceeding the contributions and credit. If, after the first valuation, any member's share of losses for any year exceeds his credit, including the contribution for the year, the contribution shall be increased to cover his share of the losses. Any such excess share of losses chargeable to any member may be paid out of a fund or contributions especially created or required for such purpose.
Charge for cost of insurance.	
Charges carried forward.	
Increase of contributions.	
Contributions for excess loss.	
Transfer of members.	Any member may transfer to any plan adopted by the society with net rates on which tabular reserves are maintained, and on such transfer shall be entitled to make such application of his credit as provided in the laws of the society.
Certificates valued on tabular basis	Certificates issued, rerated or readjusted on a basis providing for adequate rates with adequate reserves to mature such certificates upon assumptions for mortality and interest recognized by the law of this State, shall be valued on such basis, herein designated the "Tabular Basis": <i>Provided</i> , that if on the first valuation under this section a deficiency in reserve shall be shown for any such certificate, the same shall be valued on the accumulation basis.
Proviso: valuation on accumulation basis.	
Funds for meeting deficiency.	Whenever, in any society having members upon the tabular basis and upon the accumulation basis, the total of all costs of insurance provided for any year shall be insufficient to meet the actual death and disability losses for the year, the deficiency shall be met for the year from the available funds after setting aside all credits in the reserve; or from increased contributions or by an increase in the number of assessments applied to the society as a whole or to classes of members as may be specified in its laws. Savings from a lower amount of death losses may be returned in like manner as may be specified in its laws.
Return of savings.	
Reserves of separate classes.	If the laws of the society so provide, the assets representing the reserves of any separate class of members may be carried separately for such class as if in an independent society, and the required reserve accumulation of such class so set apart shall not thereafter be mingled with the assets of other classes of the society.

A table showing the credits to individual members for each age and year of entry and showing opposite each credit the tabular reserve required on the whole life or other plan of insurance specified in the contract, according to assumptions for mortality and interest recognized by the law of this State and adopted by the society, shall be filed by the society with each annual report, and also be furnished to each member before July first of each year.

Reports of credits and reserves.

In lieu of the aforesaid statement there may be furnished to each member within the same time a statement giving the credit for such member and giving the tabular reserve and level rate required for a transfer carrying out the plan of insurance specified in the contract. No table or statement need be made or furnished where the reserves are maintained on the tabular basis.

Statements furnished members.

Reserves on tabular basis.

For this purpose individual bookkeeping accounts for each member shall not be required and all calculations may be made by actuarial methods.

Accounts and calculations.

Nothing herein contained shall prevent the maintenance of such surplus over and above the credits on the accumulation basis and the reserves on the tabular basis pursuant to its laws; nor be construed as giving to the individual member any right or claim to any such reserve or credit other than in manner as expressed in the contract and its laws; nor as making any such reserve or credits a liability in determining the legal solvency of the society.

Maintenance of surplus.

SEC. 21. *Examination of domestic societies.*

The Insurance Commissioner, or any person he may appoint, shall have power of visitation and examination into the affairs of any domestic society. He may employ assistants for the purpose of such examination, and he, or any person he may appoint, shall have free access to all the books, papers and documents that relate to the business of the society and may summon and qualify as witness under oath and examine its officers, agents and employees or other persons in relation to the affairs, transactions and condition of the society.

Power of visitation and examination.

Employment of assistants.

Access to books, papers and documents.

Examination of witnesses.

The expense of such examination shall be paid by the society examined upon statement furnished by the Insurance Commissioner and the examination shall be made at least once in three years.

Expense of examination.

Whenever after examination the Insurance Commissioner is satisfied that any domestic society has failed to comply with any provisions of this act, or is exceeding its powers, or is not carrying out its contracts in good faith, or is transacting business fraudulently; or whenever any domestic society, after the existence of one year or more, shall have a membership of less than four hundred (or shall determine to discontinue business), the Insurance Commissioner may present the facts relating

Facts to be reported to Attorney-General.

thereto to the Attorney-General, who shall, if he deem the circumstances warrant, commence an action in *quo warranto* in a court of competent jurisdiction, and such court shall thereupon notify the officers of such society of a hearing, and if it shall then appear that such society should be closed, said society shall be enjoined from carrying on any further business and some person shall be appointed receiver of such society, and shall proceed at once to take possession of the books, papers, moneys and other assets of the society and shall forthwith, under the direction of the court, proceed to close the affairs, of the society and to distribute its funds to those entitled thereto.

Action of *quo warranto*.

Remedy by injunction.

Receiver.

Notice to show cause.

No such proceedings shall be commenced by the Attorney-General against any such society until after notice has been duly served on the chief executive officers of the society and a reasonable opportunity given to it, on a date to be named in said notice, to show cause why such proceedings should not be commenced.

SEC. 22. *Application for receiver, etc.*

Action to be taken by Attorney-General.

No application for injunction against or proceedings for the dissolution of or the appointment of a receiver for any such domestic society or branch thereof shall be entertained by any court in this State unless the same is made by the Attorney-General.

SEC. 23. *Examination of foreign societies.*

Examination of foreign societies.

Employment of assistants.

Access to books and papers.

Examination of witnesses.

Examination by home State.

Expense of examination.

Suspension or refusal of license.

The Insurance Commissioner or any person whom he may appoint may examine any foreign society transacting or applying for admission to transact business in this State. The said commissioner may employ assistants, and he, or any person he may appoint shall have free access to all the books, papers and documents that relate to the business of the society, and may summon and qualify as witness under oath and examine its officers, agents and employees and other persons in relation to the affairs, transactions and conditions of the society. He may, in his discretion, accept in lieu of such examination the examination of the Insurance Department of the state, territory, district, province or country where such society is organized. The actual expenses of examiners making any such examination shall be paid by the society upon statement furnished by the Insurance Commissioner.

If any such society or its officers refuse to submit to such examination or to comply with the provisions of the section relative thereto, the authority of such society to write new business in this State shall be suspended or license refused until satisfactory evidence is furnished the commissioner relating to the condition and affairs of the society, and during such suspension the society shall not write new business in this State.

SEC. 24. *No adverse publications.*

Statement to be furnished society.

Pending, during or after an examination or investigation of any such society, either domestic or foreign, the Insurance Commissioner shall make public no financial statement, report or find-

ing, nor shall he knowingly permit to become public any financial statement, report or finding affecting the status, standing or rights of any such society, until a copy thereof shall have been served upon such society, at its home office, nor until such society shall have been afforded a reasonable opportunity to answer any such financial statement, report or finding, and to make such showing in connection therewith as it may desire.

Opportunity to answer.

SEC. 25. *Revocation of license.*

When the Insurance Commissioner on investigation is satisfied that any foreign society transacting business under this act has exceeded its powers, or has failed to comply with any provisions of this act or is conducting business fraudulently, or is not carrying out its contracts in good faith, he shall notify the society of his findings, and state in writing the grounds of his dissatisfaction, and after reasonable notice require said society, on a date named, to show cause why its license should not be revoked. If on the date named in said notice such objections have not been removed to the satisfaction of the said commissioner, or the society does not present good and sufficient reasons why its authority to transact business in this State should not at that time be revoked, he may revoke the authority of the society to continue business in this State. All decisions and findings of the commissioner made under the provisions of this section may be reviewed by proper proceedings in any court of competent jurisdiction, as provided in this act.

Notice on society to show cause.

Revocation of license.

Review of decisions by court.

SEC. 26. *Exemption of certain societies.*

Nothing contained in this act shall be construed to affect or apply to societies which limit their membership to any one hazardous occupation, nor to similar societies which do not issue insurance certificates, nor to an association of local lodges of a society now doing business in this State which provides death benefits not exceeding five hundred dollars to any one person or disability benefits not exceeding three hundred dollars in any one year to any one person, or both, nor to any contracts of reinsurance business on such plan in this State, nor to domestic societies which limit their membership to the employees of a particular city or town, designated firm, business house or corporation, nor to domestic lodges, orders or associations of a purely religious, charitable and benevolent description, which do not provide for a death benefit of more than one hundred dollars, or for disability benefits of more than one hundred and fifty dollars to any one person in any one year. The Insurance Commissioner may require from any society such information as will enable him to determine whether such society is exempt from the provisions of this act.

Societies excepted.

Information furnished.

SEC. 27. Any fraternal benefit society, heretofore organized and incorporated and operating within the definition set forth in sec-

Accident societies.

tions one, two, and three of this act, providing for benefits in case of death or disability resulting solely from accidents, but which does not obligate itself to pay death or sick benefits, may be licensed under the provisions of this act, and shall have all the privileges and shall be subject to all the provisions and regulations of this act, except that the provisions of this act requiring medical examinations, valuations of benefit certificates, and that the certificate shall specify the amount of benefits shall not apply to such society.

SEC. 28. *Penalties.*

False or fraudulent statements misdemeanor.

Any person, officer, member or examining physician of any society authorized to do business under this act who shall knowingly or willfully make any false or fraudulent statement or representation in or with reference to any application for membership, or for the purpose of obtaining money from or benefit in any society transacting business under this act, shall be guilty

Punishment.

of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or imprisoned in the county jail for not less than thirty days nor more than one year, or both, in the

False statements under oath perjury.

discretion of the court; and any person who shall willfully make a false statement of any material fact or thing in a sworn statement as to the death or disability of a certificate holder in any such society for the purpose of procuring payment of a benefit named in the certificate of such holder, and any person who shall willfully make any false statement in any verified report or declaration under oath required or authorized by this act, shall be

Punishment.

guilty of perjury, and shall be proceeded against and punished as provided by the statutes of this State in relation to the crime of perjury.

Soliciting business for unauthorized company misdemeanor.

Any person who shall solicit membership for, or in any manner assist in procuring membership in any fraternal benefit society not licensed to do business in this State, or who shall solicit membership for, or in any manner assist in procuring membership in any such society not authorized as herein provided, to do business as herein defined in this State, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than fifty nor more than two hundred dollars.

Punishment.

Punishment for violation of act.

Any society, or any officer, agent or employee thereof neglecting or refusing to comply with, or violating any of the provisions of this act, the penalty for which neglect, refusal or violation is not specified in this section, shall be fined not exceeding two hundred dollars upon conviction thereof.

SEC. 29. All acts and parts of acts inconsistent with this act are hereby repealed.

In the General Assembly read three times and ratified this the 18th day of March, 1913.

CHAPTER 90.

AN ACT TO PROVIDE FOR THE ASSURANCE AND REGISTRATION OF LAND TITLES.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of enabling all persons owning real estate within this State to have the title thereto settled and registered, as prescribed by the provisions of this act, the Superior Court of the county in which the land lies in the State shall have exclusive original jurisdiction of all petitions and proceedings had thereupon, under the rules of practice and procedure prescribed for special proceedings, Revisal one thousand nine hundred and five, chapter twelve, title thirty-two, except as herein otherwise provided.

Jurisdiction of superior court.

Rules of practice and procedure.

SEC. 2. The proceedings under any petition for the registration of land, and all proceedings in the court in relation to registered land, shall be proceedings *in rem* against the land, and the decrees of the court shall operate directly on the land, and vest and establish title thereto in accordance with the provisions of this act.

Proceedings and decrees.

Vesture and establishment of title.

SEC. 3. The clerk of such court of each county, within thirty days after this act shall go into effect, shall appoint three or more examiners of titles, who shall be licensed attorneys at law, residing in the county wherein appointed. They shall qualify by taking oath before the clerk to faithfully discharge the duties of such office, which oath shall be filed in the office of the clerk. The term of said office shall be two years. Examiners of titles shall have and exercise the jurisdiction and perform the duties hereinafter prescribed, and receive the fees herein provided. They shall not appear in or have any connection with any proceeding instituted under the provisions of this act, and they shall be subject to removal at will by such clerk or judge of the Superior Court.

Appointment of examiners of titles.

Examiners to qualify.

Term of office.

Jurisdiction, duties and fees.

Not to appear in proceedings.

Subject to removal.

SEC. 4. That any person or persons, being in the peaceable possession of land within the State and claiming an estate of inheritance therein, may prosecute a special proceeding *in rem* against all the world in the Superior Court for the county in which such land is situate, to establish his title thereto, to determine all adverse claims and have the title registered. Any number of the separate parcels of land claimed by the petitioner may be included in the same proceeding, and any one parcel may be established in several parts, each of which shall be clearly and accurately described and registered separately, and the decree therein shall operate directly upon the land and establish and vest an indefeasible title thereto. Any person in like possession of lands within the State, claiming an interest or estate less than the fee therein, may have his title thereto established under the provisions of this act, without the registration and transfer features herein provided.

Special proceeding for establishment and registration of title.

Conjunction or division of lands.

Title established and vested by decree.

Estates less than fee.

Parties entitled to begin suit.

Suits by persons under disabilities and by corporations. Person named as petitioner. Petition to be verified. Specifications.

Full names and addresses of persons in interest. Preliminary survey.

Issue and return of summons.

Service of summons. Record of return. Persons under disabilities. Proviso: disclaimer of interest.

Proviso: service on nonresidents.

Publication of notice of summons.

SEC. 5. Suit for registration of title shall be begun by a petition to the court by the person or persons claiming, singly or collectively, to own or have the power of appointing or disposing of an estate in fee simple in any land, whether subject to liens or not. Infants and other persons under disability may sue by guardian or trustee, as the case may be, and corporations as in other cases now provided by law. But the person in whose behalf the petition is made shall always be named as petitioner. The petition shall be signed and sworn to by each petitioner, shall contain a full description of the land to be registered as herein-after provided, together with a plot of same by metes and bounds, corners to be marked by permanent markers of iron, stone or cement, shall show when, how and from whom it was acquired, and whether or not it is now occupied, and if so, by whom, and shall give an account of all known liens, interest, equities and claims, adverse or otherwise, vested or contingent, upon said land. Full names and addresses if known, of all persons who may be interested by marriage or otherwise, including adjoining owners and occupants, shall be given. If any person shall be unable to state the metes and bounds, the clerk may order a preliminary survey.

SEC. 6. The clerk of the court shall issue a summons directed to the sheriff of every county in which persons named as interested may reside, returnable as in other cases of special proceedings, the said parties being made defendants, except that the return shall be at least sixty days from the date of the summons. Summons shall be served in the same manner at least ten days before the return thereof and return thereof recorded as in other special proceedings, and all other persons under disabilities shall be represented by guardian, either general or *ad litem*: *Provided*, that any party defendant to such proceedings may file a disclaimer of any claim or interest in the land described in the petition, which shall be deemed an admission of the allegations of the petition and the decree shall bar such parties and all persons thereafter claiming under him, and such parties shall not be liable for any costs or expenses of the proceeding except such as may have been incurred by reason of his delay in pleading: *Provided*, that if the persons named as interested are not residents of the State of North Carolina, but their residence is known, which must appear by affidavit, then summons must be served on such nonresidents as is now prescribed by law for the service of summons on nonresidents.

SEC. 7. In addition to the summons issued, prescribed in the foregoing section, the clerk of the court shall, at the time of issuing such summons, publish a notice of the filing thereof containing the name or names of the petitioners, the name or names of all persons named in the petition, together with a short but accurate description of the land and the relief demanded, in some secular newspaper published in the county wherein the land is situate, and having general circulation in said county; and if

there be no such paper, then in a newspaper in the county nearest thereto, and having general circulation in the county wherein the land lies, once a week for four issues of such paper: *Provided*, such advertisement shall not cost more than two dollars and fifty cents. Said notice shall set forth the title of the cause and in capital letters the words "To whom it may concern," and shall give notice to all persons of the relief demanded and the return day of the summons: *Provided*, that no final order or judgment shall be entered in the cause until there is proof and adjudication of publication as in other cases of publication of notice of summons. The provisions of this section, in respect to the issuing and service of summons and the publication of the notice, shall be mandatory and essential to the jurisdiction of the court to proceed in the cause: *Provided*, that the recital of the service of summons and publication in the decree or in the final judgment in the cause, and in the certificate issued to the petitioner as hereinafter provided, shall be conclusive evidence thereof.

SEC. 8. Upon the return day of the summons the petition shall be set down for hearing upon the pleadings and exhibits filed. If any person claiming an interest in the land described in the petition, or any lien thereon, shall file an answer, the petition and answer, together with all exhibits filed, shall be referred to the examiner of titles who shall proceed, after notice to the petitioner and the persons who have filed answer or answered, to hear the cause upon such parol or documentary evidence as may be offered or called for and taken by him, and in addition thereto make such independent examination of the title as may be necessary. Upon his request the clerk shall issue a commission under the seal of the court for taking such testimony as shall be beyond the jurisdiction of such examiner. The examiner shall, within thirty days after such hearing, unless for good cause the time shall be extended, file with the clerk a report of his conclusions of law and fact, setting forth the state of such title, any liens or encumbrances thereon, by whom held, amount due thereon, together with an abstract of title to said lands and any other information in regard thereto affecting its validity. Any of the parties to the proceeding may, within twenty days after such report is filed, file exceptions, either to the conclusions of law or fact. Whereupon the clerk shall transmit the record to the judge of the Superior Court for his determination thereof; such judge may on his own motion certify any issue of fact arising upon any such exceptions to the Superior Court of the county in which the proceeding is pending for a trial of such issue by jury, and he shall so certify such issue of fact for trial by jury upon the demand of any party to the proceeding. If, upon consideration of such record, or the record and verdict of issues to be certified and tried by jury, the title be found in the petitioner, the judge shall enter a decree to the effect, ascertaining all limitations, liens, etc., declaring the land entitled to registration accordingly, and the same, together with the record, shall be docketed by the clerk

Proviso: limit of cost.

Specifications of notice.

Proviso: proof and adjudication of publication.

Provisions mandatory and essential.

Proviso: recitals conclusive evidence.

Hearing on pleadings and exhibits. Reference to examiner.

Hearing by examiner.

Commission for taking testimony.

Report of examiner.

Exceptions to report.

Transmission of record to judge. Issues of fact.

Decree entered by judge.

Docketing and registration of decree.

<p>Right of appeal. No judgment by default.</p> <p>Reference to examiner when answer not filed.</p> <p>Report of examiner.</p> <p>Power to call for evidence.</p> <p>Clerk to enter decree.</p> <p>Certificate for registration. Approval of judge. Effect of decree.</p> <p>Persons under disability barred.</p> <p>Recourse upon indemnity fund.</p> <p>Decree signed by clerk. Review and approval of judge.</p> <p>Registration of titles book.</p> <p>Details of registration.</p>	<p>of the court as in other cases, and a copy of the decree certified to the register of deeds of said county for registration as hereinafter provided. Any of the parties may appeal from such judgment to the Supreme Court, as in other special proceedings. No judgment in any proceeding under this act shall be given by default, but the court must require an examination of the title in every instance except as respects the rights of parties who, by proper pleadings, admit the petitioner's claim. If, upon the return day of the summons and the day upon which the petition is set down for hearing, no answer be filed, the clerk shall refer the same to the examiner of titles, who shall, after notice to the petitioner, proceed to examine the title, together with all liens or encumbrances set forth or referred to in the petition and exhibits, and shall examine the registry of deeds, mortgages, wills, judgments, mechanic liens and other records of the county, and upon such examination he shall, as hereinbefore provided, report to the clerk the conditions of the title, with a notice of liens or encumbrances thereon. The examiner shall have power to take and call for evidence in such case as fully as if the application were being contested. If the title shall be found to be in the petitioner, the clerk shall enter a decree to that effect and declaring the land entitled to registration with entry of any limitations, liens, etc., and shall certify the same for registration, as hereinbefore provided, after approval by the judge of the Superior Court.</p> <p>SEC. 9. Every decree rendered as hereinbefore provided shall bind the land and bar all persons claiming title thereto or interest therein; quiet the title thereto and shall be forever binding and conclusive upon and against all persons, including the State of North Carolina, whether mentioned by name in the order of publication or included under the general description "To whom it may concern." It shall not be an exception to such conclusiveness that the person is an infant, lunatic or is under any disability, but such person may have recourse upon the indemnity fund hereinafter provided for, for any loss he may suffer by reason of being so concluded. Such decree shall, in addition to being signed by the clerk of the court, be approved by the judge of the Superior Court, who shall review the whole proceeding and have power to require any reformation of the process, pleading, decrees or entries.</p> <p>SEC. 10. The county commissioners of each county shall provide for the register of deeds in said county a book, to be called registration of titles, in which said register shall enroll, register and index, as hereinafter provided, the decree of title hereinbefore mentioned and the copy of the plot contained in said petition, and all subsequent transfers of title, and note all voluntary or involuntary transactions in any wise affecting the title to said land, authorized to be entered thereon. If the title be subject to a trust, condition, encumbrance or the like the words "in trust," "upon condition," "subject to encumbrance," or like appropriate insertion shall indicate the fact and fix any person dealing with</p>
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such certificate with notice of the particulars of such limitations upon the title as appears upon the registry. Upon the registration of such decree the register of deeds shall issue an owner's certificate of title, under the seal of his office, which shall be delivered to the owner or his agent duly authorized, and shall be substantially as follows:

Owner's certificate of title.

"STATE OF NORTH CAROLINA—COUNTY OF

Form of certificate.

"The certificate of.....

"I hereby certify that the title is registered in the name ofto and situate in said county and State, described as follows: (Here describe land as in decree.)

"Estate (here name the estate and any limitation or encumbrance thereon, as 'fee simple,' 'upon condition,' 'in trust,' 'subject to encumbrance,' and the like). Under decree of the land court of county, entitled of county, entitled

"Registered No....., Book No....., page.....

"Witness my hand and seal, at office at....., this day of....., A. D. 19.....

(SEAL)

Register of Deeds."

SEC. 11. All certificates of title to land in said county shall be numbered consecutively, which number shall be retained as long as the boundaries of the land remain unchanged, and a separate page or more, with appropriate space for subsequent entries, shall be devoted to each title in the registration of titles book for said county. Every entry made upon any certificate of title in said book or upon the owner's certificate of title in said book or upon the owner's certificate, under any of the provisions of this act, shall be signed by the register of deeds and minutely dated in conformity with the dates shown by the entry book.

Certificates numbered.

Space for each title.

Entries on certificate signed by register and dated.

SEC. 12. Whenever the whole of any registered estate is transferred or conveyed the same shall be done by a transfer or conveyance upon or attached to the certificate substantially as follows:

Transfer of whole of registered estate.

A B and wife (giving the names of the parties owning land described in said certificate and his or their wife or wives) hereby, in consideration of dollars, sell and convey to C D (giving name of purchaser) the lot or tract of land, as the case may be, described in the certificate of title hereto attached; that same shall be signed and properly acknowledged by the said party or parties and his or their wife or wives and shall have the full force and effect of a deed in fee simple: *Provided*, that if the said sale shall be in trust, upon condition with power to sell or other unusual form of conveyance, the same shall be set out in said deed, and shall be entered upon the registration of titles book as hereinafter provided; that upon presentation of the said transfer, together with the certificate of title. to the

Form of certificate.

Execution and effect of transfer.

Provide: conditions set out and recorded.

Transaction noted and registered.

register of deeds, the said transaction shall be duly noted and registered in accordance with the provisions of this act and certificate of title so presented shall be canceled and a new certificate with the same number issued to the purchaser thereof, which new certificate shall fully refer by number and also by name of holder to former certificate just canceled.

New certificate.

Conveyance of part of estate.

SEC. 13. That whenever a part of any registered estate is transferred or conveyed the same shall be, by the form of transfer hereinbefore referred to, setting out the portion of estate transferred, if it be undivided, and if it be divided portion the same; in addition, shall be accompanied by a plot showing the divisions and the part to be sold; that upon presentation of such transfer, together with the certificate of title and the plot, it shall be the duty of the register of deeds to cancel the certificate so presented and to issue to the holder of said certificate canceled a new certificate, bearing the number of the original and setting out the part of interest in the land retained by said owner or

New certificate to holder.

Certificate to purchaser.

vendor; and said register shall also issue to the purchaser of undivided or separate portion of the said estate so transferred a new certificate bearing same number, setting out the part or amount of land transferred by him, as the case may be; if the transfer be of a divided part of the land, plots of each and every portion thereof shall be the subject of a newly registered title, the old certificate shall be canceled and a new certificate issued to

Transfer of subdivisions of land.

Reference and cross references noted.

each owner; that the said register shall note upon the registration of titles book and the certificate of title therein the references and cross-references to the certificates herein referred to:

Proviso: application to subdivisions.

Provided, that the provisions of this section shall apply to an owner who desires to subdivide any tract either at the time of the initial registration or subsequently, upon the payment of necessary surveyor's fees, if they are required, and payment to the proper officer of the amount herein provided for issuing the necessary certificates and recording the map.

Transfer as security for debt.

SEC. 14. That whenever the owner of any registered estate shall desire to convey same as security for debt, it shall be done in the following manner, by a short form of transfer, substantially as follows, to wit:

Form.

"A B and wife (giving names of all owners or holders of certificates and their wife or wives) hereby transfer to C D the tract or lot of land described as No. in registration of titles book for county, a certificate for the title for same being hereto attached, to secure a debt of dollars, due to, of county and State, on the day of, 19, evidenced by bond (or otherwise as the case may be) dated the day of, 19 In case of default in payment of said debt with accrued interest, days notice of sale required." That same shall

Execution, acknowledgment and presentation of transfer.

be signed and properly acknowledged by the parties making same, and shall be presented, together with the owner's certificate, to the register of deeds, whose duty it shall be to note upon the owner's

certificate and upon the certificate of title in said registration of titles book the name of the trustee, the amount of debt, and the date of maturity of same: *Provided*, that when a part of the registered estate shall be so conveyed, the register of deeds shall note upon the said book and owner's certificate the part so conveyed, and if the same be required and the proper fee paid by the trustee, shall issue what shall be known as a partial certificate, over his hand and seal, setting out the portion so conveyed; that all transfers by the said short form shall convey the power of sale upon due advertisement at the county court-house and in some newspaper published in the county, or adjoining county, in the same manner and as fully as is now provided by law in the case of mortgages and deeds of trust and default therein. All registered encumbrances, rights or adverse claims affecting the estate represented thereby shall continue to be noted, not only upon the certificate of title in the registration book, but also upon the owner's certificate, until same shall have been released or discharged. And in the event of second or other subsequent voluntary encumbrances the holder of the certificate may be required to produce such certificate for the entry thereon or attachment thereto of the note of such subsequent charge or encumbrance as provided by section twenty of this act.

Items noted on certificate and registration book.
 Proviso: conveyance of part of estate.

Power of sale.

Registered encumbrances noted until release.

Requirement to produce certificate.

SEC. 15. In voluntary transactions the owner's certificate of title must be presented along with the writing or instrument conveying or affecting the said sale, and thereupon and not otherwise the register shall be authorized to register the conveyance or other transaction upon proof of payment of all delinquent taxes or liens, if any, or if such payment be not shown the entry and new certificate shall note such taxes or liens as having priority thereto. All transfers of registered land shall be duly executed and probated as required by law upon like conveyances of other lands, and in all cases of change in boundary by partition, subtraction or addition of land, there shall be an accurate survey and permanent marking of boundaries and accurate plots, showing the courses, distances and markings of every portion thereof, shall be duly proved and registered as upon the initial registration. Such transfers shall be presented to the register of deeds for entry upon the registration of titles book and upon the owner's certificate within thirty days from the date thereof, or become subject to any rights which may accrue to any other person by a prior registration.

Presentation of certificate in voluntary transactions.
 Proof of payment of taxes or liens.

Note of taxes and liens having priority.
 Execution and probate of transfers.
 Changes in boundary.

Presentation of transfers for entry.

SEC. 16. In voluntary transactions a certificate from the proper State, county or court officer, or certified copy of the order, decree or judgment of any court of competent jurisdiction shall be authority for him to order a proper notation thereof upon the registration of titles book, and for the register of deeds to note the transaction under the direction of the court.

Notation of orders of courts.

SEC. 17. Whenever owner's certificate is not presented to the register along with any writing, instrument or record filed for registration under this act, he shall forthwith send notice by

Notice for production of certificate.

- registered mail to the owner of such certificate, requesting him to produce the same in order that a memorial of the transaction may be made thereon; and such production may be required by *subpoena duces tecum* or by other process of the court, if necessary.
- Process for requirement of production.
Registration as notice to parties in interest.
- SEC. 18. Every voluntary or involuntary transaction, which if recorded, filed or entered in any clerk's office would affect unregistered land, shall, if duly registered in the office of the proper register as the case may be, and not otherwise, be notice to all persons from the time of such registration, and operate, in accordance with law and the provisions of this act, upon any registered land in the county of such registration.
- Transfers in trust or upon conditions.
- SEC. 19. Whenever a writing, instrument or record is filed for the purpose of transferring registered land in trust, or upon any equitable condition or limitation expressed therein, or for the purpose of creating or declaring a trust or other equitable interest in such land, the particulars of the trust, condition, limitation or other equitable interest shall not be entered on the certificate, but it shall be sufficient to enter in the book and upon the certificates a memorial thereof by the terms "in trust" or "upon condition" or in other apt words, and to refer by number to the writing, instrument or record authorizing or creating the same. And if express power is given to sell, encumber or deal with the land in any manner, such power shall be noted upon the certificates by the term "with power to sell" or "with power to encumber," or by other apt words.
- Powers noted.
- SEC. 20. No writing or instrument for the purpose of transferring, encumbering or otherwise dealing with equitable interests in registered land shall be registered unless the power thereto enabling has been expressly conferred by or has been reserved in the writing or instrument creating such equitable instrument, or has been declared to exist by the decree of some court of competent jurisdiction, which decree must also be registered.
- Registration of instruments affecting equitable interests.
- SEC. 21. It shall be the duty of the sheriff or other collector of taxes or assessments of each county and town, not later than the first day of March in each year, to file an exact memorandum of the delinquency, if any, of any registered land for the non-payment of the taxes or assessments thereon, including the penalty therefor, in the office of the register of deeds for registration; and if such officer fails to perform said duty, and there shall be subsequent to such day a transfer of such land as hereinbefore provided, the grantee shall acquire a good title free from any lien for such taxes and assessments, and such sheriff or other collector of taxes and his sureties shall be liable for the payment of said taxes and assessments with the penalty and interest thereon.
- Sheriff to file memorandum of delinquency.
- SEC. 22. Whenever any sale of registered land is made for delinquent taxes or levies it shall be the duty of the sheriff or other officer to make such sale forthwith, to file a memorandum thereof for registration in the office of the register of deeds; and thereupon the registered owner shall be required to produce his
- Release of lien on failure.
- Sheriff liable on bonds.
- Memorandum of sale for taxes.
- Production of certificate for cancellation.

certificate for cancellation, and a new owner's certificate shall be issued in favor of the purchaser, and the land shall be transferred on the land books to the name of such purchaser, unless such delinquent charges and all penalties and interest thereon be paid in full within ninety days after date of such sale; but a note shall be entered upon the certificate of title and also upon any such new owner's certificate, reserving the privilege of redemption in accordance with the law. Whenever any judgment of the Superior Court of said county in which said registered estate is situate shall be duly docketed in the clerk's office of the Superior Court, it shall be the duty of the clerk of said court to certify the same to the register of deeds. The said register of deeds shall thereupon enter the certificate of title, the date, and the amount of said judgment, and the same shall be a lien upon said land as fully as such docketed judgment would be a lien upon unregistered lands of the judgment debtor.

SEC. 23. In case of any redemption under the preceding section of land sold for taxes, a note of the fact shall be duly registered, and if an owner's certificate has been issued to any purchaser the same shall be canceled and a new one shall be issued to the person who has redeemed; but if there be no redemption under said section, in accordance with the law, it shall be the duty of the sheriff or other collector of taxes in the county or town in which the land lies to sell the same at public auction for cash, first giving such notice of the time and place of sale as is prescribed for execution sales, and the proceeds of sale shall be applied, first, to the payment of all taxes and assessments then due to the State, county and town, with interest, penalty and costs; second, to the payment of all sums paid by any person who purchased at the former tax sale, with interest and the additional sum of five dollars; third, to the payment of a commission to the officer making the sale of five per centum on the first three hundred dollars and two per centum on the residue of the proceeds; fourth, to the satisfaction of any liens other than said taxes and assessments registered against said land in the order of their priorities; fifth, and the surplus, if any, to the person in whose name the land was previous to sale for taxes, subject to redemption as provided herein, his heirs, personal representatives or assigns. A note of the sale under this section shall be duly registered, and a certificate shall be entered and an owner's certificate issued in favor of the purchaser in whom title shall be thereby vested as registered owner, in accordance with the provisions of this act. Nothing in this section shall be so construed as to affect or divert the title of a tenant in reversion or remainder to any real estate which has been returned delinquent and sold on account of the default of the tenant for life in paying the taxes or assessments thereon.

SEC. 24. Whenever an owner's certificate of title is lost or destroyed, the owner or his personal representative may petition

Certificate and transfer to purchaser.

Note of right of redemption.

Certificate of judgment to register.

Judgment entered on certificate of title.

Note of redemption of land.

Cancellation and reissue of certificates.

Sale of land not redeemed.

Application of proceeds.

Note of sale registered and certificate to purchaser issued.

Rights of reversioners and remaindermen.

Petition for new certificate.

- Notice of petition. the court for the issuance of a new certificate. Notice of such petition shall be published once a week for four successive weeks, under the direction of the court, in some convenient newspaper, and noted upon the registry of titles, and upon satisfactory proof having been exhibited before it that said certificate has been lost or destroyed the court may direct the issuance of a new certificate, which shall be approximately designated and take the place of the original, but at least thirty full days shall elapse between the filing of the petition and making the decree for such new certificate.
- Issuance of new certificate. and noted upon the registry of titles, and upon satisfactory proof having been exhibited before it that said certificate has been lost or destroyed the court may direct the issuance of a new certificate, which shall be approximately designated and take the place of the original, but at least thirty full days shall elapse between the filing of the petition and making the decree for such new certificate.
- Estate free from encumbrance not noted on title. SEC. 25. Every registered owner of any estate or interest in land bought under this act shall, except in cases of fraud, to which he is a party or in which he is a privy without valuable consideration paid in good faith, and except when any resignation has been procured through forgery, hold the land, free from any and all adverse claims, rights or encumbrances not noted on the certificate of title, except (1) liens, claims or rights arising or existing under the laws or Constitution of the United States which the statutes of this State can not require to appear of record under registry laws; (2) taxes and assessments thereon due the State or any county, city or town therein, but not delinquent; (3) any lease for a term not exceeding three years, under which the land is actually occupied. Any person making any claim to or asserting any lien or charge upon registered land existing at the initial registry of the same and not shown upon the register, or adverse to the title of the registered owner, and for which no other provision is herein made for asserting the same in the registry of titles may make an affidavit thereof setting forth his interest, right, title, lien or demand and how and under whom derived, and the character and nature thereof. The affidavit shall state his place of residence and designate a place at which all notices relating thereto may be served. Upon the filing of such affidavit in the office of the clerk of the Superior Court the latter shall order a note thereof as in the case of charges or encumbrances, and the same shall be entered by the register of deeds. Action shall be brought upon such claim within six months after the entry of such note, unless for cause shown the clerk shall extend the time. Upon failure to commence such action within the time prescribed therefor the clerk shall order a cancellation of such note. If any person shall wantonly or maliciously or without reasonable cause procure such notation to be entered upon the registry of titles, having the effect of a cloud upon the registered owner's title, he shall be liable for all damages the owner may suffer thereby.
- Exceptions. Liens, claims and rights under national laws. Taxes and assessments due but not delinquent. Lease for less than three years. Affidavit of adverse claims to be registered.
- Affidavit to state residence. Note of affidavit entered.
- Time for bringing action. Cancellation of note on failure to bring action. Liability for damages.
- Agreement running with land. SEC. 26. The obtaining of a decree of registration and the entry of a certificate of title shall be construed as an agreement running with the land, and the same shall ever remain registered land, subject to the provisions of this act, and all amendments thereof.

SEC. 27. No title to nor right or interest in registered land in derogation of that of the registered owner shall be acquired by prescription or adverse possession.

Adverse rights not acquired by prescription or possession.

SEC. 28. Except as otherwise specially provided by this act, registered land and ownership therein shall be subject to the jurisdiction of the courts in the same manner as if it had not been registered; but the registration shall be the only operative act to transfer or affect the title to registered land, and shall date from the time the writing, instrument or record to be registered is duly filed in the office of the register of deeds, subject to the provisions of this act; no voluntary or involuntary transaction shall affect the title to registered lands until registered in accordance with the provisions of this act: *Provided*, that all mortgages, deeds, surrendered and canceled certificates, when new certificates are issued for the land so deeded, the other paper-writings, if any, pertaining to and affecting the registered estate or estates herein referred to, shall be filed by the register of deeds for reference and information, but the registration of titles book shall be and constitute sole and conclusive legal evidence of title, except in cases of mistake and fraud, which shall be corrected in the methods now provided for the correction of papers authorized to be registered.

Jurisdiction of courts.

No unregistered transaction to affect title. *Provided*: papers filed for reference.

Registration sole and conclusive legal evidence of title.

SEC. 29. In case of conflicting claims between the registered owners the right, title or estate derived from or held under the older certificate of title shall prevail.

Conflicting claims.

SEC. 30. The fees to be allowed the clerks and sheriffs in this proceeding shall be the same as now allowed by law to clerks and sheriffs in other special proceedings. The examiner hereinbefore provided for shall receive, as may be allowed by the clerk, a minimum fee of five dollars for such examination of each title of property assessed upon the tax books at the amount of five thousand dollars or less; that for each additional thousand dollars of assessed value of property so examined he shall receive fifty cents; for examination outside of the county he shall receive a reasonable allowance. There shall be allowed to the register of deeds for copying the plot upon registration of titles book one dollar; for issuing the certificate and new certificates under this act, fifty cents for each; for noting the entries or memorandum required and for the entries noting the cancellation of mortgages and all other entries, if any, herein provided for, a total of twenty-five cents for the entry or entries connected with one transaction. The county or other surveyor employed under the provisions of this act shall not be allowed to charge more than forty cents per hour for his time actually employed in making the survey and the map, except by agreement with the petitioner: *Provided, however*, that a minimum fee of two dollars in any case may be allowed.

Fees of clerks and sheriffs.

Fee of examiner.

Fees of register of deeds.

Fees of surveyor.

Provided: minimum fee.

That there shall be no other fees allowed of any nature except as herein provided, and that the bond of the register, clerk and sheriff shall be liable in case of any mistake, malfeasance, or mis-

No other fees allowed. Officers liable on bond.

feasance as to the duties imposed upon them by this act in as full a manner as said bond is now allowed liable by law.

Attorney-General to prescribe rules of practice.

SEC. 31. That the Attorney-General, with the approval of the Supreme Court, shall, from time to time, make, change, revise and revoke rules of practice in the Superior Court for the administration of this act. He shall in like manner prescribe forms for use in said court, and in the notation of the registry of titles of memorials, claims, liens, *lis pendens*, and all other involuntary charges upon and to such registered lands. Whenever a question shall arise in the administration of this act as to the proper method of protecting or asserting any right or interest under the law and method of procedure is in doubt it shall be the duty of the clerk or register of deeds to notify the Attorney-General, who, with the approval of the Supreme Court, shall prescribe a rule covering such case.

Forms.

Special rule.

Conveyances and contracts declared duly registered.

SEC. 32. When the provisions of this act shall have been complied with all conveyances, deeds, contracts to convey or leases shall and are declared to be duly registered within the terms of section nine hundred and eighty, Revisal of North Carolina, as against creditors and purchasers in the same manner and as fully as if same had been registered in the manner heretofore provided by law. All leases or contracts affecting land for a period exceeding three years shall be in writing, duly proved before the clerk of the Superior Court, recorded in register's office, and noted upon the registry and upon the owner's certificate.

Statute of frauds.

Tax for assurance fund.

SEC. 33. Upon the original registration of land and also upon the entry of certificate showing the title as registered owners in heirs or devisees, there shall be paid to the clerk of the court one-tenth of one per cent of the assessed value of the land for taxes, as an assurance fund, which shall be paid over to the State Treasurer, who shall be liable therefor upon his official bond as for other moneys received by him in his official capacity. He shall keep all the principal and interest of such fund invested except as required for the payment of indemnities, in bonds and securities of the United States, of this State, or of counties and other municipalities within the State. Such investment shall be made upon the advice and concurrence of the Governor and Council of State, and he shall make report of such funds and the investment thereof to the General Assembly biennially.

Fund paid to State Treasurer.

Investment of.

Advice and concurrence of Governor and council. Reports to General Assembly.

Persons entitled to bring action for indemnity.

SEC. 34. Any person who, without negligence on his part, sustains loss or damage or is deprived of land, or of any estate or interest therein, through fraud or negligence or in consequence of any error, omission, mistake, misfeasance, or misdescription in any certificate of title or in any entry or memorandum in the registration book, and who, by the provisions of this act, is barred or in any way precluded from bringing an action for the recovery of such land or interest or estate therein or claim upon same, may bring an action in the Superior Court of the county in which the land is situate for the recovery of compensation for such loss or damage from the assurance fund. Such action shall be against

the State Treasurer and all other persons who may be liable for the fraud, negligence, omission, mistake or misfeasance; but if such claimant has the right of action or other remedy for the recovery of the land, or of the estate or interest therein, of the claim upon same, he shall exhaust such remedy before resorting to the assurance fund.

Action against Treasurer and others. Other remedies to be exhausted.

SEC. 35. If there are defendants other than the State Treasurer, and judgment is rendered in favor of the plaintiff and against the Treasurer and some or all of the other defendants, execution shall first be issued against the other defendants, and if such execution is returned unsatisfied in whole or in part, and the officer returning the same shall certify that it can not be collected from the property and effects of the other defendants, or if the judgment be against the Treasurer only, the clerk of the court shall certify the amount due on the execution to the State Auditor, who shall issue his warrant therefor upon the State Treasurer, and the same shall be paid. In all such cases the Treasurer may employ counsel who shall receive reasonable compensation for his services from the assurance fund.

Collection of recovery.

Treasurer to employ counsel.

SEC. 36. If the assurance fund shall be insufficient at any time to meet the amount called for by any such certificate, the Treasurer shall pay the same from any funds in the treasury not otherwise appropriated; and in such case any amount thereafter received by the Treasurer on account of the assurance fund shall be transferred to the general funds of the treasury until the amount advanced shall have been paid.

Payment of claims if assurance fund insufficient.

SEC. 37. In every case of payment by the Treasurer from the assurance funds under the provisions of this act the Treasurer shall be subrogated to all the rights of the plaintiff against all and every other person or persons or property or securities to is a trustee, or by the improper exercise of any power of sale in benefit of the assurance fund.

Treasurer subrogated to rights of plaintiff.

SEC. 38. The assurance fund shall not be liable to pay any loss, damage or deprivation occasioned by a breach of trust, whether expressed, constructive or implied, by any registered owner who is a trustee, or by the improper exercise of any power of sale in a mortgage or deed in trust. Nor shall any plaintiff recover as compensation under the provisions of this act more than the fair market value of the land at the time when he suffered the loss, damage or deprivation thereof.

Assurance fund not liable for breaches of trust.

Limit of recovery.

SEC. 39. Action for compensation from the assurance fund shall be begun within three years from the time the cause of action accrued. In cases of infancy or other disability now recognized by law, persons under such disability shall have one year after the removal of such disability within which to begin the action.

Action to be brought within three years.

Persons under disability.

SEC. 40. *Provided*, that this act shall not take effect before January first, one thousand nine hundred and fourteen.

Proviso: when effective.

In the General Assembly read three times and ratified, this the 8th day of March, 1913.

CHAPTER 91.

AN ACT TO PROVIDE UNIFORM STANDARD PROVISIONS
FOR ACCIDENT AND HEALTH POLICIES.

The General Assembly of North Carolina do enact:

Forms, classifica-
tions and rates
referred to
Insurance Com-
missioner.

SECTION 1. On and after the first day of January, one thousand nine hundred and fourteen, no policy or insurance against loss or damage from the sickness, or the bodily injury or death of the insured by accident shall be issued or delivered to any person in this State until a copy of the form thereof and of the classification of risks and the premium rates pertaining thereto have been filed with the commissioner of insurance; nor shall it be so issued or delivered until the expiration of thirty days after it has been so filed unless the said commissioner shall sooner give his written approval thereto. If the said commissioner shall notify, in writing, the company, corporation, association, society or other insurer which has filed such form that it does not comply with the requirements of law, specifying the reasons for his opinion, it shall be unlawful thereafter for any such insurer to issue any policy in such form. The action of the commissioner in this regard shall be subject to review by any court of competent jurisdiction: *Provided, however,* that nothing in this act shall be so construed as to give jurisdiction to any court not already having jurisdiction.

Time for
examination.

Notice of dis-
approval.

Action of com-
missioner subject
to review.
Proviso: juris-
diction of court.

Specification of
form of policy.

SEC. 2. No such policy shall be so issued or delivered (1) unless the entire money and other considerations therefor are expressed in the policy; nor (2) unless the time at which the insurance thereunder takes effect and terminates is stated in a portion of the policy preceding its execution by the insurer; nor (3) if the policy purports to insure more than one person; nor (4) unless every printed portion thereof and of any endorsements or attached papers shall be plainly printed in type of which the face shall be not smaller than ten point; nor (5) unless a brief description thereof be printed on its first page, and on its filing back in type of which the face shall not be smaller than fourteen point; nor (6) unless the exceptions of the policy be printed with the same prominence as the benefits to which they apply:

Proviso: conditions
reducing
indemnity.

Provided, however, that any portion of such policy which purports, by reason of the circumstances under which a loss is incurred, to reduce any indemnity promised therein to an amount less than that provided for the same loss occurring under ordinary circumstances under which a loss is incurred, to reduce any indemnity promised therein to an amount less than that provided for the same loss occurring under ordinary circumstances, shall be printed in bold face type and with greater prominence than any other portion of the text of the policy.

Policies to contain
standard pro-
visions.

SEC. 3. Every such policy so issued shall contain certain standard provisions, which shall be in the words and in the order here-

inafter set forth and be preceded in every policy by the caption "Standard Provisions." In each such standard provision where-
 ever the word "insurer" is used, there shall be substituted there-
 for "company" or "corporation" or "association" or "society" or
 such other word as will properly designate the insurer. Said
 standard provisions shall be:

(1) A standard provision relative to the contract which may
 be in either of the following two forms: Form (A) to be used in
 policies which do not provide for reduction of indemnity on ac-
 count of change of occupation, and Form (B) to be used in policies
 which do so provide. If Form (B) is used and the policy pro-
 vides indemnity against loss from sickness, the words "or con-
 tracts sickness" may be inserted therein immediately after the
 words "in the event that the insured is injured":

(A) 1. This policy includes the endorsements and attached
 papers, if any, and contains the entire contract of insurance. No
 reduction shall be made in any indemnity herein provided by rea-
 son of change in the occupation of the insured or by reason of
 his doing any act or thing pertaining to any other occupation.

(B) 2. This policy includes the endorsements and attached
 papers, if any, and contains the entire contract of insurance ex-
 cept as it may be modified by the insurer's classification of risks
 and premium rates in the event that the insured is injured after
 having changed his occupation to one classified by the insurer
 as more hazardous than that stated in the policy, or while he is
 doing any act or thing pertaining to any occupation so classified,
 except ordinary duties about his residence or while engaged in
 recreation, in which event the insurer will pay only such portion
 of the indemnities provided in the policy as the premium paid
 would have purchased at the rate but within the limits so fixed
 by the insurer for such more hazardous occupation.

If the law of the state in which the insured resides at the time
 this policy is issued requires that prior to its issue a statement
 of the premium rates and classification of risks pertaining to it
 shall be filed with the state official having supervision of insur-
 ance in such state then the premium rates and classification of
 risks mentioned in this policy shall mean only such as have been
 last filed by the insurer in accordance with such law; but if such
 filing is not required by such law then they shall mean the in-
 surer's premium rates and classification of risks last made effect-
 ive by it in such state prior to the occurrence of the loss for which
 the insurer is liable.

(2) A standard provision relative to changes in the contract,
 which shall be in the following form:

2. No statement made by the applicant for insurance not in-
 cluded herein shall avoid the policy or be used in any legal pro-
 ceeding hereunder. No agent has authority to change this policy
 or to waive any of its provisions. No change in this shall be

valid unless approved by an executive officer of the insurer and such approval be endorsed hereon.

Standard provision
relative to
reinstatement.
Forms.

(3) A standard provision relative to reinstatement of policy after lapse which may be in either of the three following forms: Form (A) to be used in policies which insure only against loss from accident; Form (B) to be used in policies which insure only against loss from sickness; and Form (C) to be used in policies which insure against loss from both accident and sickness.

Form "A."

(A) 3. If default be made in the payment of the agreed premium for this policy, the subsequent acceptance of a premium by the insurer or by any of its duly authorized agents shall reinstate the policy, but only to cover loss resulting from accidental injury thereafter sustained.

Form "B."

(B) 3. If default be made in the payment of the agreed premium for this policy, the subsequent acceptance of a premium by the insurer or by any of its duly authorized agents shall reinstate the policy, but only to cover such sickness as may begin more than ten days after the date of such acceptance.

Form "C."

(C) 3. If default be made in the payment of the agreed premium for this policy, the subsequent acceptance of a premium by the insurer or by any of its duly authorized agents shall reinstate the policy, but only to cover accidental injury thereafter sustained and such sickness as may begin more than ten days after the date of such acceptance.

Standard provision
relative to time of
notice of claim.
Forms.

(4) A standard provision relative to time of notice of claim which may be in either of the three following forms: Form (A) to be used in policies which insure only against loss from accident; Form (B) to be used in policies which insure only against loss from sickness, and Form (C) to be used in policies which insure against loss from both accident and sickness. If Form (A) or Form (C) is used the insurer may at its option add thereto the following sentence: "In event of accidental death immediate notice thereof must be given to the insurer."

Form "A."

(A) 4. Written notice of injury on which claim may be based must be given to the insurer within twenty days after the date of the accident causing such injury.

Form "B."

(B) 4. Written notice of sickness on which claim may be based must be given to the insurer within ten days after the commencement of the disability from such sickness.

Form "C."

(C) 4. Written notice of injury or of sickness on which claim may be based must be given to the insurer within twenty days after the date of the accident causing such injury or within ten days after the commencement of disability from such sickness.

Standard provision
relative to suffi-
ciency of notice.

(5) A standard provision relative to sufficiency of notice of claim which shall be in the following form and in which the insurer shall insert in the blank space such office and its location as it may desire to designate for such purpose of notice.

Form.

5. Such notice given by or in behalf of the insured or beneficiary, as the case may be, to the insurer at or to any

authorized agent of the insurer, with particulars sufficient to identify the insured, shall be deemed to be notice to the insurer. Failure to give notice within the time provided in this policy shall not invalidate any claim if it shall be shown not to have been reasonably possible to give such notice and that notice was given as soon as was reasonably possible.

(6) A standard provision relative to furnishing forms for the convenience of the insured in submitting proof of loss as follows: Standard provision relative to forms for proof of loss. Form.

6. The insurer, upon receipt of such notice, will furnish to the claimant such forms as are usually furnished by it for filing proofs of loss. If such forms are not so furnished within fifteen days after the receipt of such notice the claimant shall be deemed to have complied with the requirements of this policy as to proof of loss upon submitting within the time fixed in the policy for filing proofs of loss, written proof covering the occurrence, character and extent of the loss for which claim is made.

(7) A standard provision relative to filing proof of loss which shall be in such one of the following forms as may be appropriate to the indemnities provided: Standard provision relative to filing proof of loss. Form "A."

(A) 7. Affirmative proof of loss must be furnished to the insurer at its said office within ninety days after the date of the loss for which claim is made.

(B) 7. Affirmative proof of loss must be furnished to the insurer at its said office within ninety days after the termination of the period of disability for which the company is liable. Form "B."

(C) 7. Affirmative proof of loss must be furnished to the insurer at its said office in case of claim for loss of time from disability within ninety days after the termination of the period for which the insurer is liable, and in case of claim for any other loss, within ninety days after the date of such loss. Form "C."

(8) A standard provision relative to examination of the person of the insured and relative to autopsy which shall be in the following form: Standard provision relative to examination of person and autopsy. Form.

8. The insurer shall have the right and opportunity to examine the person of the insured when and so often as it may reasonably require during the pendency of claim hereunder, and also the right and opportunity to make an autopsy in case of death where it is not forbidden by law.

(9) A standard provision relative to the time within which payments other than those for loss of time on account of disability shall be made, which provision may be in either of the following two forms and which may be omitted from any policy providing only indemnity for loss of time on account of disability. Standard provision relative to time of payments.

The insurer shall insert in the blank space either the word "immediately" or appropriate language to designate such period of time, not more than sixty days, as it may desire: Form (A) to be used in policies which do not provide indemnity for loss of time on account of disability, and Form (B) to be used in policies which do so provide.

Form "A." (A) 9. All indemnities provided in this policy will be paid after receipt of due proof.

Form "B." (B) 9. All indemnities provided in this policy for loss other than that of time on account of disability will be paid after receipt of due proof.

Standard provision relative to periodical payments. (10) A standard provision relative to periodical payments of indemnity for loss of time on account of disability, which provision shall be in the following form, and which may be omitted from any policy not providing for such indemnity. The insurer shall insert in the first blank space of the form appropriate language to designate the proportion of accrued indemnity it may desire to pay, which proportion may be all or any part not less than one-half, and in the second blank space shall insert any period of time not exceeding sixty days:

Form. Upon request of the insured and subject to due proof of loss accrued indemnity for loss of time on account of disability will be paid at the expiration of each during the continuance of the period for which the insurer is liable, and any balance remaining unpaid at the termination of such period will be paid immediately upon receipt of due proof.

Standard provision relative to indemnity payments. (11) A standard provision relative to indemnity payments which may be in either of the two following forms: Form (A) to be used in policies which designate a beneficiary, and Form (B) to be used in policies which do not designate any beneficiary other than the insured:

Form "A." (A) 11. Indemnity for loss of life of the insured is payable to the beneficiary, if surviving the insured, and otherwise to the estate of the insured. All other indemnities of this policy are payable to the insured.

Form "B." (B) 11. All the indemnities of this policy are payable to the insured.

Standard provision for cancellation. (12) A standard provision providing for cancellation of the policy may be in the instance of the insured, which shall be in the following form:

Form. 12. If the insured shall at any time change his occupation to one classified by the insurer as less hazardous than that stated in the policy, the insurer, upon written request of the insured, and surrender of the policy, will cancel the same and return to the insured the unearned premium.

Standard provision relative to rights of beneficiary. (13) A standard provision relative to the rights of the beneficiary under the policy which shall be in the following form and which may be omitted from any policy not designating a beneficiary:

Form. 13. Consent of the beneficiary shall not be requisite to surrender or assignment of this policy, or to change of beneficiary, or to any other changes in the policy.

Standard provision limiting time within which suit may be brought. (14) A standard provision limiting the time within which suit may be brought upon the policy, as follows:

14. No action at law or in equity shall be brought to recover on this policy prior to the expiration of sixty days after proof of loss has been filed in accordance with the requirements of this policy, nor shall such action be brought at all unless brought within two years from the expiration of the time within which proof of loss is required by the policy.

(15) A standard provision relative to time limitations of the policy, as follows: Standard provision relative to time limitations.

15. If any time limitation of this policy with respect to giving notice of claim or furnishing proof of loss in less than that permitted by the law of the state in which the insured resides at the time this policy is issued, such limitation is hereby extended to agree with the minimum period permitted by such law. Form.

SEC. 4. No such policy shall be so issued or delivered which contains any provision (1) relative to cancellation at the instance of the insurer; or (2) limiting the amount of indemnity to a sum less than the amount stated in the policy and for which the premium has been paid; or, (3) providing for the deduction of any premium from the amount paid in settlement of claim; or, (4) relative to other insurance by the same insurer; or, (5) relative to the age limits of the policy; unless such provisions which are hereby designated as optional standard provisions, shall be in the words and in the order in which they are hereinafter set forth, but the insurer may at its option omit from the policy any such optional standard provisions. Such optional standard provisions if inserted in the policy shall immediately succeed the standard provisions named in section three of this act. Provisions forbidden.

(1) An optional standard provision relative to cancellation of the policy at the instance of the insurer, as follows: Provisions which may be omitted.

16. The insurer may cancel this policy at any time by written notice delivered to the insured or mailed to his last address as shown by the records of the insurer together with cash or the insurer's check for the unearned portion of the premiums actually paid by the insured, and such cancellation shall be without prejudice to any claim originating prior thereto. Optional standard provision for cancellation by insurer.

(2) An optional standard provision relative to reduction of the amount of indemnity to a sum less than that stated in the policy, as follows: Form.

17. If the insured shall carry with another company, corporation, association or society other insurance covering the same loss without giving written notice to the insurer, then in that case the insurer shall be liable only for such portion of the indemnity promised as the said indemnity bears to the total amount of like indemnity in all policies covering such loss, and for the return of such part of the premiums paid as shall exceed the *pro rata* for the indemnity thus determined. Optional standard provision relative to reduction.

(3) An optional standard provision relative to deduction of premium upon settlement of claim, as follows: Form.

(3) An optional standard provision relative to deduction of premium upon settlement of claim, as follows: Optional provision for deduction of premium.

Form. 18. Upon the payment of claim hereunder any premium then due and unpaid or covered by any note or written order may be deducted therefrom.

Optional provision relative to other insurance. (4) An optional standard provision relative to other insurance by the same insurer which shall be in such one of the following forms as may be appropriate to the indemnities provided, and in the blank spaces of which the insurer shall insert such upward limits of indemnity as are specified by the insurer's classification of risks, filed as required by this act.

Form "A." (A) 19. If a like policy or policies, previously issued by the insurer to the insured be in force concurrently herewith, making the aggregate indemnity in excess of \$....., the excess insurance shall be void and all premiums paid for such excess shall be returned to the insured.

Form "B." (B) 19. If a like policy or policies, previously issued by the insurer to the insured be in force concurrently herewith, making the aggregate indemnity for loss of time on account of disability in excess of \$..... weekly, the excess insurance shall be void and all premiums paid for such excess shall be returned to the insured.

Form "C." (C) 19. If a like policy or policies, previously issued by the insurer to the insured be in force concurrently herewith, making the aggregate indemnity for loss other than that of time on account of disability in excess of \$....., or the aggregate indemnity for loss of time on account of disability in excess of \$..... weekly, the excess insurance of either kind shall be void and all premiums paid for such excess shall be returned to the insured.

Optional provision relative to age limits. (5) An optional standard provision relative to the age limits of the policy, which shall be in the following form and in the blank spaces of which the insurer shall insert such number of years as it may elect:

Form. 20. The insurance under this policy shall not cover any person under the age of years nor over the age of years. Any premium paid to the insurer for any period not covered by this policy will be returned upon request.

Conflicting provisions forbidden. SEC. 5. No such policy shall be so issued or delivered if it contains any provision contradictory, in whole or part, of any provisions contradictory, in whole or part, of any of the provisions hereinbefore in this act designated as "Standard Provisions" or as "Optional Standard Provisions"; nor shall any endorsements or attached papers vary, alter, extend, be used as a substitute for, or in any way conflict with any of the said "Standard Provisions" or the said "Optional Standard Provisions"; nor shall such policy be so issued or delivered if it contains any provision purporting to make any portion of the charter, constitution or by-laws of the insurer a part of the policy unless such portion of the charter, constitution or by-laws shall be set forth in full in the policy, but this prohibition shall not be deemed

Endorsements and attached papers to conform to policy. Provisions set forth in full.

to apply to any statement of rates of classification of risks filed with the commissioner of insurance in accordance with the provisions of this act.

SEC. 6. The falsity of any statement in the application for any policy covered by this act shall not bar the right to recovery thereunder unless such false statement was made with actual intent to deceive or unless it materially affected either the acceptance of the risk or the hazard assumed by the insurer.

False statements
in applications.

SEC. 7. The acknowledgment by any insurer of the receipt of notice given under any policy covered by this act, or the furnishing of forms for filing proofs of loss, or the acceptance of such proofs, or the investigation of any claim thereunder shall not operate as a waiver of any of the rights of the insurer in defense of any claim arising under such policy.

Acknowledgment
of notice or furnishing forms not
construed as
waiver.

SEC. 8. No alteration of any written application for insurance by erasure, insertion or otherwise, shall be made by any person other than the applicant without his written consent, and the making of any such alteration without the consent of the applicant shall be a misdemeanor. If such alteration shall be made by any officer of the insurer, or by any employee of the insurer, with the insurer's knowledge or consent, then such act shall be deemed to have been performed by the insurer thereafter issuing the policy upon such altered application.

Alteration of applica-
tion forbidden.

Misdemeanor.

Alteration charged
on insurer.

SEC. 9. A policy issued in violation of this act shall be held valid but shall be construed as provided in this act, and when any provision in such a policy is in conflict with any provision of this act the rights, duties and obligations of the insurer, the policyholder and the beneficiary shall be governed by the provisions of this act.

Construction of
policy.

SEC. 10. The policies of insurance against accidental bodily injury or sickness issued by an insurer not organized under the laws of this State may contain, when issued in this State, any provision which the law of the state, territory or district of the United States under which the insurer is organized, prescribed for insertion in such policies, and the policies of insurance against accidental bodily injury or sickness issued by an insurer organized under the laws of this State may contain, when issued or delivered in any other state, territory, district or county, any provision required by the laws of the state, territory, district or county in which the same are issued, anything in this act to the contrary notwithstanding.

Provisions of State
laws.

SEC. 11. Discrimination between individuals of the same class in the amount of premiums or rates charged for any policy of insurance covered by this act, or in the benefits payable thereon, or in any of the terms or conditions of such policy or in any other manner whatsoever is prohibited.

Discriminations
forbidden.

SEC. 12. (1) Nothing in this act, however, shall apply to or affect any policy of liability or workmen's compensation insurance or any general or blanket policy of insurance issued to any

General or blanket
policies.

municipal corporation or department thereof, or to any corporation, copartnership, association or individual employer, police or fire department, underwriter's corps, salvage bureau, or like associations or organizations, where the officers, members or employees or classes or departments thereof are insured for their individual benefit against specified accidental bodily injuries or sickness while exposed to the hazards of the occupation or otherwise in consideration of a premium intended to cover the risks of all the persons insured under such policy.

Supplemental contracts.

(2) Nothing in this act shall apply to or in any way affect contracts supplemental to contracts of life or endowment insurance where such supplemental contracts contain no provisions except such as operate to safeguard such insurance against lapse or to provide a special surrender value therefor in the event that the insured shall be totally and permanently disabled by reason of accidental bodily injury or by sickness: *Provided*, that no such supplemental contract shall be issued or delivered to any person in this State unless and until a copy of the form thereof has been submitted to and approved by the commissioner of insurance, under such reasonable rules and regulations as he shall make concerning the provisions in such contracts and their submission to and approval by him.

Proviso: approval of form.

Fraternal benefit societies.

(3) Nothing in this act shall apply to or in any way affect fraternal benefit societies.

Railroad ticket policies.

(4) The provisions of this act contained in clause (5) of section two and clauses two, three, eight and twelve of section three may be omitted from railroad ticket policies sold only at railroad stations, or at railroad ticket offices by railroad employees.

Punishment for violation of act.

SEC. 13. Any company, corporation, association, society or other insurer or any officer or agent thereof, which or who issues or delivers to any person in this State any policy in willful violation of the provisions of this act shall be punished by a fine of not more than dollars for each offense, and the commissioner of insurance may revoke the license of any company, corporation, association, society or other insurer of another state or country, or of the agent thereof, which or who willfully violates any provision of this act.

Revocation of license.

SEC. 14. All acts or parts of acts inconsistent with this act are hereby repealed.

When act effective.

SEC. 15. This act shall take effect on the first day of October, one thousand nine hundred and thirteen. Any policy covered by this act, the form of which has received the approval of the commissioner of insurance, may be issued or delivered in this State on or after the said date.

In the General Assembly read three times and ratified this the 8th day of March, 1913.

CHAPTER 92.

AN ACT TO AMEND CHAPTER 764 OF THE PUBLIC LAWS OF 1907, ENTITLED "AN ACT TO REGULATE THE PRACTICE OF OSTEOPATHY."

The General Assembly of North Carolina do enact:

SECTION 1. That section one of said act be amended by inserting after the word "osteopathy" and before the word "the," in line forty of said section, the following, "or other non-drug giving school of medical practice." Extension of law.

SEC. 2. That section two of said act be amended by striking out the word "seven," in line fifteen of said section, and inserting in lieu thereof the word "seventeen," and by striking out the word "three" in same line of said section and inserting in lieu thereof the word "four." That section two be further amended by adding at the end of said section the following: "That the provisions of this section shall apply to all other non-drug giving practitioners by whatever name known or call themselves, or of whatever school they claim to be graduates or hold diplomas, and to anyone who holds himself or herself out as being able to diagnose, treat, operate or prescribe for any human diseases, pain, injury, deformity or physical condition, and who shall offer or undertake by any means or method to diagnose, treat, operate or prescribe for any human disease, pain, injury, deformity or physical condition without the use of drugs, but shall not apply to those practicing their profession as licensed physicians, nor to Christian Scientists or masseurs or anyone following in his or her practice the orders of licensed drug-giving physicians: *Provided, however,* that all such persons so applying to said board for examination shall be examined only on the subject of anatomy, physiology, pathology, and diagnosis, by said board, but no license shall be issued by said board to those who claim to be correspondence school course graduates to practice in this State." Qualification for license.
Extension to other schools.
Examination for license.

SEC. 3. That section eight, lines three and four, be amended by striking out the words "American Osteopathic Association" and inserting in lieu thereof the words "North Carolina Osteopathic Society, Incorporated." Parent body.

SEC. 4. That said act shall be further amended by striking out section nine of said act. Other branches.

SEC. 5. That section six of said act be further amended by adding at the end thereof the following, "and the punishment prescribed in this section shall likewise apply to others embraced within the provisions of this amended act and violating any of its provisions." Punishment.

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

In the General Assembly read three times and ratified this the 8th day of March, 1913.

CHAPTER 93.

AN ACT VALIDATING THE PROBATES OF CERTAIN WILLS
PRIOR TO THE YEAR ONE THOUSAND EIGHT HUNDRED
AND SIXTY.

Preamble: probate
in other states.

Omission in
probate.

Re-probate
impossible.
No caveats filed.
Copies admitted to
probate and record.

WHEREAS, in many instances wills devising lands in this State were admitted to probate prior to the year one thousand eight hundred and sixty in other states, upon the examination of two subscribing witnesses thereto, and such examination and probate failed to show affirmatively that the signing of such witnesses of said wills was done in the presence of the testators and in the presence of each other, and because of the long lapse of time and the death of witnesses, it is now impossible to re-probate such wills; and it does not appear that any caveats or other objections were ever filed or made to such wills, or the probates thereof, and certified copies of such wills and the probates thereof have been admitted to probate and record in this State, and titles to lands in this State are held thereunder, and no objections have ever been filed or made to the probates and records of such certified copis; now, therefore,

The General Assembly of North Carolina do enact:

Wills declared good
and valid.

SECTION 1. In all cases where any will devises land in this State, and the original will was duly admitted to probate in some other state prior to the year one thousand eight hundred and sixty, and a certified copy of such will and the probate thereof has been admitted to probate and record in any county in this State, and it in any way appears from such recorded copy that there were two subscribing witnesses to such will, and its execution was proved by the examination of such witnesses when the original was admitted to probate, such will shall be held and considered, and is hereby declared to be, good and valid for the purpose of passing title to the lands devised thereby, situated in this State, as fully and completely as if the original will had been duly executed and admitted to probate and recorded in this State in accordance with the laws of this State: *Provided*, that this act shall in no way affect pending actions or suits or any vested rights.

Proviso: pending
actions and vested
rights.

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

In the General Assembly read three times and ratified this the 8th day of March, 1913.

CHAPTER 94.

AN ACT TO AMEND CHAPTER 302, PUBLIC LAWS OF 1907,
RELATING TO THE RIGHT OF EMINENT DOMAIN.

The General Assembly of North Carolina do enact:

SECTION 1. That section one, chapter three hundred and two, Public Laws of one thousand nine hundred and seven, shall be amended by adding to said section the following words: "*Provided, further,* that such company or companies shall not have the power to condemn any waterpower, right or property of any person, firm or corporation engaged in the actual service of the general public, where such power, right or property is being used or held to be used or to be developed for use in connection with or addition to any power actually used by such persons, firms or corporations serving the general public."

Proviso: water powers held for addition to power in use not subject to condemnation.

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

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

In the General Assembly read three times and ratified, this the 8th day of March, 1913.

CHAPTER 95.

AN ACT TO FORBID LIFE INSURANCE COMPANIES AND
THEIR AGENTS FROM MISREPRESENTING THE CONDI-
TION OF POLICIES.

The General Assembly of North Carolina do enact:

SECTION 1. That section four thousand seven hundred and seventy-five of The Revisal of one thousand nine hundred and five of North Carolina be amended by adding at the end thereof as section four thousand seven hundred and seventy-five (b) the following:

"No life insurance company doing business in this State, and no officer, director, solicitor or other agent thereof, shall make, issue or circulate, or cause to be made, issued or circulated any estimate, illustration, circular or statement of any sort misrepresenting the terms of the policy issued by it or the dividends or share of surplus to be received thereon, or shall use any name or title of any policy or class of policies misrepresenting the true nature thereof. Nor shall any such company, agent or broker make any misrepresentation to any person insured in said company or in any other company for the purpose of inducing or

Misrepresentation of terms of policy forbidden.

Misrepresentation of nature of policy forbidden.

Misrepresentation to induce lapse, forfeit or surrender forbidden.

tending to induce such person to lapse, forfeit or surrender his said insurance.”

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

In the General Assembly read three times and ratified, this the 8th day of March, 1913.

CHAPTER 96.

AN ACT TO PROVIDE FOR THE UPKEEP OF THE STATE ADMINISTRATION BUILDING.

The General Assembly of North Carolina do enact:

Appointment
of custodian.

SECTION 1. That the judges of the Supreme Court, the State Librarian and the Secretary of the State Historical Commission shall appoint a custodian of the administration building, who shall hold his office until his successor is appointed. The custodian of the administration building shall, under the general direction of the officials above named, have the management and control of the administration building, shall take care of the furniture and keep clean all parts of the building, keep the keys to the several rooms not occupied as offices, conduct visitors through the building whenever requested to do so, and shall perform any other duty, of which he is capable, whenever especially ordered by the above officials to do so.

Term of office.

Duty of custodian.

Salary.

SEC. 2. The custodian of the administration building shall receive as compensation for his services the sum of ninety dollars (\$90.00) per month.

When act effective.

SEC. 3. This act shall be in force and effect from and after the opening of the said administration building for the purposes of government.

In the General Assembly read three times and ratified, this the 8th day of March, 1913.

CHAPTER 97.

AN ACT TO REQUIRE CERTAIN REPORTS OF COUNTY OFFICERS WHOSE COMPENSATION IS DERIVED FROM FEES.

The General Assembly of North Carolina do enact:

Officers required to
make statements.

SECTION 1. It shall be the duty of every clerk of the Superior Court, register of deeds, sheriff, coroner, surveyor, or other county officer, whose compensation for services performed shall be derived from fees, to render to the board of county commissioners of their respective counties, on the first Monday in December of

each year a statement, verified under oath, showing: First, the Items of statement. total gross amount of all fees collected during the preceding fiscal year; second, the total amount paid out during the preceding fiscal year for clerical or office assistance. Any county officer, subject Penalty for failure. to this act, who shall refuse or fail to file such report as above provided, on or before the first Monday in December, shall be subject to a fine of twenty-five dollars (\$25), and ten dollars (\$10) additional for each day or fraction of a day such failure shall continue. The board of county commissioners shall assess and Penalty to use of school fund. collect the penalty above provided for, and apply same to the general school fund of the county. First report. The first report under this bill shall be for the fiscal year beginning December twelfth, one thousand nine hundred and thirteen.

SEC. 2. That this act shall only apply to the counties of Moore, Application of ac Union, Scotland, Pitt, Bladen, Anson, Randolph, Johnston, Wilson, Carteret, Harnett, Jones, Chowan, Wayne, Bertie, Vance, Washington, Pender, Warren, Richmond, Rowan, Haywood, Currituck, Perquimans, Halifax, and Hertford.

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

In the General Assembly read three times and ratified, this the 8th day of March, 1913.

CHAPTER 98.

AN ACT TO AMEND CHAPTER 509, PUBLIC LAWS OF 1909, IN RELATION TO A DRAINAGE DISTRICT IN HYDE COUNTY, INCLUDING MATTAMUSKEET LAKE AND THE LAND ADJACENT THERETO.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter five hundred and nine of the Public Laws of one thousand nine hundred and nine, be amended as follows: After the word "filed" in line four of section three and before the word "the" in said line, add these words: "The court Appointment of commissioner. shall appoint some freeholder of said drainage district, such commissioner and the taxpayers of said district shall have the right to petition the court as to their choice for such commissioner, and if a majority of the freeholders and taxpayers of said district Recommendation governing appointment. unite in the recommendation for the appointment of a commissioner, it shall be the duty of the court to appoint the person so recommended, whose term of office shall be two years, and of a Term of office. said drainage district."

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

In the General Assembly read three times and ratified, this the 8th day of March, 1913.

CHAPTER 99.

AN ACT TO ASSIGN QUARTERS FOR THE SUPREME COURT, THE ATTORNEY-GENERAL, THE SUPREME COURT LIBRARY, THE NORTH CAROLINA HISTORICAL COMMISSION, THE STATE LIBRARY, THE COMMISSIONER OF INSURANCE, THE SUPERINTENDENT OF PUBLIC INSTRUCTION, AND OTHER DEPARTMENTS OF THE STATE GOVERNMENT.

Preamble; re-assignment of quarters necessary.

WHEREAS, the erection of the State Administration Building in accordance with the provisions of chapter sixty-six, Public Laws of one thousand nine hundred and eleven, for the purpose, as stated in the preamble thereof, of housing in a fireproof structure the "valuable libraries, priceless manuscripts, historic relics (and) many records" of the State, has made necessary the re-assignment of quarters to certain departments of State government.

The General Assembly of North Carolina do enact:

State Library.

Hall of History,
Hall of Records
and portraits.
Historical
Commission.
Supreme Court,
Clerk of Supreme
Court.
Attorney-General.
Supreme Court
Library and
Supreme
Court records.
Basement.

SECTION 1. That the first floor of said State Administration Building shall be occupied by the State Library; the second floor by the Hall of History, Hall of Records and Portraits, and the North Carolina Historical Commission; the third floor by the Supreme Court, the Clerk of the Supreme Court, and the Attorney-General; the fourth floor by the Supreme Court Library and the Supreme Court records, and the basement of the building shall be used for storing the printed journals of the General Assembly, printed laws, Supreme Court Reports, the publications of the Board of Trustees of the State Library and of the Historical Commission, and for such other purposes as the Board of Public Buildings and Grounds may direct.

Corporation Com-
mission and State
Tax Commission.

Departments of
Labor and Print-
ing and of Public
Instruction.
Department of
Insurance.
Board of Health.
Basement.

SEC. 2. That the first floor of the present Supreme Court building shall be occupied by the Corporation Commission and the State Tax Commission, if created. The second floor of said building shall be occupied by the Department of Labor and Printing and Public Instruction. The third floor of said building shall be occupied by the Department of Insurance. The fourth floor shall be occupied by the Board of Health. The basement of said building shall be used as a store room for the departments occupying the said building and used as may be necessary by them. That the rooms in the agricultural building heretofore occupied by the Corporation Commission be placed at the disposal of the Agricultural Department.

Rooms in agricul-
tural building.

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

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

In the General Assembly read three times and ratified, this the 8th day of March, 1913.

CHAPTER 100.

AN ACT TO AMEND SECTION 1105 OF THE REVISAL OF 1905 OF NORTH CAROLINA SO AS TO ALLOW FREE TRANSPORTATION FOR TRAVELING SECRETARIES OF RAILROAD YOUNG MEN'S CHRISTIAN ASSOCIATIONS.

The General Assembly of North Carolina do enact:

SECTION 1. That section eleven hundred and five of The Re-^{Free transpor-}visal of nineteen hundred and five of North Carolina be amended ^{tation.} by adding after the word "thereof" and before the word "or" in the fourteenth line of said section the following: "or traveling secretaries of Railroad Young Men's Christian Associations."

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

In the General Assembly read three times and ratified, this the 8th day of March, 1913.

CHAPTER 101.

AN ACT TO PROVIDE FOR THE DRAINING OF WALNUT CREEK, IN WAKE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of directors of the State's Prison be ^{State's prison to} and it is hereby instructed and directed to furnish convicts to ^{drain lakes.} drain two artificial lakes, one on the east and one on the west ^{Location.} side of the Southern Railroad, near and on the north side of Walnut Creek, just outside of the limits of the city of Raleigh, said lakes being on land belonging to the State of North Carolina.

SEC. 2. That it shall further be the duty of these convicts, ^{Holes to be filled.} after these drain ditches, both main and lateral, have been cut, to fill in any holes in which water may stand after said ditches have been cut: *Provided*, that this act shall not be construed to give ^{Proviso: drainage} or grant authority to the said convicts to drain Walnut Creek. ^{of creek not} ^{authorized.}

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

In the General Assembly read three times and ratified, this the 10th day of March 1913.

CHAPTER 102.

AN ACT TO AUTHORIZE THE ISSUE OF STATE BONDS TO MEET THE EXISTING DEFICIT IN THE STATE TREASURY AND TO MAKE CERTAIN PERMANENT IMPROVEMENTS.

The General Assembly of North Carolina do enact:

Purpose of bond issue.

SECTION 1. That for the purpose of relieving the present deficit in the State Treasury, for furnishing, painting and heating the new State building, for rearranging and furnishing the Supreme Court building, and installing a new equipment in the office of the State Treasurer, and for meeting the appropriations made for permanent improvements for the several State institutions hereinafter mentioned, the State Treasurer is hereby authorized and directed to issue bonds of the State of North Carolina, payable forty years after the first day of July, one thousand nine hundred and thirteen, to an amount not to exceed the sum of one million, one hundred and forty-two thousand and five hundred dollars.

Bond issue authorized.
Maturity.

Amount.

Interest.

SEC. 2. All of said bonds shall bear interest at a rate not exceeding four per cent per annum from the first day of July, one thousand nine hundred and thirteen, until paid, which said interest shall be payable semi-annually on the first days of January and July of each and every year so long as any portion of the said bonds shall remain unpaid.

Description and denominations.

Authentication.

SEC. 3. That the bonds authorized and directed to be issued by the preceding sections shall be coupon bonds of the denomination of five hundred dollars and one thousand dollars each, as may be determined by said State Treasurer, and shall be signed by the Governor and the State Treasurer and sealed with the Great Seal of the State. The coupons thereon may be signed by the State Treasurer alone, or may have a *fac simile* of his signature printed, engraved or lithographed thereon; and the said bonds shall in all other respects be in such form as the said State Treasurer may direct, and the coupons thereon shall, after maturity, be receivable in payment of all taxes, debts, dues, licenses, fines and demands due the State of North Carolina, of any kind whatsoever, which shall be expressed on the face of said bonds. Before selling the bonds herein authorized to be issued, the Treasurer shall advertise the sale and invite sealed bids in such manner as in his judgment may seem to be the most effectual to secure the best price. He is authorized to accept bids for the entire issue or of any portion thereof, and, where the conditions are equal, he shall give the preference of purchase to the citizens of North Carolina; and he is authorized to sell the bonds herein authorized in such manner as in his judgment will produce the best price.

Coupons receivable for dues to State.

Sale of bonds.

Preference to citizens of State.

Exemption from taxation.

SEC. 4. The said bonds and coupons shall be exempt from all State, county or municipal taxation or assessment, direct or indirect, general or special, whether imposed for the purposes of

general revenue or otherwise, and the interest paid thereon shall not be subject to taxation as for income, nor shall said bonds and coupons be subject to taxation when constituting a part of the surplus of any bank, trust company or other corporation.

SEC. 5. It shall be lawful for all executors, administrators, guardians and fiduciaries generally to invest in said bonds. Investments by fiduciaries.

SEC. 6. If the financial conditions, at the time the said bonds are directed to be issued are unfavorable for the sale of bonds, then in his discretion the State Treasurer may, and he is hereby fully authorized to negotiate a temporary loan or loans upon the best obtainable terms, and execute his note therefor, and is further authorized to pay the reasonable expenses necessary to obtaining said temporary loan or loans. Temporary loans.

SEC. 7. The proceeds from the sale of said bonds are to be expended in accordance with the provisions of the general appropriation bill, enacted at this session of the General Assembly, as follows: To cover the deficit in the State treasury, six hundred thousand dollars; for equipping and painting the new administration building, seventy-five thousand dollars; for remodeling and refurnishing the Supreme Court building and furnishing the office of the State Treasurer, forty thousand dollars; for a central heating plant, forty thousand dollars; for permanent improvements at the several state institutions, as follows: State Hospital at Morganton, fifty thousand dollars; State Hospital at Goldsboro, twenty-five thousand dollars; Agricultural and Mechanical College at Raleigh, twenty-five thousand dollars; University of North Carolina, one hundred thousand dollars; the Normal and Industrial School at Greensboro, fifty thousand dollars; the Agricultural and Mechanical College for the Colored Race at Greensboro, seventeen thousand five hundred dollars; the Appalachian Training School at Boone, fifteen thousand dollars; the Cullowhee Training School, fifteen thousand dollars; Eastern Training School at Greenville, forty thousand dollars; the State Hospital for the Treatment of Tuberculosis at Montrose, twenty thousand dollars; for the purchase of land for the School for the Blind, near Raleigh, thirty thousand dollars. Appropriation of proceeds.

SEC. 8. This act shall be in effect from and after its ratification.

In the General Assembly read three times and ratified, this the 10th day of March, 1913.

CHAPTER 103.

AN ACT TO EXEMPT ACTIVE MEMBERS OF THE NATIONAL GUARD OF NORTH CAROLINA FROM ROAD AND JURY DUTY.

The General Assembly of North Carolina do enact:

Exemption to members discharging all duties.

SECTION 1. That all active members of the National Guard of North Carolina, who comply with and perform all duties required of them as members of said National Guard, be and they are hereby exempted from duty upon the public roads of the counties in which they reside, and shall also be exempt from service as jurors.

Certificate as basis of exemption.

SEC. 2. That on the first day of January and July of each year, beginning with the first day of July, one thousand nine hundred and thirteen, the commanding officer of each company, troop, battery, or division of the National Guard of North Carolina, residing in the above mentioned counties, shall file with the clerk of the Superior Court of the county in which said company, troop, battery or division is located, a statement giving the names and rank of each member of his organization who has performed all military duties required of such member during the preceding six months, and any member of such military organization whose name shall not appear upon said statement shall not receive the benefit of the exemption provided in section one hereof during the six months immediately following the filing of said statement.

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

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

In the General Assembly read three times and ratified, this the 10th day of March, 1913.

CHAPTER 104.

AN ACT TO PROVIDE FOR AID ON THE BUILDING AND EQUIPMENT OF A GENERAL SHOP BUILDING AT THE NORTH CAROLINA COLLEGE OF AGRICULTURE AND MECHANIC ARTS.

The General Assembly of North Carolina do enact:

Appropriation by Board of Agriculture ordered.

SECTION 1. That the State Board of Agriculture appropriate from the funds coming into the agricultural department during the years one thousand nine hundred and thirteen and one thousand nine hundred and fourteen the sum of twenty-five thousand dollars (\$25,000) to aid the State in the erection and equipment

Amount.

of a building to be known and used as a general shop building for the agricultural and mechanical students of the North Carolina College of Agriculture and Mechanic Arts.

SEC. 2. That the erection of said building shall commence during the current year and be completed not later than January first, one thousand nine hundred and fifteen. Beginning and completion of building.

SEC. 3. That the twenty-five thousand dollars (\$25,000) herein appropriated shall be spent under the direction of the board of trustees of the North Carolina College of Agriculture and Mechanic Arts. Direction of expenditures.

SEC. 4. That the Board of Agriculture be and is hereby authorized to borrow such sums as it may find advisable and necessary for the more speedy erection and equipment of said building. The said money is not to be borrowed unless funds are not available when the building is commenced, and the sums so borrowed are to be repaid as soon as practical from such surplus funds as may accrue to it from time to time: *Provided*, that nothing in this section shall be construed to authorize the Board of Agriculture to pledge the faith and credit of the State for the payment of any sums borrowed under this act. Power to borrow money.

SEC. 5. That this act shall be in force from and after its ratification. Proviso: faith and credit of State not to be used.

In the General Assembly read three times and ratified, this the 10th day of March, 1913.

CHAPTER 105.

AN ACT TO AMEND CHAPTER 449 OF THE PUBLIC LOCAL LAWS OF 1911.

The General Assembly of North Carolina do enact:

SECTION 1. That section twelve of chapter four hundred and forty-nine of the Public Local Laws of North Carolina of one thousand nine hundred and eleven be and the same is hereby amended by striking out the word "only" therein and by inserting after the word "county" therein the following words: "and to any other county of the State of North Carolina complying with the conditions herein required of Guilford County: *Provided*, that no other county shall use for the purposes herein designated any part of the funds provided by the State and county for the maintenance of public schools until after a six months school term shall have been provided out of said funds in every district of said county." Application of law extended.

SEC. 2. That section seven of chapter four hundred and forty-nine of the Public Local Laws of one thousand nine hundred and eleven be and the same is hereby amended by striking out the words "in said county" in lines eleven and twelve and inserting Proviso: limit of appropriation.

Application of law. in lieu thereof the following: "in such counties as may take advantage of the provisions of this act, the appropriation to be paid by the State Treasurer out of funds appropriated for the maintenance of county farm life schools, by chapter eighty-four of the Public Laws of one thousand nine hundred and eleven."

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

In the General Assembly read three times and ratified, this the 10th day of March, 1913.

CHAPTER 106.

AN ACT MAKING APPROPRIATIONS FOR STATE INSTITUTIONS.

The General Assembly of North Carolina do enact:

SECTION 1. That the sum of sixty-two thousand five hundred (\$62,500.00) dollars is hereby annually appropriated for the support and maintenance of the North Carolina School for the Deaf and Dumb, located at Morganton; and the further sum of seven thousand seven hundred and fifty (\$7,750.00) dollars for the year one thousand nine hundred and thirteen for the purpose of purchasing and installing a boiler and for the purpose of purchasing a typesetting machine.

SEC. 2. That the sum of seventy-two thousand five hundred (\$72,000.00) dollars is hereby annually appropriated for the support and maintenance of the North Carolina Institution for the Deaf and Dumb and the Blind, located at Raleigh; and the further sum of thirty thousand (\$30,000) dollars is appropriated for the purpose of the purchase of a certain tract of real estate, situate near Raleigh, adjoining the State's Prison property, for the use and benefit of said institution.

SEC. 3. That the sum of one hundred and sixty thousand (\$160,000.00) dollars is hereby annually appropriated for the support and maintenance of the State Hospital, located at Raleigh, including the Epileptic Department.

SEC. 4. That the sum of thirty-five thousand (\$35,000.00) dollars is hereby annually appropriated for the support and maintenance of the Soldiers' Home, located at Raleigh; and the further sum of two hundred and fifty (\$250.00) dollars, annually, for the years one thousand nine hundred and thirteen and one thousand nine hundred and fourteen, for the purpose of preparing and marking the graves of the Confederate dead in the Confederate Cemetery in Raleigh, or of the soldiers that may be buried there during those years.

SEC. 5. That the sum of twenty thousand (\$20,000.00) dollars annually is hereby appropriated for the support and maintenance of the Oxford Orphanage for the white race, located at Oxford.

School for deaf and dumb.

Support and maintenance.
Boiler plant and type-setting machine.

Institution for deaf and dumb and the blind.
Support and maintenance.
Purchase of location.

State hospital at Raleigh.
Support and maintenance.
Epileptic department.

Soldiers' Home.
Support and maintenance.
For preparing and marking graves.

Oxford Orphanage.

SEC. 6. That the sum of two thousand two hundred and fifty (\$2,250.00) dollars is hereby appropriated annually for the support and maintenance of the Croatan Normal School, located in Robeson County.

Croatan Normal School.

SEC. 7. That the sum of three thousand (\$3,000.00) dollars is hereby appropriated for the year one thousand nine hundred and thirteen, for the benefit of the State School for the colored race, located at Winston-Salem, one-half of said sum to be used in making improvements at said school, and the other half for the purchase of real property adjoining the real estate now owned by said school.

State school for colored race at Winston-Salem.

Improvements.

Purchase of property.

SEC. 8. That the sum of eighteen thousand (\$18,000.00) dollars is hereby annually appropriated for the support and maintenance of the Stonewall Jackson Training School, located near Concord; and the further sum of seven thousand (\$7,000.00) dollars is hereby annually appropriated for the years of one thousand nine hundred and thirteen, and one thousand nine hundred and fourteen, for buildings or other necessary improvements.

Stonewall Jackson Training School.

Support and maintenance.

Improvements.

SEC. 9. That the sum of two hundred (\$200.00) dollars annually is hereby appropriated for the years one thousand nine hundred and thirteen and one thousand nine hundred and fourteen, for the erection of monuments at Guilford Battle Ground in Guilford County; and the sum of five hundred (\$500.00) dollars annually is hereby appropriated for the Guilford Battle Ground Company.

Guilford Battle Ground.

SEC. 10. That the sum of two hundred (\$200.00) dollars per annum is hereby appropriated for the purpose of caring for and maintaining the North Carolina room in the Confederate Museum at Richmond, Virginia. This appropriation to be paid by the State Treasurer to the United Daughters of the Confederacy, or under their direction for the above named purpose.

North Carolina Room in Confederate Museum.

SEC. 11. That the sum of one hundred and ninety-five thousand (\$195,000.00) dollars is hereby annually appropriated for the support and maintenance of the State Hospital, located at Morganton; and the further sum of fifty thousand (\$50,000.00) dollars is hereby appropriated for the purpose of erecting a necessary additional building or buildings at said institution.

State Hospital at Morganton.

Support and maintenance.

Building.

SEC. 12. That the sum of ninety-five thousand (\$95,000.00) dollars is hereby annually appropriated for the support and maintenance of the University of North Carolina, located at Chapel Hill; and the further sum of fifty thousand (\$50,000.00) dollars annually for the years of one thousand nine hundred and thirteen and one thousand nine hundred and fourteen, for the purpose of making permanent improvements at said institution.

University of North Carolina.

Support and maintenance.

Permanent improvements.

SEC. 13. That the sum of ninety thousand (\$90,000.00) dollars is hereby annually appropriated for the support and maintenance of the State Normal and Industrial School, located at Greensboro; and the sum of five thousand (\$5,000.00) dollars annually for the maintenance of the summer school at said insti-

State Normal and Industrial School.

Support and maintenance.

Summer school.

Permanent improvements.

tution; and the further sum of fifty thousand (\$50,000.00) dollars is hereby appropriated for the purpose of making permanent improvements at said institution.

Sanitarium for tuberculosis.
Support and maintenance.
Maintenance of indigent patients.

SEC. 14. That the sum of twelve thousand and five hundred (\$12,500.00) dollars is hereby appropriated annually for the support and maintenance of the North Carolina Sanitarium for the Treatment of Tuberculosis, located at Montrose; and the further sum of seven thousand five hundred (\$7,500.00) dollars is hereby appropriated annually for the support and maintenance of indigent patients at said institution; and the sum of twenty thousand (\$20,000.00) dollars is hereby appropriated for the year one thousand nine hundred and thirteen for the purpose of erecting an additional building for the patients in that institution.

Additional building.

College of Agriculture and Mechanic Arts.

SEC. 15. That the sum of eighty thousand (\$80,000.00) dollars is hereby appropriated for the year one thousand nine hundred and thirteen, for the support and maintenance of the College of Agriculture and Mechanic Arts, located at Raleigh; and the sum of eighty-five thousand (\$85,000.00) dollars is hereby appropriated for the year one thousand nine hundred and fourteen, for the same purpose; and the further sum of twenty-five thousand (\$25,000.00) dollars is hereby appropriated to be used in the erection of an industrial shop building; and the sum of five thousand (\$5,000.00) dollars is hereby appropriated to be used in repairs of buildings in existence at said institution.

Support and maintenance 1913.
Support and maintenance 1914.

Shop building.

Repairs.

State Hospital at Goldsboro.
Support and maintenance.
Permanent improvements.

SEC. 16. That the sum of ninety thousand (\$90,000.00) dollars is hereby annually appropriated for the support and maintenance of the State Hospital for the Colored Race at Goldsboro; and the sum of twenty-five thousand (\$25,000.00) dollars is hereby appropriated for the year one thousand nine hundred and thirteen for the purpose of making permanent improvements at said institution.

Oxford Orphanage colored.
Support and maintenance.

SEC. 17. That the sum of six thousand (\$6,000.00) dollars is hereby appropriated annually for the support and maintenance of the Oxford Orphanage for the Colored Race, located at Oxford; and the further sum of four thousand (\$4,000.00) dollars is appropriated for the year one thousand nine hundred and thirteen for the purpose of making permanent improvements at said institution.

Permanent improvements.

Appalachian Training School.
Support and maintenance.

SEC. 18. That the sum of twelve thousand five hundred (\$12,500.00) dollars is hereby annually appropriated for the support and maintenance of the Appalachian Training School at Boone; and the further sum of fifteen thousand (\$15,000.00) dollars is appropriated for the year one thousand nine hundred and thirteen for permanent improvements at said institution.

Permanent improvements.

Cullowhee Normal and Industrial School.

SEC. 19. That the sum of ten thousand (\$10,000.00) dollars is hereby appropriated annually for the support and maintenance of the Cullowhee Normal and Industrial School, at Cullowhee; and the further sum of fifteen thousand (\$15,000.00) dollars is hereby appropriated for the year one thousand nine hundred and thirteen for permanent improvements at said institution.

Support and maintenance.
Permanent improvements.

SEC. 20. That the sum of forty-five thousand (\$45,000.00) dollars is hereby appropriated annually for the support and maintenance of the East Carolina Teachers' Training School, located at Greenville; and the further sum of forty thousand (\$40,000.00) dollars is hereby appropriated for the year one thousand nine hundred and thirteen for permanent improvements at said institution; and the further sum of six thousand (\$6,000.00) dollars is hereby appropriated to pay certain debts heretofore incurred by the institution.

East Carolina Teachers Training School.
Support and maintenance.
Permanent improvements.
Payment of debt.

SEC. 21. That the sum of twelve thousand five hundred (\$12,500.00) dollars is hereby annually appropriated for the years one thousand nine hundred and thirteen and one thousand nine hundred and fourteen for the support and maintenance of the A. & M. College for the Colored Race, located at Greensboro; and the further sum of seventeen thousand five hundred (\$17,500.00) dollars is hereby appropriated for the year one thousand nine hundred and thirteen for the purpose of making permanent improvements at said institution.

Agricultural and Mechanical College for colored race.
Permanent improvements.

SEC. 22. That of the foregoing appropriations, the following amounts appropriated in this act for permanent improvements are to be provided for by the issuance and sale of bonds in the way designated by an act of the General Assembly ratified at this session of the Legislature, to wit:

Appropriations provided for by bond issues.

State Hospital at Morganton.....	\$50,000.00
Goldsboro Hospital for Colored Race.....	25,000.00
Agricultural College at Raleigh.....	25,000.00
University of North Carolina.....	100,000.00
Normal and Industrial School, Greensboro....	50,000.00
A. & M. College, Greensboro, for Colored Race.	17,500.00
Appalachian Training School.....	15,000.00
Cullowhee Normal and Industrial School.....	15,000.00
East Carolina Teachers' Training School.....	40,000.00
Tuberculosis Hospital, Montrose.....	20,000.00
Land for Blind School.....	30,000.00

SEC. 23. That all laws heretofore enacted granting appropriations to any of the institutions named in this act, or making appropriations for their use and benefit, are hereby repealed.

Laws repealed.

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

In the General Assembly read three times and ratified, this the 10th day of March, 1913.

CHAPTER 107.

AN ACT REGULATING THE USE OF AUTOMOBILES IN
NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Terms defined.

SECTION 1. That the term and words "motor vehicles" used in this act shall be construed to mean all vehicles propelled by any power other than muscular power, except traction engines, road rollers, fire wagons, engines, police patrol wagons, ambulances, and such vehicles as run only upon rails or tracks. The term "owner" shall include any person, firm, association or corporation owning a motor vehicle or renting a motor vehicle, or having the exclusive use thereof under a lease or otherwise. The term "public highway" or "highways" shall be construed to mean any public highway, township, county or State road, or any country road, any public street, alley, park, parkway, driving or public place in any city, village or town. The term and words "business portion of any city or village" shall be construed to mean the territory of a city or incorporated village contiguous to a public highway which is at that point either wholly or partially built up with structures devoted to business.

Application for registration.

SEC. 2. Every owner of a motor vehicle which shall be operated or driven upon the public highways of this State, either by himself, his chauffeur or another of his authority, shall, for each motor vehicle owned, except as herein otherwise expressly provided, cause to be filed in the office of the Secretary of State an application for registration on a blank to be furnished by the Secretary of State for that purpose, containing a brief description of the motor vehicle to be registered, including the name, maker's or manufacturer's number, style of machine and horsepower, the name and address of the owner, and such other information as the Secretary of State may deem necessary.

Description of vehicle.

Filing of application.

SEC. 3. Upon receipt of an application for registration of a motor vehicle or vehicles as provided in this act, the Secretary of State shall file such application in his office and register such motor vehicle or vehicles with the name and residence of the owner, together with the facts stated in such application, in a book or index to be kept for the purpose, under the distinctive number assigned to such motor vehicle by the Secretary of State, which book or index shall be open to inspection during reasonable business hours.

Book open to inspection.

Assignment of number.

SEC. 4. Upon the filing of such application and the payment of the fees provided in this act, the Secretary of State shall assign to such motor vehicle a distinctive number, and without expense to the applicant, issue and deliver to the owner a certificate of registration in such form as the Secretary of State may determine, and shall also furnish to such applicant a display number as hereinafter provided for.

Certificate of registration.

Display number.

<p>SEC. 5. All certificates of registration shall expire on June thirtieth, following date of issue.</p>	<p>Expiration of certificate.</p>
<p>SEC. 6. That the following license fee or registration fee shall be charged and collected annually on motor vehicles registered under the provisions of this act:</p>	<p>License or registration fee.</p>
<p>On each motor vehicle having a rating of twenty-five horsepower, or less, a registration fee of five dollars. On each motor vehicle having a rating of more than twenty-five horsepower and not more than forty horsepower, a registration fee of seven dollars and fifty cents. On each motor vehicle having a rating of over forty horsepower, a registration fee of ten dollars. On each motorcycle a registration fee of two dollars: <i>Provided</i>, that any applicant for registration of a motor vehicle on and after March first of each year, shall be required to pay for said registration for the balance of the registration year ending June thirtieth only one-half of the registration fee provided for in this section.</p>	<p>Twenty-five horsepower or less. Twenty-five to forty horsepower. Over forty horsepower. Motorcycle. Proviso: fee on application after March 1st.</p>
<p>SEC. 7. That all fees collected by the Secretary of State under the provisions of this act shall be paid to the State Treasurer monthly, who shall keep a separate account of the same, and shall, as soon as practicable after July first of each year, pay to the treasurer of each county eighty per cent of the gross revenue derived under the provisions of this act from such county during the preceding registration year, such sum to be applied to the road fund of said county, and to no other purpose: <i>Provided</i>, that wherever there is a road district lying in two counties, eighty per cent of the gross revenue derived as aforesaid under the provisions of this act from motor vehicle owners residing in such district shall be paid into the road fund of said district. The Secretary of State shall provide all blanks, books and other supplies necessary to furthering the provisions of this act, securing the same, as far as may be, from the State Printer; and all other necessary expenses, including clerical assistance, shall be paid monthly from the revenue derived from this act by warrant of the Auditor upon the State Treasurer, said account to be approved by the Governor and Council of State.</p>	<p>Fees paid to treasurer. Separate accounts. Apportionment to counties. Proviso: road districts. Blanks, books and supplies. Other expenses.</p>
<p>SEC. 8. Upon the sale of a motor vehicle registered under the provisions of this act, the registered owner shall, within ten days from the date of such sale, return to the Secretary of State his certificate of registration, together with the display number furnished him as hereinafter provided for, which certificate of registration shall be canceled by the Secretary of State and the number reissued: <i>Provided</i>, that such registered owner may, at the time of returning such certificate, upon proper application for transfer filed in the office of the Secretary of State, and the payment of a transfer fee of two dollars, have a new certificate of registration issued to him, containing the original registration number, for a motor vehicle owned by him, which is not licensed under the law. Such certificate shall remain in force until June thirtieth following date of issue. That nothing in this section</p>	<p>Return and cancellation of certificate on sale of vehicle. Proviso: transfer of certificate. Transfer fee. Term of certificate.</p>

Forbidden transfers.

is to be construed as authorizing the transfer of any registration certificate from one person to another.

Secretary of State to furnish display numbers.
Display of number.

SEC. 9. That in addition to the certificate of registration provided for in section four of this act, the Secretary of State shall furnish to each registered owner one display number, which shall at all times be conspicuously displayed by such owner on the rear of the registered motor vehicle for which said display number is issued. Such display number shall be made of suitable metal, at least four inches in width and not more than twelve inches in length, and shall contain the number assigned to such motor vehicle in numerals not less than three inches long, each stroke of which shall be at least three-fourths of an inch in width, and shall also contain the letters "N. C." in letters of suitable size, the size and position of the letters to be determined by the Secretary of State. The numerals on such number shall always be of contrasting color to the background, and said number shall be so fastened to the motor vehicle as to be easily seen at all times, and shall be kept reasonably clean by the owner of such registered motor vehicle. In case of the loss or destruction of a display number, the Secretary of State, upon proper proof thereof filed with him, and the payment of one dollar, shall secure for such owner a duplicate number, and the Secretary of State may, in his discretion, authorize the applicant for duplicate number to have prepared for use a temporary number, until the duplicate can be made and furnished. It shall be deemed a violation of this act for any person to display a fictitious number, or more than one display number on any motor vehicle operated on the highways of this State.

Specifications for display numbers.

Color of numbers.

Duplicates.

Temporary numbers.

Display of more than one number or fictitious number forbidden.

Colors change annually.

SEC. 10. The display numbers shall be of a distinctive different color or shade each year, to be designated by the Secretary of State.

Applications by manufacturers or dealers.

SEC. 11. Every person, firm, association or corporation manufacturing or dealing in motor vehicles handled for purposes of sale only, may, instead of registering such motor vehicles so manufactured or dealt in, make a verified application upon a blank to be furnished by the Secretary of State for a general distinctive number for all motor vehicles owned or controlled 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 an annual registration fee of ten dollars, such person, firm, association or corporation shall be assigned a distinctive number, to be used by them in the operation of all motor vehicles used for demonstration purposes on the public highways, and the Secretary of State shall furnish to such dealers as many duplicates of such display number as they may desire, upon application to him and the payment of one dollar for each duplicate: *Provided*, that nothing in this section shall be construed to apply to

Registration fee.

Assignment of number.

Duplicates.

Proviso: vehicles for private use or hire.

a motor vehicle operated by any manufacturer or dealer for private use or for hire.

SEC. 12. That nonresident owners or operators of motor vehicles shall be subject to the same requirements and laws as resident owners or operators: *Provided*, that the nonresident owner of a motor vehicle which is properly registered under the laws of another state, district or territory, shall be exempt for a period of fifteen days during each calendar year from the registration provisions of this act, as contained in section six hereof: *Provided, further*, that nothing herein contained shall be construed to exempt any motor vehicle used for hire by a nonresident.

Nonresident owners or operators.
 Proviso: exemption to nonresidents.
 Proviso: vehicles used for hire.

SEC. 13. That no person shall operate a motor vehicle upon the public highways of this State who is under the age of sixteen years, and no person shall operate a motor vehicle when intoxicated, or in a race, or on a bet or wager, or for the purpose of making a record: *Provided*, nothing herein contained shall prevent racing on private racecourses or tracks.

Minimum age for operators.
 Intoxicated persons.
 Races, bets, wagers, records.
 Proviso: racing on private tracks.

SEC. 14. Every motor vehicle operated or driven upon the public highways of this State shall be provided with adequate brakes in good working order and sufficient to control such vehicle at all times when the same is in use, and a suitable and adequate bell, horn, or other device for signaling, and shall during the period from one-half hour after sunset to one-half hour before sunrise, display at least two lighted lamps on the front and one on the rear of such vehicle, which shall also display a red light visible from the rear. The rays of such rear lamp shall shine upon the number plate carried on the rear of such vehicle in such manner as to render the numerals thereon visible at least fifty feet in the direction in which the motor vehicle is proceeding: *Provided*, that the lamps on such vehicle need not be lighted when the vehicle is standing under the rays of a light and can be plainly seen, and that one light displayed on the front of a motorcycle shall be deemed a compliance with this section.

Brakes.
 Signals.
 Lights.
 Illumination of number plate.
 Proviso: lights when standing.

SEC. 15. A person operating or driving a motor vehicle shall, on signal by raising the hand, from a person riding, leading, or driving a horse or horses or other draft animals, bring such motor vehicle immediately to a stop, and if traveling in the opposite direction, remain stationary so long as may be reasonable to allow such horse or other animal to pass, and if traveling in the same direction, use reasonable caution in thereafter passing such horse or other animal: *Provided*, that in case such horse or other animal appears badly frightened, or the person operating such motor vehicle is so signaled to do, such person shall cause the motor of the motor vehicle to cease running so long as shall be reasonably necessary to prevent accident and insure the safety of others; and it shall also be the duty of any male chauffeur or driver of any motor vehicle, and other male occupants thereof over the age of fifteen years while passing any horse or horses or other draft animals which appear frightened, upon the

Stops on signal.
 Proviso: stoppage of engine.
 Male occupants to render assistance.

Slow down or stop on passing street cars.	request of the person in charge of and driving such horse or horses or other draft animals, to give such personal assistance as would be reasonable to insure the safety of all persons concerned and to prevent accident. In approaching or passing a car of a street railway which has been stopped to allow passengers to alight or embark, the operator of every motor vehicle shall slow down, and if it be necessary for the safety of the public, he shall
Circumstances calling for reduction of speed and for signal.	bring said vehicle to a full stop. Upon approaching a pedestrian who is upon the traveled part of any highway, and not upon a sidewalk, and upon approaching any intersecting highway or a curve, or a corner in a highway where the operator's view is obstructed every person operating a motor vehicle shall slow down and give a timely signal with his bell, horn or other device for signaling. Upon approaching an intersecting highway, a bridge, dam, sharp curve, or steep descent, and also in traversing such intersecting highway, bridge, dam, curve or descent, a person operating a motor vehicle shall have it under control and operate it at such speed, not to exceed seven miles an hour, having regard to the traffic then on such highway and the safety of the public.
Places calling for control of vehicle.	SEC. 16. Whenever a person operating a motor vehicle shall meet on a public highway any other person riding or driving a horse or horses or other draft animals, or any other vehicle, the person so operating such motor vehicle and the person so riding or driving a horse, horses, or other draft animals, shall reasonably turn the same to the right of the center of such highway so as to pass without interference. Any person so operating a motor vehicle shall, on overtaking any such horse, draft animal or other vehicle, pass on the left side thereof, and the rider or driver of such horse, draft animal or other vehicle shall, as soon as practicable, turn to the right so as to allow free passage on the left.
Limit of speed.	Any person so operating a motor vehicle shall, at the intersection of a public highway, keep to the right of the intersection of the center of such highway, when turning to the right, and pass to the right of such intersection when turning to the left.
Rule of the road.	SEC. 17. No person shall operate a motor vehicle upon the public highways of this State recklessly, or at a rate of speed greater than is reasonable and proper, having regard to the width, traffic and use of the highway, or so as to endanger the property or the life or limb of any person: <i>Provided</i> , that a rate of speed in excess of fifteen miles per hour in the residence portion of any city, town, or village, and a rate of speed in excess of ten miles per hour in the business portion of any city, town or village, and a rate of speed in excess of twenty-five miles per hour on any public highway outside of the corporate limits of any incorporated city or town shall be deemed a violation of this section: <i>Provided, further</i> , that nothing in this section shall be construed to curtail or abridge the right of the governing board of any city or town to pass ordinances regulating the speed of motor vehicles in said city or town, but no greater rate of speed shall be allowed than is permitted by this act.
Passing in opposite directions.	SEC. 17. No person shall operate a motor vehicle upon the public highways of this State recklessly, or at a rate of speed greater than is reasonable and proper, having regard to the width, traffic and use of the highway, or so as to endanger the property or the life or limb of any person: <i>Provided</i> , that a rate of speed in excess of fifteen miles per hour in the residence portion of any city, town, or village, and a rate of speed in excess of ten miles per hour in the business portion of any city, town or village, and a rate of speed in excess of twenty-five miles per hour on any public highway outside of the corporate limits of any incorporated city or town shall be deemed a violation of this section: <i>Provided, further</i> , that nothing in this section shall be construed to curtail or abridge the right of the governing board of any city or town to pass ordinances regulating the speed of motor vehicles in said city or town, but no greater rate of speed shall be allowed than is permitted by this act.
Passing in same direction.	SEC. 17. No person shall operate a motor vehicle upon the public highways of this State recklessly, or at a rate of speed greater than is reasonable and proper, having regard to the width, traffic and use of the highway, or so as to endanger the property or the life or limb of any person: <i>Provided</i> , that a rate of speed in excess of fifteen miles per hour in the residence portion of any city, town, or village, and a rate of speed in excess of ten miles per hour in the business portion of any city, town or village, and a rate of speed in excess of twenty-five miles per hour on any public highway outside of the corporate limits of any incorporated city or town shall be deemed a violation of this section: <i>Provided, further</i> , that nothing in this section shall be construed to curtail or abridge the right of the governing board of any city or town to pass ordinances regulating the speed of motor vehicles in said city or town, but no greater rate of speed shall be allowed than is permitted by this act.
Rule at intersection of roads.	SEC. 17. No person shall operate a motor vehicle upon the public highways of this State recklessly, or at a rate of speed greater than is reasonable and proper, having regard to the width, traffic and use of the highway, or so as to endanger the property or the life or limb of any person: <i>Provided</i> , that a rate of speed in excess of fifteen miles per hour in the residence portion of any city, town, or village, and a rate of speed in excess of ten miles per hour in the business portion of any city, town or village, and a rate of speed in excess of twenty-five miles per hour on any public highway outside of the corporate limits of any incorporated city or town shall be deemed a violation of this section: <i>Provided, further</i> , that nothing in this section shall be construed to curtail or abridge the right of the governing board of any city or town to pass ordinances regulating the speed of motor vehicles in said city or town, but no greater rate of speed shall be allowed than is permitted by this act.
Speed regulations.	SEC. 17. No person shall operate a motor vehicle upon the public highways of this State recklessly, or at a rate of speed greater than is reasonable and proper, having regard to the width, traffic and use of the highway, or so as to endanger the property or the life or limb of any person: <i>Provided</i> , that a rate of speed in excess of fifteen miles per hour in the residence portion of any city, town, or village, and a rate of speed in excess of ten miles per hour in the business portion of any city, town or village, and a rate of speed in excess of twenty-five miles per hour on any public highway outside of the corporate limits of any incorporated city or town shall be deemed a violation of this section: <i>Provided, further</i> , that nothing in this section shall be construed to curtail or abridge the right of the governing board of any city or town to pass ordinances regulating the speed of motor vehicles in said city or town, but no greater rate of speed shall be allowed than is permitted by this act.
Proviso: limits of speed rate.	SEC. 17. No person shall operate a motor vehicle upon the public highways of this State recklessly, or at a rate of speed greater than is reasonable and proper, having regard to the width, traffic and use of the highway, or so as to endanger the property or the life or limb of any person: <i>Provided</i> , that a rate of speed in excess of fifteen miles per hour in the residence portion of any city, town, or village, and a rate of speed in excess of ten miles per hour in the business portion of any city, town or village, and a rate of speed in excess of twenty-five miles per hour on any public highway outside of the corporate limits of any incorporated city or town shall be deemed a violation of this section: <i>Provided, further</i> , that nothing in this section shall be construed to curtail or abridge the right of the governing board of any city or town to pass ordinances regulating the speed of motor vehicles in said city or town, but no greater rate of speed shall be allowed than is permitted by this act.
Proviso: powers of cities and towns.	SEC. 17. No person shall operate a motor vehicle upon the public highways of this State recklessly, or at a rate of speed greater than is reasonable and proper, having regard to the width, traffic and use of the highway, or so as to endanger the property or the life or limb of any person: <i>Provided</i> , that a rate of speed in excess of fifteen miles per hour in the residence portion of any city, town, or village, and a rate of speed in excess of ten miles per hour in the business portion of any city, town or village, and a rate of speed in excess of twenty-five miles per hour on any public highway outside of the corporate limits of any incorporated city or town shall be deemed a violation of this section: <i>Provided, further</i> , that nothing in this section shall be construed to curtail or abridge the right of the governing board of any city or town to pass ordinances regulating the speed of motor vehicles in said city or town, but no greater rate of speed shall be allowed than is permitted by this act.

SEC. 18. That no person shall throw, place or deposit any glass or other sharp or cutting substance, or any injurious obstruction in or upon any of the public highways of this State.

Obstruction of highway.

SEC. 19. That no person shall use or operate any motor vehicle owned by another, without the knowledge or consent expressed or implied of such owner, on any public highway or elsewhere in this State: *Provided*, this section shall not be construed to repeal or in any way affect chapter one hundred and twenty-six, Public Laws of one thousand nine hundred and seven and acts amendatory thereof.

Unauthorized use of vehicle forbidden.

Proviso: former law not affected.

SEC. 20. That any person violating any provision of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars, or imprisoned not exceeding thirty days.

Violation of act misdemeanor. Punishment.

SEC. 21. That for the purpose of enforcing the provisions of this act, it is hereby made the duty of every police officer, every marshal, deputy marshal or watchman, of any incorporated city or village, and every sheriff, deputy sheriff, and every and all other lawful officers of any county, and every constable of any township, to arrest, within the limits of their jurisdiction, any person known personally to any such officer, or upon the sworn information of a credible witness, to have violated any of the provisions of this act, and to immediately bring such offender before any justice of the peace or officer having jurisdiction, and any such person so arrested shall have the right of immediate trial and all other rights given to any person arrested for having committed a misdemeanor. That each and every of the officers herein named who shall neglect or refuse to carry out the duties imposed by this act, shall be liable on his official bond for such neglect or refusal, as provided by law in like cases.

Officers charged with enforcement of law. Duty of officers.

Immediate trial.

Officers liable on bond.

SEC. 22. That chapter four hundred and forty-five, Public Laws of one thousand nine hundred and nine, and amendments thereto, and all laws and clauses of laws in conflict with this act are hereby repealed: *Provided*, that all licenses, transfers and renewals issued under chapter four hundred and forty-five, Public Laws of one thousand nine hundred and nine, prior to April first, one thousand nine hundred and thirteen, shall remain in full force and effect until June thirtieth, one thousand nine hundred and thirteen.

Laws repealed.

Proviso: licenses heretofore issued.

SEC. 23. That this act shall be in full force and effect from and after the first day of April, one thousand nine hundred and thirteen.

When act effective.

In the General Assembly read three times and ratified this the 10th day of March, 1913.

CHAPTER 108.

AN ACT TO PROVIDE AN ADDITIONAL SERVANT FOR THE SUPREME COURT.

The General Assembly of North Carolina do enact:

Employment authorized.

Pay.

Proviso: positions and places not abolished.

When act effective.

SECTION 1. That the justices of the Supreme Court are authorized to employ one additional servant for service in the Supreme Court, to be carried on the pay rolls at ten dollars and fifty cents per week, and paid as the other servants now in employ of the State are paid: *Provided, however,* that nothing in this act shall be construed to abolish any of the positions and places of any of the present employees and assistants now connected with the Supreme Court in the present building.

SEC. 2. That this act shall be in force from and after the first day of July, one thousand nine hundred and thirteen.

In the General Assembly read three times and ratified, this the 10th day of March, 1913.

CHAPTER 109.

AN ACT TO PROVIDE FOR THE REGISTRATION OF ALL BIRTHS AND DEATHS IN THE STATE OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

State Board of Health given charge.

Instructions, forms and blanks.

Local and central registration.

Uniform and thorough enforcement.

Recommendation for additional legislation.

State Registrar.

Central bureau.

Fireproof space.

Registration districts.

SECTION 1. That the State Board of Health shall have charge of the registration of births and deaths, shall prepare the necessary instructions, forms and blanks for obtaining and preserving such records, and shall procure the faithful registration of the same in each local registration district as constituted in section three of this act, and in the central bureau of vital statistics at the capital of the State. The said board shall be charged with the uniform and thorough enforcement of the law throughout the State, and shall from time to time recommend to the General Assembly any additional legislation that may be necessary for this purpose.

SEC. 2. That the Secretary of the State Board of Health shall be State Registrar of Vital Statistics, and shall have general supervision over the central bureau of vital statistics, which is hereby authorized to be established by said board. Adequate fireproof space in one of the State buildings for filing cases for the death and birth certificates made and returned under this act shall be provided by the Committee on Public Buildings and Grounds.

SEC. 3. That for the purposes of this act the State shall be divided into registration districts as follows: Each city, each

incorporated town, and each township shall constitute a local registration district.

SEC. 4. That within ninety days after the taking effect of this act, or as soon thereafter as possible, the chairman of every board of county commissioners in the State of North Carolina shall appoint a local registrar of vital statistics for each township in his county, and the mayor of every incorporated town or city in the State of North Carolina shall appoint a local registrar of vital statistics for his town or city, and the chairmen of the boards of county commissioners and the mayors of the cities or towns shall notify the State Registrar, in writing, of the name and address of each local registrar so appointed. The term of office of each local registrar so appointed shall be four years, beginning with the first day of January of the year in which the local registrar is appointed, and until his successor has been appointed and has qualified, unless such office shall sooner become vacant by death, disqualification, operation of law, or other cause: *Provided*, that in cities where health officers or other officials are, in the judgment of the State Board of Health, conducting effective registration of births and deaths under local ordinances at the time of the taking effect of this act, such officials may be appointed as registrars in and for such cities, and shall be subject to the rules and regulations of the State Registrar, and to all the provisions of this act. Any vacancy occurring in the office of local registrar of vital statistics shall be filled for the unexpired term by a local registrar appointed by the same official who appointed the local registrar whose retirement creates the vacancy. Any chairman of a board of county commissioners or mayor of a city or town who appoints a local registrar to fill a vacancy in the office of local registrar shall notify the State Registrar, in writing, of the name and address of the local registrar so appointed. At least ten days before the expiration of the term of office of any such local registrar, his successor shall be appointed by the chairman of the board of county commissioners for the township local registration office, and by the mayor of the city or town for the town or city registration office.

Appointment of local registrars.

Notification to State Registrar.

Term of office.

Proviso: city health officers as registrars.

Vacancies.

Notification to State Registrar.

Appointment of successors.

Removal by State Registrar.

Any local registrar who, in the judgment of the Secretary of the State Board of Health, fails or neglects to discharge efficiently the duties of his office as laid down in this act, or who fails to make prompt and complete returns of all births and deaths, as required thereby, shall be forthwith removed from his office by the Secretary of the State Board of Health and such other penalties may be imposed as are provided under section twenty-two of this act.

Each local registrar shall, immediately upon his acceptance of appointment as such, appoint a deputy, whose duty it shall be to act in his stead in case of absence, illness or disability, and such deputy shall in writing accept such appointment, and be subject to all rules and regulations governing local registrars. And when

Local registrars to appoint deputies.

Acceptance by deputy.

Sub-registrars.

it may appear necessary for the convenience of the people in any rural district, the local registrar is hereby authorized, with the approval of the State Registrar, to appoint one or more suitable persons to act as sub-registrars, who shall be authorized to receive certificates and to issue burial or removal permits in and for such portions of the district as may be designated; and each sub-registrar shall note on each certificate, over his signature, the date of filing, and shall forward all certificates to the local registrar of the district within ten days, and in all cases before the third day of the following month: *Provided*, that each sub-registrar shall be subject to the supervision and control of the State Registrar, and may be by him removed for neglect or failure to perform his duties in accordance with the provisions of this act or the rules and regulations of the State Registrar, and he shall be subject to the same penalties for neglect of duties as the local registrar.

Certificates forwarded to local registrar.

Proviso: supervision and control of State Registrar.

Removal for cause.

Permit for burial, removal or other disposition of dead bodies.

SEC. 5. That the body of any person whose death occurs in this State, or which shall be found dead therein, shall not be interred, deposited in a vault or tomb, cremated or otherwise disposed of, or removed from or into any registration district, or be temporarily held pending further disposition more than seventy-two hours after death, unless a permit for a burial, removal or other disposition thereof shall have been properly issued by the local registrar of the registration district in which the death occurred or the body was found. And no such burial or removal permit shall be issued by any registrar until a complete and satisfactory certificate of death has been filed with him as hereinafter provided: *Provided*, that outside of incorporated towns and cities and within incorporated towns having a population of five hundred or less, no burial permit shall be required, but the registrar or sub-registrar shall within ten days after any and every burial of any human body within their district obtain the information herein required concerning deaths and report the same as herein required: *Provided, further*, that when a dead body is transported into a registration district in North Carolina for burial, the transit and removal permit, issued in accordance with the law and health regulations of the place where the death occurred, shall be accepted by the local registrar of the district into which the body has been transported for burial or other disposition, as a basis upon which he may issue a local burial permit. He shall note upon the face of the burial permit the fact that it was a body shipped in for interment, and give the actual place of death; and no local registrar shall receive any fee for the issuance of burial or removal permits under this act other than the compensation provided in section twenty.

Certificate of death.

Proviso: localities exempt from burial permits.

Registrar to ascertain and report deaths.

Proviso: burial permits for bodies brought into district.

Shipment of body and place of death noted.

Compensation of registrar.

Registration of stillborn children.

SEC. 6. That a stillborn child shall be registered as a birth and also as a death, and separate certificates of both birth and death shall be filed with the local registrar, in the usual form and manner, the certificate of birth to contain in place of the name

Certificate of birth.

of the child, the word "stillbirth": *Provided*, that a certificate of birth and a certificate of death shall not be required for a child that has not advanced to the fifth month of uterogestation. The medical certificate of the cause of death shall be signed by the attending physician, if any, and shall state the cause of death as "stillborn," with the cause of the stillbirth, if known, whether a premature birth, and, if born prematurely, the period of uterogestation, in months, if known; and a burial or removal permit of the prescribed form shall be required. Midwives shall not sign certificates of death for stillborn children; but such cases, and stillbirths occurring without attendance of either physician or midwife, shall be treated as deaths without medical attendance, as provided for in section eight of this act.

Proviso: certificate of death in miscarriage.

Medical certificate.

Burial or removal permit.

Midwives shall not sign certificates.

Deaths without medical attendance

SEC. 7. That the certificate of death shall contain the following items, which are hereby declared necessary for the legal, social and sanitary purposes subserved by registration records:

Items of death certificate.

(1) Place of death, including state, county, township, or town, village or city. If in a city, the ward, street and house number; if in a hospital or other institution, the name of the same to be given instead of the street and house number. If in an industrial camp, the name of the camp to be given.

Place of death.

(2) Full name of decedent. If an unnamed child, the surname preceded by "Unnamed."

Name of decedent.

(3) Sex.

Sex.

(4) Color or race—as white, black, mulatto (or other negro descent), Indian, Chinese, Japanese, or other.

Color or race.

(5) Conjugal condition—as single, married, widowed, or divorced.

Conjugal condition.

(6) Educational attainments—as illiterate, able to read and write, common school education or equivalent, high school education or equivalent, college education or equivalent. If the deceased is less than fifteen years of age the educational attainments of the mother, if living, or of the father, if living, or of the guardian in the order named, shall be given.

Educational attainments.

(7) Date of birth, including the year, month and day.

Educational attainments of parent or guardian.

(8) Age, in years, months and days. If less than one day, the hours or minutes. If exact information is unobtainable, give approximate age.

Date of birth.

(9) Occupation. The occupation to be reported of any person who had any remunerative employment, stating (a) trade, profession or particular kind of work; (b) general nature of industry, business or establishment in which employed (or employer).

Age.

(10) Birthplace; at least state or foreign country, if known.

Occupation.

(11) Name of father.

Birthplace.

(12) Birthplace of father; at least state or foreign country, if known.

Name of father.

(13) Maiden name of mother.

Birthplace of father.

(14) Birthplace of mother; at least state or foreign country, if known.

Maiden name of mother.

Birthplace of mother.

Signature and address of informant.	(15) Signature and address of informant.
Signature of registrar.	(16) Official signature of registrar, with the date when certificate was filed, and registered number.
Date of death.	(17) Date of death—year, month and day.
Certification as to medical attendance.	(18) Certification as to medical attendance on decedent, fact and time of death, time last seen alive, and the cause of death, with contributory secondary cause or complication, if any, and duration of each, and whether attributed to dangerous or insanitary conditions of employment; signature, date of signature, and address of physician or official making the medical certificate.
Length of residence in institutions and hospitals.	(19) Length of residence (for inmates of hospitals and other institutions; transients or recent residents) at place of death and in the State, together with the place where disease was contracted, if not at place of death, and former or usual residence.
Place and date of burial.	(20) Place of burial or removal; date of burial.
Signature and address of undertaker.	(21) Signature and address of undertaker or person acting as such.
Authentication of items.	The personal and statistical particulars (items one to thirteen) shall be authenticated by the signature of the informant, who may be any competent person acquainted with the facts.
Authentication of disposition of body.	The statement of facts relating to the disposition of the body shall be signed by the undertaker or person acting as such.
Authentication of medical certificate.	The medical certificate shall be made and signed by the physician, if any, who last treated the deceased for the disease or injury which caused death, and such physician shall specify the time in attendance, the time he last saw the deceased alive, and the hour of the day at which death occurred, and he shall further state the cause of death, so as to show the course of disease or sequence of causes resulting in the death, giving first the name of the disease causing death (primary cause), and the contributory (secondary) cause, if any, and the duration of each. Indefinite and unsatisfactory terms, denoting only symptoms of disease or conditions resulting from disease, will not be held sufficient for the issuance of a burial or removal permit; and any certificate containing any such indefinite or unsatisfactory terms, as defined by the State Registrar, shall be returned to the physician or person making the medical certificate for correction and more definite statement. Causes of death, which may be the result of either disease or violence, shall be carefully defined; and, if from violence, the means of injury shall be stated, and whether (probably) accidental, suicidal, or homicidal. And in deaths in hospitals, institutions, or of nonresidents, the physician shall supply the information required under this head (item eighteen), if he is able to do so, and may state where, in his opinion, the disease was contracted.
Items of medical certificate.	
Indefinite and unsatisfactory terms.	
Certificates returned.	
Cause of death carefully defined.	
Deaths in hospitals, institutions or of nonresidents.	
Notice of death without medical attendance.	SEC. 8. That in case of any death occurring without medical attendance, it shall be the duty of the undertaker or person acting as such to notify the local registrar of such death, and when so notified the registrar shall, prior to the issuance of the permit,

inform the local health officer and refer the case to him for immediate investigation and certification: *Provided*, that when the local health officer is not a qualified physician, or when the death takes place in a township registration district, or where there is no such official, and in such cases only, the registrar is authorized to make the certificate and return from the statement of relatives or other persons having adequate knowledge of the facts: *Provided, further*, that if the registrar has reason to believe that the death had been due to unlawful act or neglect, he shall then refer the case to the coroner or other proper officer for his investigation and certification. And any coroner or other proper officer whose duty it is to hold an inquest on the body of any deceased person, and to make the certificate of death required for a burial permit, shall state in his certificate the name of the disease causing death, or if from external causes, (1) the means of death; and (2) whether (probably) accidental, suicidal, or homicidal; and shall, in any case, furnish such information as may be required by the State Registrar in order properly to classify the death.

Sec. 9. The undertaker, or person acting as undertaker, shall file the certificate of death with the local registrar of the district in which the death occurred, and obtain a burial or removal permit, prior to any disposition of the body. The undertaker or person acting as such shall obtain the required personal and statistical particulars from the person best qualified to supply them, over the signature and address of his informant. The undertaker or person acting as such shall then present the certificate to the attending physician, if any, or to the health officer or coroner, as directed by the local registrar, for the medical certificate of the cause of death and other particulars necessary to complete the record, as specified in sections seven and eight. And the undertaker or person acting as such shall then state the facts required relative to the date and place of burial, over his signature and with his address, and present the completed certificate to the local registrar in order to obtain a permit for burial, removal or other disposition of the body. The undertaker or person acting as such shall deliver the burial permit to the person in charge of the place of burial, before interring or otherwise disposing of the body; or shall attach the removal permit to the box containing the corpse, when shipped by any transportation company; said permit to accompany the corpse to its destination, where, if within the State of North Carolina, it shall be delivered to the person in charge of the place of burial.

Every person, firm or corporation selling a casket shall keep a record showing the name of the purchaser, purchaser's post-office address, name of deceased, date of death, and place of death of deceased, which record shall be open to inspection of the State Registrar or his agent at all times. On the first day of each month the person, firm or corporation selling caskets shall report to the State Registrar each sale for the preceding month, on a

Reference to local health officer.
Proviso: certificates from statements of relatives and other persons.

Proviso: reference to coroner.

Certificate of coroner.

Undertaker to file certificate of death and obtain permit.

Personal and statistical particulars.

Medical certificate.

Facts relative to burial.

Completed certificate to registrar.

Delivery of burial permit.

Record of sales of caskets.

Records open to inspection.
Monthly reports to State Registrar.

- Proviso: wholesale dealers and undertakers in charge of burial. blank provided for that purpose: *Provided, however,* that no person, firm or corporation selling caskets to dealers or undertakers only shall be required to keep such record, nor shall such report be required from undertakers when they have direct charge of the disposition of a dead body.
- Notices, blanks and regulations to be enclosed in casket. Every person, firm or corporation selling a casket at retail, and not having charge of the disposition of the body, shall enclose within the casket a notice furnished by the State Registrar, calling attention to the requirements of the law, a blank certificate of death, and the rules and regulations of the State Board of Health concerning the burial or other disposition of a dead body.
- Permit if burial be within State. SEC. 10. That if the interment, or other disposition of the body is to be made within the State, the wording of the burial or removal permit may be limited to a statement by the registrar, over his signature, that a satisfactory certificate of death having been filed with him, as required by law, permission is granted to inter, remove or dispose otherwise of the body, stating the name, age, sex, cause of death, and other necessary details upon the form prescribed by the State Registrar.
- Interment without permit forbidden. SEC. 11. That no person in charge of any premises in which interments are made shall inter or permit the interment or other disposition of any body unless it is accompanied by a burial, removal or transit permit, as herein provided. And such person shall endorse upon the permit the date of interment, over his signature, and shall return all permits so endorsed to the local registrar of his district within ten days from the date of interment. He shall also keep a record of all bodies interred or otherwise disposed of on the premises under his charge, in each case stating the name of each deceased person, place of death, date of burial or disposal, and name and address of the undertaker; which record shall at all times be open to official inspection: *Provided,* that the undertaker, or person acting as such, when burying a body in a cemetery or burial ground having no person in charge, shall sign the burial or removal permit, giving the date of burial, and shall write across the face of the permit the words "No person in charge," and file the burial or removal permit within ten days with the registrar of the district in which the cemetery is located.
- Endorsement and return of permits. Record of interments. Record open for inspection. Proviso: burials in grounds having no person in charge. SEC. 12. That the birth of each and every child born in this State shall be registered as hereinafter provided.
- Registration of births. SEC. 13. That within ten days after the date of each birth there shall be filed with the local registrar of the district in which the birth occurred a certificate of such birth, which certificate shall be upon the form adopted by the State Board of Health with a view of procuring a full and accurate report with respect to each item of information enumerated in section fourteen of this act.
- Certificate filed within ten days. Form adopted by State Board. In each case where a physician, midwife, or person acting as midwife, was in attendance upon the birth, it shall be the duty of such physician, midwife or person acting as midwife, to file in accordance herewith the certificate herein contemplated.
- Physician, midwife or person acting as midwife to file certificate.

In each case where there was no physician, midwife or person acting as midwife, in attendance upon the birth, it shall be the duty of the father or mother of the child, the householder or owner of the premises where the birth occurred, or the manager or superintendent of the public or private institution where the birth occurred, each in the order named, within ten days after the date of such birth, to report to the local registrar the fact of such birth. In such case and in case the physician, midwife, or person acting as midwife, in attendance upon the birth is unable, by diligent inquiry, to obtain any item or items of information contemplated in section fourteen of this act, it shall then be the duty of the local registrar to secure from the person so reporting, or from any other person having the required knowledge such formation as will enable him to prepare the certificate of birth herein contemplated, and it shall be the duty of the person reporting the birth or who may be interrogated in relation thereto, to answer correctly and to the best of his knowledge all questions put to him by the local registrar which may be calculated to elicit any information needed to make a complete record of the birth as contemplated by said section fourteen, and it shall be the duty of the informant as to any statement made in accordance herewith to verify such statement by his signature, when requested so to do by the local registrar.

Certificates where no physician, midwife, or person acting as midwife was in attendance.

Local registrar to secure information.

Person reporting birth to afford information.

Verification of statement.

SEC. 14. That the certificate of birth shall contain the following items, which are hereby declared necessary for the legal, social, and sanitary purposes subserved by registration records:

Items of certificate of births.

(1) Place of birth, including state, county, township or town, village or city. If in a city, the ward, street, and house number; if in a hospital or other institution, the name of the same to be given, instead of the street and house number.

Place of birth.

(2) Full name of child. If the child dies without a name before the certificate is filed, enter the surname preceded by "Unnamed." If the living child has not yet been named at the date of filing certificate of birth, the space for "full name of child" is to be left blank, to be filled out subsequently by a supplemental report, as hereinafter provided.

Full name of child.

(3) Sex of child.

Sex.

(4) Whether a twin, triplet, or other plural birth. A separate certificate shall be required for each child in case of plural births.

Twins, triplets or other plural births.

(5) For plural births, number of each child in order of birth.

Order in plural births.

(6) Legitimate or illegitimate: *Provided*, that in illegitimate births the word "illegitimate" shall be written across the face of the certificate and all items on the certificate which would in any way reveal the identity of the father, mother, or illegitimate child itself shall be omitted.

Legitimate or illegitimate.

Items omitted when birth illegitimate.

(7) Date of birth, including the year, month and day.

Date of birth.

(8) Full name of father: *Provided*, that if the child is illegitimate, the name of the putative father shall not be entered without his consent, but the other particulars relating to the putative

Name of father. *Proviso*: omissions in cases of illegitimate births.

father (items nine to thirteen) may be entered if known, otherwise as "Unknown."

- Residence of father. (9) Residence of father.
- Color or race. (10) Color or race of father.
- Educational attainments. (11) Educational attainments—illiterate, able to read and write, common school education or equivalent, high school education or equivalent, college education or equivalent.
- Age of father. (12) Age of father at last birthday, in years.
- Birthplace of father. (13) Birthplace of father; at least state or foreign country, if known.
- Occupation of father. (14) Occupation of father. The occupation to be reported if engaged in any remunerative employment, with the statement of (a) trade, profession, or particular kind of work; (b) general nature of industry, business or establishment in which employed (or employer).
- Maiden name of mother. (14) Maiden name of mother.
- Residence of mother. (16) Residence of mother.
- Color or race of mother. (17) Color or race of mother.
- Educational attainments. (18) Educational attainments—illiterate, able to read and write, common school education or equivalent, high school education or equivalent, college education or equivalent.
- Age of mother. (19) Age of mother at last birthday, in years.
- Birthplace of mother. (20) Birthplace of mother; at least state or foreign country, if known.
- Occupation of mother. (21) Occupation of mother. The occupation to be reported if engaged in any remunerative employment, with the statement of (a) trade, profession, or particular kind of work; (b) general nature of industry, business or establishment in which employed (or employer).
- Number of children born. (22) Number of children born to this mother, including present birth.
- Number of children living. (23) Number of children of this mother living.
- Certification of attending physician or midwife. (24) The certification of attending physician or midwife as to attendance at birth, including statement of year, month, day (as given in item seven), and hour of birth, and whether the child was born alive or stillborn. This certification shall be signed by the attending physician or midwife, with date of signature and address; if there is no physician or midwife in attendance, then by the father or mother of the child, householder, owner of the premises, or manager or superintendent of public or private institution where the birth occurred, or other competent person, each in the order named, whose duty it shall be to notify the local registrar of such birth, as required by section thirteen of this act.
- Certificate if no physician or midwife is in attendance.
- Date of filing. (25) Exact date of filing in office of local registrar, attested
- Registered number. by his official signature, and registered number of birth, as hereinafter provided.
- Blank for report of name. SEC. 15. That when any certificate of birth of a living child is presented without the statement of the given name, then the local

registrar shall make out and deliver to the parents of the child a special blank for the supplemental report of the given name of the child, which shall be filled out as directed, and returned to the local registrar as soon as the child shall have been named.

SEC. 16. That all superintendents or managers, or other persons in charge of hospitals, almshouses, lying-in or other institutions, public or private, to which persons resort for treatment of diseases, confinement, or are committed by process of law, shall make a record of all the personal and statistical particulars relative to the inmates in their institutions at the date of approval of this act, which are required in the forms of the certificates provided for by this act, as directed by the State Registrar; and thereafter such record shall be, by them, made for all future inmates at the time of their admittance. And in case of persons admitted or committed for treatment of disease, the physician in charge shall specify for entry in the record the nature of the disease, and where, in his opinion, it was contracted. The personal particulars and information required by this section shall be obtained from the individual himself if it is practicable to do so; and when they can not be so obtained, they shall be obtained in as complete a manner as possible from relatives, friends or other persons acquainted with the facts.

Persons in charge of institutions to record personal and statistical particulars of inmates.

Record of nature of disease.

Obtainment of facts.

SEC. 17. That the State Registrar shall prepare, have printed, and supply to all registrars all blanks and forms used in registering, recording and preserving the returns, or in otherwise carrying out the purposes of this act; and shall prepare and issue such detailed instructions as may be required to procure the uniform observance of its provisions and the maintenance of a perfect system of registration; and no other blanks shall be used than those supplied by the State Registrar. He shall carefully examine the certificates received monthly from the local registrars, and if any such are incomplete or unsatisfactory he shall require such further information to be supplied as may be necessary to make the record complete and satisfactory. And all physicians, midwives, informants, or undertakers, and all other persons having knowledge of the facts, are hereby required to supply, upon a form provided by the State Registrar or upon the original certificate, such information as they may possess regarding any birth or death upon demand of the State Registrar, in person, by mail, or through the local registrar: *Provided*, that no certificate of birth or death, after its acceptance for registration by the local registrar, and no other record made in pursuance of this act, shall be altered or changed in any respect otherwise than by amendments properly dated, signed and witnessed. The State Registrar shall further arrange, bind and permanently preserve the certificates in a systematic manner, and shall prepare and maintain a comprehensive and continuous card index of all births and deaths registered; said index to be arranged alphabetically, in the case of deaths, by the names of decedents,

State Registrar to prepare and supply blanks and forms.

Detailed instructions.

Examination and completion of certificates.

Persons required to supply information.

Proviso: authentication as to changes.

Arrangement, preservation and binding of certificates.

Alphabetical arrangement.

Information as to infectious, contagious or communicable and dangerous diseases.	and in the case of births, by the names of fathers and mothers. He shall inform all registrars what diseases are to be considered infectious, contagious, or communicable and dangerous to the public health, as decided by the State Board of Health, in order that when deaths occur from such diseases proper precautions may be taken to prevent their spread.
Copies of certificates evidence of age of children.	At the expiration of five years after the ratification of this act, certified copies of birth registration certificates shall be accepted by public school authorities in this State as <i>prima facie</i> evidence of age of children registering for school attendance and no other proof shall be required. At the expiration of fourteen years from the passage of this act, certified copies of birth registration certificates shall be required by all factory inspectors, and employers of youthful labor, as <i>prima facie</i> proof of age, and no other proof shall be required from children born in this State or states which for fourteen years previous to the date of such certificate have had registration laws essentially identical with this act: <i>Provided</i> , that when it is not possible to secure such certified copy of birth registration certificate for any child, the school authorities and factory inspectors may accept as secondary proof of age any competent evidence by which the age of persons is usually established.
Certificates required by factory inspectors and employers of youthful labor.	If any cemetery company or association, or any church or historical society or association, or any other company, society or association, or any individual, is in possession of any record of births or deaths which may be of value in establishing the genealogy of any resident of this State, such company, society, association or individual may file such record or a duly authenticated transcript thereof with the State Registrar, and it shall be the duty of the State Registrar to preserve such record or transcript and to make a record and index thereof in such form as to facilitate the finding of any information contained therein. Such record and index shall be open to inspection by the public, subject to such reasonable conditions as the State Registrar may prescribe. If any person desires a transcript of any record filed in accordance herewith, the State Registrar shall furnish the same upon application, together with a certificate that it is a true copy of such record, as filed in his office, and for his services in so furnishing such transcript and certificate he shall be entitled to a fee of (fifty cents per hour or fraction of an hour necessarily consumed in making such transcript) and to a fee of fifty cents for the certificate, which fees shall be paid by the applicant.
Proviso: secondary evidence.	SEC. 18. That each local registrar shall supply blank forms of certificates to such persons as require them. Each local registrar shall carefully examine each certificate of birth or death when presented for record in order to ascertain whether or not it has been made out in accordance with the provisions of this act and the instructions of the State Registrar; and if any certificate of death is incomplete or unsatisfactory, it shall be his duty to call atten-
Copies of ancient records filed with State Registrar.	
Preservation, record and index.	
Record and index open to inspection.	
Certified transcript of record.	
Fee for transcript and certificate.	
Local registrars to supply blanks. Examination of certificate.	
Correction.	

tion to the defects in the return, and to withhold the burial or removal permit until such defects are corrected. All certificates, either of birth or of death, shall be written legibly, in durable black ink, and no certificate shall be held to be complete and correct that does not supply all of the items of information called for therein, or satisfactorily account for their omission. If the certificate of death is properly executed and complete, he shall then issue a burial or removal permit to the undertaker: *Provided*, that in case the death occurred from some disease which is held by the State Board of Health to be infectious, contagious or communicable and dangerous to the public health, no permit for the removal or other disposition of the body shall be issued by the registrar, except under such conditions as may be prescribed by the State Board of Health. If a certificate of birth is incomplete, the local registrar shall immediately notify the informant, and require him to supply the missing items of information if they can be obtained. He shall number consecutively the certificates of birth and death, in two separate series, beginning with number one for the first birth and the first death in each calendar year, and sign his name as registrar in attest of the date of filing in his office. He shall also make a complete and accurate copy of each birth and each death certificate registered by him in a record book supplied by the State Registrar, which record book the local registrar shall deposit with the register of deeds of the county not later than the fifteenth of January each year. And the register of deeds shall keep an index, as devised and supplied him by the State Registrar, of the births and deaths that have occurred in the county, and these records shall be open at all times to official inspection. And he shall, on the tenth day of each month, transmit to the State Registrar all original certificates registered by him for the preceding month. And if no births or no deaths occurred in any month the local registrar shall, on the tenth day of the following month, report that fact to the State Registrar, on a card provided for such purpose.

SEC. 19. That each local registrar shall be paid the sum of twenty-five cents for each birth certificate and each death certificate properly and completely made out and registered with him, correctly recorded and promptly returned by him to the State Registrar, as required by this act. And in case no births or deaths were registered during any month, the local registrar shall be entitled to be paid the sum of twenty-five cents for each report to that effect, but only if such report be made promptly as required by this act. All amounts payable to a local registrar under the provisions of this section shall be paid by the treasurer of the county in which the registration district is located, upon certification by the State Registrar. And the State Registrar shall certify every three months to the treasurers of the several counties the number of births and deaths properly registered, with the names of the local registrars and the amounts due each

Requirements of certificates.

Issue of permit.

Proviso: deaths from infectious, tagious or communicable and dangerous diseases.

Procurement of missing items.

Numbering certificates.

Attestation.

Record books.

Deposit of record books.

Index of records.

Records for official inspection.

Transmission of original certificates.

Report of no deaths or births.

Pay of local registrars.

Payment by county.

Certificates for payment.

- Proviso: county commissioners may make special agreements. at the rates fixed herein: *Provided*, that the chairman of the board of county commissioners of the several counties may have the right to make such agreements with the several local registrars and subregistrars as may be agreed upon between said chairman and the local registrars or subregistrars as to the compensation to be paid local registrars or subregistrars.
- Certified copy of records. SEC. 20. That the State Registrar shall, upon request, supply to any applicant a certified copy of the record of any birth or death registered under provisions of this act, for the making and certification of which he shall be entitled to a fee of fifty cents, to be paid by the applicant: *Provided*, that the United States Census Bureau may obtain, without expense to the State, transcripts or certified copies of births and deaths without payment of the fees herein prescribed. And any such copy of the record of a birth or death, when properly certified by the State Registrar, shall be *prima facie* evidence in all courts and places of the facts therein stated. For any search of the files and records when no certified copy is made, the State Registrar shall be entitled to a fee of fifty cents for each hour or fractional part of an hour of time of search, said fee to be paid by the applicant. And the State Registrar shall keep a true and correct account of all fees by him received under these provisions, and turn the same over to the treasurer of the State Board of Health.
- Fee. Disposal of dead body without permit. SEC. 21. That any person, who for himself or as an officer, agent or employee of any other person, or of any corporation or partnership, (a) shall inter, cremate or otherwise finally dispose of the dead body of a human being, or permit the same to be done, or shall remove said body from the primary registration district in which the death occurred or the body was found, without the authority of a burial or removal permit issued by the local registrar of the district in which the death occurred or in which the body was found; or (b) shall refuse or fail to furnish correctly any information in his possession, or shall furnish false information affecting any certificate or record, required by this act; or (c) shall willfully alter, otherwise than as provided by section seventeen of this act, or shall falsify any certificate of birth or death, or any record established by this act; or (d) being required by this act to fill out a certificate of birth or death and file the same with the local registrar, or deliver it, upon request, to any person charged with the duty of filing the same, shall fail, neglect or refuse to perform such duty in the manner required by this act; or (e) being a State Registrar, a chairman of a board of county commissioners, a mayor of a city or town, a local registrar, a deputy registrar, or subregistrar, shall fail, neglect or refuse to perform his duty as required by this act and by the instructions and direction of the State Registrar thereunder, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall for the first offense be fined not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00), and for each subsequent
- Proviso: transcripts to Census Bureau. Copy of record *prima facie* evidence. Fee for search. Fees to treasurer of State Board of Health. Or refusal to furnish information. Or furnishing false information. Or alter or falsify record or certificate. Or fail, neglect or refuse to perform any duty. Or being an officer fail, neglect or refuse to perform any duty. Guilty of misdemeanor. Punishment: first offense.

offense not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00), or be imprisoned in the county jail not more than thirty days, or be both fined and imprisoned in the discretion of the court.

SEC. 22. That each local registrar is hereby charged with the strict and thorough enforcement of the provisions of this act in his registration district, under the supervision and direction of the State Registrar. And he shall make an immediate report to the State Registrar of any violation of this law coming to his knowledge, by observation or upon complaint of any person or otherwise.

The State Registrar is hereby charged with the thorough and efficient execution of the provisions of this act in every part of the State, and is hereby granted supervisory power over local registrars, deputy local registrars, and subregistrars, to the end that all of its requirements shall be uniformly complied with. The State Registrar, either personally or through an accredited representative, shall have authority to investigate cases of irregularity or violation of law, and all registrars shall aid him, upon request, in such investigations. When he shall deem it necessary, he shall report cases of violation of any of the provisions of this act to the prosecuting attorney of the county, or the solicitor of the district, with a statement of the facts and circumstances; and when any such case is reported to him by the State Registrar, the prosecuting attorney or solicitor of the district, as the case may be, shall forthwith initiate and promptly follow up the necessary court proceedings against the person or corporation responsible for the alleged violation of law. And upon request of the State Registrar, the Attorney-General shall likewise assist in the enforcement of the provisions of this act.

SEC. 23. That for the purposes of the thorough execution of this act the sum of ten thousand dollars, or as much thereof as may be necessary, is hereby annually appropriated to be paid by the State Auditor on requisition signed by the president and secretary of the State Board of Health. The printing and stationery necessary for the execution of this act shall be supplied by the State Printer upon the requisition of the State Registrar.

SEC. 24. That all laws and parts of laws in conflict with the provisions of this act are hereby repealed; and no system for the registration of births and deaths shall be continued or maintained in any of the several municipalities of this State other than the one provided for and established by this act.

SEC. 25. That this act shall be in force and effect on and after the first day of July, one thousand nine hundred and thirteen.

In the General Assembly read three times and ratified, this the 10th day of March, 1913.

Subsequent offenses.

Duty of local registrar.

Reports of violation of act.

Duty of State Registrar.

Powers.

Investigation of irregularity or violation of law.

Reports to prosecuting officers.

Action by prosecuting officers mandatory.

Assistance or Attorney-General.

Appropriation.

Printing and stationery.

Repealing clause.

Local systems abrogated.

When act effective.

CHAPTER 110.

AN ACT TO PERMIT NOTARIES PUBLIC AND OTHER OFFICERS WHO ARE STOCKHOLDERS IN BUILDING AND LOAN ASSOCIATIONS TO TAKE ACKNOWLEDGMENTS AND PROOF OF EXECUTION OF DEEDS OF TRUST AND MORTGAGES EXECUTED TO SECURE INDEBTEDNESS TO SAID BUILDING AND LOAN ASSOCIATIONS, AND VALIDATING PROBATES HERETOFORE MADE.

The General Assembly of North Carolina do enact:

Probates by stockholders or directors valid.

SECTION 1. That no acknowledgment or proof of execution, including the privy examination of any married woman, of any mortgage or deed of trust executed to secure the payment of any indebtedness to any building and loan association shall hereafter be, or held to be, invalid by reason of the fact that the clerk of the Superior Court, justice of the peace or notary public or other officer taking such acknowledgment, proof of execution or privy examination, is a stockholder or director in said building and loan association.

Probates and registrations heretofore had validated.

SEC. 2. That all acknowledgments and proofs of execution, including privy examination of married women, of any mortgage or deed of trust executed to secure the payment of any indebtedness to any building and loan association, prior to the first day of January, one thousand nine hundred and thirteen, shall not be, nor held to be, invalid by reason of the fact that the clerk of the Superior Court, justice of the peace, notary public or other officer taking such acknowledgment, proof of execution or privy examination was a stockholder in said building and loan association; but such proofs and acknowledgment of all such instruments, and the registration thereof, if in all other respects valid, are hereby declared to be valid. Nor shall the registration of any such mortgage or deed of trust ordered to be registered by any clerk of the Superior Court, or deputy clerk, be or held to be invalid by reason of the fact that the clerk of the Superior Court, or deputy clerk, ordering such mortgage or deed of trust to be registered, was a stockholder in any building and loan association, whose indebtedness is secured in such mortgage or deed of trust.

Order for registration valid.

SEC. 3. That this act shall not be construed to authorize any officer or director of any building and loan association to take the acknowledgment or proof of execution of any deed, mortgage or deed of trust executed to secure the payment of any indebtedness to any building and loan association.

Officers and directors not authorized to take probates.

SEC. 4. That this act shall not apply to pending litigation.

Pending litigation.

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

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

In the General Assembly read three times and ratified this the 10th day of March, 1913.

CHAPTER 111.

AN ACT TO AMEND SECTION 3945 OF THE REVISAL OF 1905, AS AMENDED BY CHAPTER 670 OF THE LAWS OF 1907.

The General Assembly of North Carolina do enact:

SECTION 1. Add after the words "name and address of the manufacturer" in line eighteen of section one of chapter six hundred and seventy of the Public Laws of one thousand nine hundred and seven, before the words "in bone meal," in line nineteen of said section:

"And in addition to the above, attach to each bag a plainly printed tag or brand or print on the bag, the percentage of water soluble nitrogen, and where potash is claimed as sulphate, it must be derived from high grade commercial sulphate of potash."

Water soluble nitrogen.

Potash claimed as sulphate.

SEC. 2. Amend said section three thousand nine hundred and forty-five of The Revisal of one thousand nine hundred and five by striking out at the end of said section the words "and the requirements of the law have been complied with."

Compliance with law stated.

SEC. 3. That this act shall be in force from and after December fifteenth, one thousand nine hundred and thirteen.

When act effective.

In the General Assembly read three times and ratified this the 11th day of March, 1913.

CHAPTER 112.

AN ACT RELATING TO CERTAIN ENTRIES OF LAND ON SLICK ROCK CREEK IN GRAHAM COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That all entries of land on the waters of Slick Rock Creek, in Graham County, and grants issued thereon, if the same shall be otherwise legal and valid, are hereby declared to be good and valid for the purpose of showing title in such enterers or grantees from the State of North Carolina, as against any and all persons, firms or corporation claiming the same land under, by or through grants therefor issued by the state of Tennessee, notwithstanding that the same lands have been heretofore granted by this State, but such subsequent grants shall not affect any title claimed by virtue of grants issued by this State.

Grants good and valid as against grants from Tennessee.

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

Grants by this State not affected.

In the General Assembly read three times and ratified this the 11th day of March, 1913.

CHAPTER 113.

AN ACT RELATIVE TO FISHING IN DARE COUNTY.

The General Assembly of North Carolina do enact:

Dutch and pound
nets forbidden.
Territory affected.

SECTION 1. That it shall be unlawful for any person, firm or corporation to set any dutch or pound net within the space or area of water bounded and described as follows: Beginning at Hollowell's Wharf, at Nag's Head, and running thence a due west course to the channel in Roanoke Sound; thence northwest to the Currituck County line; thence with said Currituck County line to the shore.

Misdemeanor.
Punishment.

SEC. 2. That any person violating this act shall be guilty of a misdemeanor and upon conviction shall be fined fifty dollars or imprisoned thirty days in the discretion of the court.

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

In the General Assembly read three times and ratified this the 11th day of March, 1913.

CHAPTER 114.

AN ACT TO PROVIDE FOR THE ELECTION OF UNITED STATES SENATORS BY THE PEOPLE AND FOR THE FILLING OF TEMPORARY VACANCIES BY THE GOVERNOR.

The General Assembly of North Carolina do enact:

Vacancies to be
filled by Governor.

SECTION 1. That whenever there shall be a vacancy in the office of United States Senator from this State caused by death, resignation or otherwise than by expiration of a term, the Governor shall appoint to fill the vacancy till there shall be an election.

Vacancies filled by
election.

SEC. 2. That if such vacancy shall occur more than thirty days before any general state election, the Governor shall issue his writ for the election by the people, at the next general election, of a Senator to fill the unexpired part of the term, and said election shall take effect from the date of the canvassing of the returns, which shall take place at the same time and in the same way as the canvassing of the returns for state officers.

Election for
vacancies by
expiration of term.

SEC. 3. That United States Senators to fill vacancies caused by the expirations of regular terms shall be elected by the people at the last regular election before each vacancy shall occur as now provided for state officers, and the tickets shall be furnished, blanks sent out and returns made as for state officers, and the returns canvassed and results declared in the same way.

When act effective.

SEC. 4. That this act shall be in full force and effect from and after the time that the proposed Seventeenth Amendment to the Constitution of the United States embodied in resolution ten en-

titled "Joint resolution ratifying the Seventeenth Amendment to the Constitution of the United States," ratified the twenty-fifth day of January, one thousand nine hundred and thirteen, by the General Assembly of North Carolina, shall be ratified by a sufficient number of states and become in full force and effect.

In the General Assembly read three times and ratified this the 11th day of March, 1913.

CHAPTER 115.

AN ACT TO AUTHORIZE AND EMPOWER THE BOARD OF TRUSTEES OF THE APPALACHIAN TRAINING SCHOOL AT BOONE, NORTH CAROLINA, TO SELL AND CONVEY A SITE FROM THE LANDS OWNED BY SAID APPALACHIAN TRAINING SCHOOL, FOR A DEPOT, TO THE WATAUGA AND YADKIN RIVER RAILROAD COMPANY, AND TO DONATE OR SELL SAID RAILROAD COMPANY A RIGHT OF WAY FOR CONSTRUCTING SAID RAILROAD.

The General Assembly of North Carolina do enact:

SECTION 1. That the trustees of the Appalachian Training School at Boone, North Carolina, are hereby authorized and empowered to sell and convey a site for depot, not to exceed three acres, on the land now owned by the said Training School, to the Watauga and Yadkin River Railroad Company for the purpose of erecting a depot on the same in the town of Boone, North Carolina, at whatever price may be agreed upon by said trustees and said railroad company. Sale authorized.

SEC. 2. That said board of trustees are authorized and empowered to donate or sell to said railroad company a right of way over their said property to said railroad company for the purpose of constructing a railroad over same. Donation or sale authorized.

SEC. 3. That said board of trustees are further authorized and empowered to execute deeds to said railroad company for right of way and for site for constructing a depot on same. Execution of deeds.

SEC. 4. That said board of trustees are further authorized and empowered to apply any funds derived under the foregoing sections of this act to the permanent improvements of said Appalachian Training School, in such way as may appear best to said board of trustees of said school. Use of funds.

SEC. 5. That this act shall take effect from and after its ratification.

In the General Assembly read three times and ratified, this the 11th day of March, 1913.

CHAPTER 116.

AN ACT TO AMEND SECTION 981, REVISAL 1905, CHANGING DATE FROM 1870 TO 1883 AS TO REGISTRATION OF ANCIENT DEEDS.

The General Assembly of North Carolina do enact:

Changes of date.

SECTION 1. That section nine hundred and eighty-one, Revisal of one thousand nine hundred and five, be and is hereby amended as follows: Strike out in the title, and also in the body, the word "seventy" and insert in lieu thereof the words "eighty-three."

Pending actions.

SEC. 2. This act shall not apply to actions pending at the time of its ratification.

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

In the General Assembly read three times and ratified this the 11th day of March, 1913.

CHAPTER 117.

AN ACT SUPPLEMENTAL TO AND AMENDATORY OF AN ACT PASSED AND RATIFIED THE 6TH DAY OF MARCH, 1913, IT BEING ENTITLED "AN ACT TO PROVIDE SHELTERS FOR WORKMEN AT DIVISION POINTS OF RAILWAY COMPANIES."

The General Assembly of North Carolina do enact:

Hot sunshine.

SECTION 1. That House bill number four hundred and seventy seven, Senate bill four hundred and fifty-five, which was ratified on the sixth day of March, one thousand nine hundred and thirteen, it being entitled "An act to provide shelters for workmen at division points of railway companies" be, and the same is, hereby amended as follows: In line eleven, section one of the ratified copy of the act that is on file in the office of the Secretary of State, between the word "sheets" and the word "and" insert the words "hot sunshine," so as to make the act read as it was originally drawn and introduced, these words "hot sunshine" having been by inadvertence left out of the enrolled bill; and the Secretary of State is hereby authorized to insert the words "hot sunshine" at the point indicated above in the act as ratified.

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

In the General Assembly read three times and ratified this the 11th day of March, 1913.

CHAPTER 118.

AN ACT TO MAKE UNIFORM THE CRIME OF LARCENY IN
THE STATE OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That the larceny of and receiving of stolen goods knowing them to be stolen, of the value of not more than twenty dollars, is hereby declared a misdemeanor, and the punishment therefor shall be in the discretion of the court. If the larceny is from the person or from the dwelling by breaking and entering, this section shall have no application: *Provided*, that this act shall not apply to horse stealing: *Provided, further*, that this act shall have no application to indictments or presentments now pending nor to acts or offenses committed prior to the ratification of this act.

Larceny and receiving misdemeanor.
Punishment.
Larceny from person or dwelling house.
Proviso: horse stealing.
Proviso: cases pending and offenses heretofore committed.

SEC. 2. That the Superior Court of North Carolina shall have exclusive jurisdiction of the trial of all cases of the larceny of or the receiving of stolen goods, knowing them to be stolen, of the value of more than twenty dollars.

Larceny and receiving of goods above twenty dollars.

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

In the General Assembly read three times and ratified this the 11th day of March, 1913.

CHAPTER 119.

AN ACT TO PROTECT POLICYHOLDERS IN ASSESSMENT
COMPANIES.

The General Assembly of North Carolina do enact:

SECTION 1. Amend section four thousand seven hundred and ninety-two, Revisal of one thousand nine hundred and five to read as follows:

DEPOSITS, AND ADVANCE ASSESSMENTS, WHEN REQUIRED.

Every domestic insurance company, association, order or fraternal benefit society doing business on the assessment plan shall collect and keep at all times in its treasury one regular loss assessment sufficient to pay one regular average loss, and no such company, association, order or fraternal benefit society shall be licensed by the Insurance Commissioner unless they shall make and maintain with him for the protection of their obligations at least five thousand dollars (\$5,000) in United States or North Carolina bonds, or in the bonds of some city, county or town of North Carolina to be approved by the Insurance Commissioner, or shall de-

Assessment to be collected and kept in treasury.
Deposit with Insurance Commissioner.

Proviso:
exceptions.

Proviso: deposit
by installments.

Proviso: increase
of deposits.

posit with him a good and sufficient bond, secured by a deed of trust, on real estate situate in North Carolina and approved by him: *Provided*, that this shall not apply to companies, associations or orders doing business in not more than two adjacent counties: and, *Provided, further*, that such companies, associations, orders or societies now doing business in said State and not issuing policies or certificates for more than two hundred dollars (\$200) shall be permitted to deposit five hundred dollars (\$500) on the first day of July, one thousand nine hundred and thirteen and five hundred dollars (\$500) each six months thereafter until the required amount is deposited; and said last named association when hereafter organized may be allowed by the Insurance Commissioner to make such deposit in like installments: *Provided, further*, that the Insurance Commissioner may increase said amount of deposit to the amount of reserve on the contracts of said association or society.

SEC. 2. Amend section four thousand seven hundred and thirteen, Revisal of North Carolina, to read as follows:

FOREIGN ASSESSMENT COMPANIES OR ORDERS.

Assessment
deposited by
foreign companies.

Place of deposit.

Deposit with
Insurance Com-
missioner.

Each foreign insurance company, association, order or fraternal benefit society doing business in this State on the assessment plan shall keep at all times deposited with the Insurance Commissioner or in its head office in this State, or in some responsible banking or trust company, one regular assessment sufficient to pay the average loss or losses occurring among its members in this State during the time allowed by it for the collection of assessments and payment of losses. It shall notify the Insurance Commissioner of such place of deposit and furnish him at all times such information as he may require in regard thereto. And no such company, association, order or fraternal benefit society shall be licensed by the Insurance Commissioner unless it shall make and maintain with him for the protection of its obligations at least five thousand dollars (\$5,000) in United States or North Carolina bonds or in the bonds of some county, city or town in North Carolina to be approved by the Insurance Commissioner, or a good and sufficient bond or note, secured by deed of trust or real estate situate in North Carolina, and approved by the said commissioner.

Companies
excepted.

Deposit by
societies.

SEC. 3. The provisions of this act shall not apply to associations, orders or fraternal benefit societies operating in not more than two adjacent counties in the State and paying a benefit of not exceeding two hundred dollars (\$200), but the amount to be deposited by said societies shall be within the discretion of the Insurance Commissioner, but not less than one hundred dollars (\$100).

SEC. 4. This act shall be in force from and after its ratification. In the General Assembly read three times and ratified this the 11th day of March, 1913.

CHAPTER 120.

AN ACT TO AMEND SECTION 3297, CHAPTER 81 OF THE REVISAL OF 1905, TO MORE EFFECTUALLY PREVENT THE SPREAD OF CHOLERA IN HOGS.

The General Assembly of North Carolina do enact:

SECTION 1. Amend section three thousand two hundred and ninety-seven, chapter 81 of The Revisal of one thousand nine hundred and five, by striking out the word "five," in line five, and insert in lieu thereof the word "one." Isolation.

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

In the General Assembly read three times and ratified this the 11th day of March, 1913.

CHAPTER 121.

AN ACT TO APPROPRIATE MONEY FOR THE NORTH CAROLINA SCHOOL FOR THE FEEBLE-MINDED AND TO APPOINT A COMMITTEE TO INVESTIGATE THE SAME.

The General Assembly of North Carolina do enact:

SECTION 1. That the sum of ten thousand dollars be, and the same is, hereby appropriated, to be paid out of the general funds for the purpose of completing buildings now in process of erection for the North Carolina School for the Feeble-Minded in Lenoir County, and to maintain the same and preserve the property used in connection with the said institution. Appropriation. Purpose of appropriation.

SEC. 2. That a commission, consisting of one member of the State Senate of nineteen hundred and thirteen, to be appointed by the presiding officer thereof, and two members of the House of Representatives of nineteen hundred and thirteen, to be appointed by the Speaker thereof, be, and the same is, hereby authorized and instructed to investigate all matters connected with the said school, including the property owned in connection therewith, the nature of the buildings, the purposes for which the institution has been established, or may be in their opinion best used, and to make report and recommendations to the adjourned or called session of this General Assembly. Committee of investigation. Purview of investigation. Report and recommendations.

SEC. 3. That, pending the investigation and report of said commission, the board of trustees of said institution shall not open said institution for the admission of inmates, or employ any faculty or teaching force. Institution not to open pending investigation.

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

In the General Assembly read three times and ratified this the 11th day of March, 1913.

CHAPTER 122.

AN ACT TO PROVIDE FOR THE WORKING OF PUBLIC ROADS OF VARIOUS TOWNSHIPS, AND ISSUING BONDS FOR THE SAME.

The General Assembly of North Carolina do enact:

Bond issues authorized.

Interest.

Limit of amount.

Obligation of bonds.

Agents for townships.

Petition for election.

Order for election.

Ballots.

Law governing elections.

Election officers.

Registration.

SECTION 1. That for the purpose of laying out, establishing, altering, repairing, grading, constructing and improving in any way the public roads in various townships of the State, and for purchasing machinery, tools, etc., necessary for such improvements the boards of county commissioners of any county are authorized, empowered and directed to issue coupon bonds bearing interest at a rate not to exceed five per cent per annum, payable semi-annually at the office of the treasurer of the county issuing such bonds, to an amount not to exceed fifty thousand dollars for any one township in any county, in the manner and under the restrictions hereinafter provided, and the bonds so issued by the commissioners of the county shall be paid by the township for which they are issued, and shall not be chargeable against any property or polls outside of such township. The board of county commissioners in performing the duties of issuing, selling and purchasing bonds or doing any other thing under this act shall be deemed the agent of any township acting under this act.

SEC. 2. That upon presentation of a petition in writing signed by not less than one-fourth of the qualified voters of any township, to the board of county commissioners of their county, requesting them to submit to the qualified voters of the township where such petitioners reside a proposition to issue bonds for the purposes named in the preceding section for a definite amount at a maximum rate of interest and to run for a period not to exceed fifty years, all to be named in said petition, the board of county commissioners shall within thirty days order an election to be held in such township and submit to the qualified voters therein the question of issuing bonds to the amount at the rate of interest and to run for a period specified in said petition, at which election all those qualified to vote who are in favor of said proposition, and shall vote a ballot on which shall be written or printed the words "For Road Bonds" and those opposed to the proposition shall vote a ballot on which shall be written or printed the words "Against Road Bonds," and the election for this purpose shall be conducted in the same manner and subject to the same rules and regulations as are or may be provided for the election of township officers by the general election laws of this State, unless in any manner otherwise provided for in this act. The board of county commissioners shall at the time of ordering any election under this act, appoint one registrar and two judges of election in each precinct in said township to hold said election. The books shall be kept open for the registration of voters for

twenty days preceding the day of election. And for the purpose of registration the books used in the general election shall be delivered to and revised by the registrar, and the commissioners may order a new registration by giving thirty days notice of such registration. Such election shall be held after thirty days notice thereof, specifying the amount of the proposed bond issue, rate of interest and period for which bonds shall run shall have been posted at the court-house, and at every polling place in the township where said election shall take place and published in four issues of some newspaper published in the county, if the board of county commissioners so order, and the returns thereof shall be made to the board of county commissioners, and returns recorded and result declared by said board as they may determine. If a majority of the qualified voters vote "For Road Bonds," then the board of county commissioners shall issue coupon bonds to the amount at the rate of interest and to run for a period specified in the said petition and order of election, and the bonds shall upon their face indicate on account of what township they are issued. They shall be in denomination of not less than one hundred dollars and not exceeding one thousand dollars each. They shall be signed by the chairman of the board of county commissioners and attested by the official seal and signature of the register of deeds of said county, And the chairman of the board of county commissioners, under the direction of said board, shall sell the bonds so issued at not less than par value and for as much above par value as possible: *Provided*, that said bonds shall be issued and sold only as the funds are needed in the township for the purposes indicated herein: *Provided, further*, elections may be ordered and held upon petitions under the provisions of this act not oftener than every twelve months, in any township until the full amount of bonds authorized by this act shall have been issued for such township.

SEC. 3. That the county commissioners or other county authorities who are legally authorized and empowered to levy taxes shall, in order to provide for payment of the bonds and interest thereon to be issued under the preceding section, compute and levy each year at the time of levying county taxes a sufficient tax upon the property and poll, observing the constitutional equation, in any township having issued bonds to pay the interest on the bonds issued on account of such township, and shall also levy a sufficient tax to create a sinking fund to provide for the payment of said bonds at maturity. Such taxes shall be levied and collected annually and under the same laws and regulations as shall be enforced for levying and collecting other county taxes.

SEC. 4. That the county commissioners of any county so issuing bonds shall provide a record which shall be kept by their clerk, in which shall be entered the name of every purchaser of a bond, the number of the bond purchased, the date of issue, when due, rate of interest, the township on account of which the

Notice of election.

Returns.

Record of returns and declaration of result.

Bonds issued.

Denomination.

Authentication.

Sale of bonds.

Sale below par forbidden.

Proviso: sale as funds are needed.

Proviso: elections.

Special tax.

Constitutional equation.

Record of bonds.

Record of proceedings and elections.
Destruction of redeemed bonds.

bond is issued, and the amount received for said bond. They shall also cause to be kept a record of all proceedings, and elections, as well as a record of the bonds redeemed annually, and the bonds when redeemed and recorded shall be destroyed by fire in the presence of the board of commissioners and that fact recorded: *Provided*, the record of bonds for each township shall be kept separate.

Proviso: separate records.

Investment of sinking fund.

SEC. 5. The fund raised by taxation in excess of the amount required to pay interest, if any, shall be safely invested by the board of county commissioners; and the county commissioners are authorized to purchase any of said bonds to amount of such excess annually, and after ten years, they may purchase at a sum not exceeding their par value one-twenty-fifth of the bonds issued for any township, and if no holder of said bonds shall offer to sell such amount, then the said county commissioners are authorized to designate such bonds as they may desire to purchase, and after the designation of such bonds and the notice thereof given to a newspaper published in the county, if the holder of the bonds neglects or refuses to surrender the same and receive their par value with interest accrued thereon at the time of such notice, then the holders shall not receive any interest subsequently accruing: *Provided*, the said bonds designated shall express such conditions on their face.

Bonds subject to call.

Cessation of interest.

Proviso: condition expressed on bonds.

Separate accounts and funds.

SEC. 6. That the funds derived from the sale of any bonds hereinbefore provided for and the taxes levied and collected under this act on account of any township shall be turned over to the county treasurer and a separate account of each fund for the benefit of each township shall be kept separate from all other funds. But before any such funds shall be placed in his hands the treasurer shall execute a good and sufficient bond in the penal sum of fifty per cent more than the amount of money in his hands at any time for road purposes and payment of bonds and interest thereon on account of the several townships in the county, and for the faithful performance of such other duties as may devolve upon him as treasurer of said fund. The said bond shall not be less than five thousand dollars and shall be approved by the board of county commissioners and shall be recorded and kept as bonds of county officers are required to be kept.

Bond of treasurer.

Amount.

Corporate powers.

SEC. 7. The board of county commissioners may sue and be sued, plead and be impleaded in any court of competent jurisdiction in this State touching the bonds issued on account of any township in any county issuing bonds under this act, or any matter connected therewith, or touching the road fund of any such township derived under this act, or on any contract made by or with the said board for carrying out the purposes of this act, and any judgment in favor of said board shall specify for the benefit of what township such judgment is rendered, and any judgment against said board shall specify what township is liable for the payment thereof, and the said judgment shall be paid only

out of the funds of such township, or by taxes derived from property and polls in such township.

SEC. 8. All orders for payment of any of said bonds and for interest on said bonds shall be made by the county commissioners, and shall specify thereon the purpose, and the amount for bonds and the amount for interest shall be on separate orders. The funds for other purposes shall be expended under the direction of the commissioners, or by the township supervisors with the consent of any of the commissioners, and paid upon the order of the commissioners, or in such manner and on such orders as the board of county commissioners may direct, and the said board of commissioners shall make such rules and regulations, and make such directions in this respect as they may see proper.

SEC. 9. That the funds derived from sale of bonds on account of any township shall be used for the purpose of laying out, establishing, altering, repairing, grading, constructing and improving in any manner public roads in such township so issuing bonds and for purchasing such material, machinery and improvements as may be necessary: *Provided*, the money so expended shall be as far as possible used for permanent improvements only: *Provided, further*, the county commissioners may at any regular meeting organize a convict force, and elect necessary officers and guards as provided by law, and shall work such convicts on the public roads of the townships, and the expenses shall be paid by the said townships: *Provided, further*, that any damage that may be awarded to any person by reason of establishing, altering or repairing any public roads on which permanent improvements are to be made in any township issuing bonds shall be paid by such township.

SEC. 10. That this act shall not apply to the counties of Rockingham, Madison, Anson, or Robeson.

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

In the General Assembly read three times and ratified, this the 11th day of March, 1913.

CHAPTER 123.

AN ACT TO RESTORE TO THE INDIANS RESIDING IN ROBESON AND ADJOINING COUNTIES THEIR RIGHTFUL AND ANCIENT NAME.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter two hundred and fifteen of the Public Laws of North Carolina, session one thousand nine hundred and eleven, be and the same is hereby amended by striking out, in the last line of said section one, the words "Indians of Robeson County," and inserting in lieu thereof the words "Cherokee Indians of Robeson County."

SEC. 2. That section two of said chapter two hundred and fifteen of the Public Laws of North Carolina, session one thousand nine hundred and eleven, be and the same is hereby amended by striking out the words "Indians of Robeson County," in the fifth line of said section two, and inserting in lieu thereof the words "Cherokee Indians of Robeson County."

Name.

SEC. 3. That said chapter two hundred and fifteen of the Public Laws of North Carolina, session one thousand nine hundred and eleven, be further amended by striking out the words "Indians of Robeson County," in line four of said section three, and inserting in lieu thereof the words "Cherokee Indians of Robeson County."

SEC. 4. That the Indians residing in Robeson and adjoining counties, who have heretofore been known as "Croatan Indians" or "Indians of Robeson County," together with their descendants, shall hereafter be known and designated as "Cherokee Indians of Robeson County," and by that name shall be entitled to all the rights and privileges heretofore or hereafter conferred, by any law or laws of the State of North Carolina, upon the Indians heretofore known as the "Croatan Indians" or "Indians of Robeson County," including all such rights and privileges as have been conferred upon said Indians by chapter two hundred and fifteen of the Public Laws of North Carolina, session one thousand nine hundred and eleven.

Name.

Rights and privileges.

Accrued rights, privileges and immunities.

SEC. 5. Neither this act nor any other act relating to said "Cherokee Indians of Robeson County" shall be construed so as to impose on said Indians any powers, privileges, rights or immunities, or any limitations on their power to contract, heretofore enacted with reference to the eastern band of Cherokee Indians residing in Cherokee, Graham, Swain, Jackson and other adjoining counties in North Carolina, or any other band or tribe of Cherokee Indians other than those now residing, or who have, since the Revolutionary War, resided in Robeson County, nor shall said "Cherokee Indians of Robeson County," as herein designated, be subject to the limitations provided in sections nine hundred and seventy-five and nine hundred and seventy-six of The Revisal of one thousand nine hundred and five of North Carolina.

Name of school changed.

SEC. 6. That chapter two hundred and fifteen of the Public Laws of North Carolina, session one thousand nine hundred and eleven, be further amended by striking out the words "Indian Normal School of Robeson County," in the third and fourth lines of said section four of said chapter two hundred and fifteen, and inserting in lieu thereof the words "Cherokee Indian Normal School of Robeson County."

SEC. 7. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

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

In the General Assembly read three times and ratified, this the 11th day of March, 1913.

CHAPTER 124.

AN ACT TO CORRECT STATE GRANT NUMBER 319, TO
JAMES WILLIS.

The General Assembly of North Carolina do enact:

SECTION 1. That the Secretary of State is hereby empowered and directed to so correct state grant number three hundred and nineteen, issued to James Willis, dated May fifth, one thousand seven hundred and sixty-nine, recorded in book twenty, page four hundred and seventy-four, as to make such recorded grant correspond with the plot and surveyor's certificate on file in his office, upon which said grant number three hundred and nineteen was issued, and is authorized to certify the correct grant, and the register of deeds of Craven County is authorized to register the same.

Correction directed.
Grant to be corrected.

Correction.

Certificate of correction.
Correction of county records.

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

Pending litigation and vested rights.

SEC. 3. That this act shall in no way affect any pending legislation or divert vested rights.

In the General Assembly read three times and ratified this the 11th day of March, 1913.

CHAPTER 125.

AN ACT TO VALIDATE CERTAIN ACKNOWLEDGMENTS,
PROBATES, AND REGISTRATIONS.

The General Assembly of North Carolina do enact:

SECTION 1. That all deeds, conveyances, or other instruments permitted by law to be registered in this State, the execution of which has been proven or acknowledged, or the probate or order of registration thereof made previous to January first, one thousand nine hundred and thirteen, before any judge, clerk or deputy clerk of a court of record, any notary public, any justice of the peace, or any other officer of this or any other state or country, authorized by law to take such proof or acknowledgment, or to make such probate or order of registration, where the certificate of such proof, acknowledgment, probate or order of registration is sufficient in form, but appears to have been certified by the officer taking such proof or acknowledgment, or making such probate or order of registration in some capacity other than that in which such officer was authorized to act, or where the proof or acknowledgment or probate or order of registration was in fact made or appears to have been made out of the county or district authorized by law but within the State, and where such deeds, conveyances, or other instruments with the certificate of

Time of probate or registration.

Officers.

Error in certificate.

Error in jurisdiction.

Probate
valid.

Proviso: pending
actions.

Proviso: vested
rights.

the proof, acknowledgment or probate thereof, have been recorded in the proper county, are hereby declared to have been duly proven, acknowledged, probated, and recorded, and to be valid and binding: *Provided*, that nothing herein contained shall be construed to affect pending actions: and, *Provided, further*, that nothing in this act shall affect vested rights, nor shall any provision herein contained be construed or have the effect to deprive any person, or persons, corporation or corporations of any right or title or interest in any property of any kind whatever, acquired or accrued at or before the ratification of this act, but such right, or title or interest shall depend upon and be determined by the laws as they existed at and before the ratification of this act, and this act shall not operate to change the same, in any respect, or to any extent whatever.

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

In the General Assembly read three times and ratified this the 11th day of March, 1913.

CHAPTER 126.

AN ACT FOR THE RELIEF OF THE INMATES OF THE SOLDIERS HOME AT RALEIGH, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Pension.

SECTION 1. That chapter six hundred and eighty-four, of the Public Laws of one thousand nine hundred and nine, be amended by striking out the word six, in line one, section one thereof, and inserting in lieu thereof the word "twelve," and by striking out the words "one dollar and a half," in line two of section one, and inserting in lieu thereof the words "three dollars": *Provided*, that the superintendent may be allowed free transportation over any railroad in the State offering the same.

Proviso: free
transportation.

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

In the General Assembly read three times and ratified this the 11th day of March, 1913.

CHAPTER 127.

AN ACT TO REGULATE ELECTRIC LIGHT, POWER, WATER AND GAS COMPANIES.

The General Assembly of North Carolina do enact:

General power of
supervision and
control.

SECTION 1. The Corporation Commission shall have such general power, control and supervision of all electric light, power, water and gas companies and corporations, other than such as are municipally owned or conducted, and of all persons, companies

and corporations, other than municipal corporations, now or hereafter engaged in the business of furnishing electricity, electric light, current or power and gas, as it now has over railroad and other corporations as set forth in chapter twenty of The Revisal of one thousand nine hundred and five and the acts supplemental and amendatory thereof.

SEC. 2. That the said commission shall have full power and authority to fix, establish and regulate the rates or charges of such persons, companies or corporations, to make such investigations and orders, and establish and enforce rules, regulations, fines and penalties as it has over railroads.

Power to fix rates and charges.

Investigations and orders.

Rules, regulations, fines and penalties.

SEC. 3. That when any such rates or charges are fixed, established or promulgated by the commission the same shall be deemed just, reasonable and proper, and any rate or charge whatsoever made and collected by any such persons, company or corporation other than that fixed, established or promulgated by the commission, shall be deemed unjust and unreasonable.

Rates deemed just and reasonable.

SEC. 4. Any person, company or corporation affected by any order or decision of the Corporation Commission under this act may except to any rates, charges, rules, regulations, orders or findings of the commission and appeal therefrom to the Superior Court in the same manner as provided in cases of other appeals from said commission.

Exception to rules.

Appeal to Superior Court.

SEC. 5. All proceedings before the commission in regard to such corporations, including the right of appeal, shall be the same as prescribed for railroads.

Proceedings before commission.

SEC. 6. The Corporation Commission shall make reasonable and just rules and regulations:

Reasonable and just rules and regulations.

1. To prevent discrimination in furnishing electricity, electric light, current, power, or gas.

To prevent discrimination.

2. To prevent the giving, paying or receiving of any rebate or bonus, directly or indirectly, or the misleading or deceiving the public in any manner as to real rates or charges for electricity, electric lights, current, power or gas.

To prevent rebates or bonuses, or deceiving the public.

SEC. 7. It is the intention of this act to give the said Corporation Commission the same control, power and supervision over such persons, companies and corporations named in this act as it has over railroad corporations in this State.

Intention of act.

SEC. 8. Any and all laws or clauses of laws in conflict with this act are hereby repealed.

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

In the General Assembly read three times and ratified this the 11th day of March, 1913.

CHAPTER 128.

AN ACT TO ALLOW WIDOWS OF CONFEDERATE SOLDIERS
CERTAIN PENSIONS OF THEIR HUSBANDS.

The General Assembly of North Carolina do enact:

Pensions for one
year.

SECTION 1. That all pensions due to Confederate soldiers shall be paid to their widows for a period of one year after the death of any such pensioner.

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

In the General Assembly read three times and ratified this the 11th day of March, 1913.

CHAPTER 129.

AN ACT TO AMEND CHAPTER 5437 OF THE REVISAL OF
1905, RELATIVE TO VETERINARY SURGERY.

The General Assembly of North Carolina do enact:

Time for registra-
tion.

SECTION 1. That section five thousand four hundred and thirty-seven of The Revisal of one thousand nine hundred and five be amended by striking out the words "January 1, 1908," in lines nine and ten thereof, and inserting in lieu thereof the words "June 1, 1913."

Violation of act
misdemeanor.

Punishment.

SEC. 2. That any person practicing veterinary surgery or medicine in the State of North Carolina without first having complied with the provisions of this act, shall be guilty of a misdemeanor and shall be subject to a fine of not less than fifty (\$50) dollars or imprisonment for not less than thirty days, or both, in the discretion of the court: *Provided*, this act shall not apply to any one now practicing veterinary surgery.

Proviso: persons
now practicing.

When act effective.

SEC. 3. That this act shall be in force from and after June first, one thousand nine hundred and thirteen.

In the General Assembly read three times and ratified this the 11th day of March, 1913.

CHAPTER 130.

AN ACT TO REGULATE THE CROSSINGS OF TELEPHONE,
TELEGRAPH AND ELECTRIC POWER LINES.

The General Assembly of North Carolina do enact:

Corporation Com-
mission to pre-
scribe manner of
crossings.

SECTION 1. That power is hereby conferred on the Corporation Commission whenever any telephone, telegraph or electric power lines do now, or may hereafter cross, to require such crossings to

be constructed and maintained in a safe manner, so that the wires of one line will not fall upon the other; to prescribe the manner in which this shall be done; to discontinue or prohibit such crossings where they are unnecessary and can reasonably be avoided; and to apportion the cost of proper changing and construction of such crossings among the lines interested, as to said commissioners may seem just: *Provided*, that in all crossings made dangerous by the presence of high tension wire or wires of any power or light company, the cost shall be paid by such power or light company.

Discontinuance and prohibition of crossings.
Apportionment of cost.

Proviso: cost on high tension wires.

SEC. 2. That all laws in conflict with this act are hereby repealed in so far as they conflict with the same.

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

In the General Assembly read three times and ratified this the 11th day of March, 1913.

CHAPTER 131.

AN ACT TO ALLOW THE STATE TREASURER TO TAKE UP CERTAIN OLD OUTSTANDING BONDS.

WHEREAS, the funding act, chapter ninety-eight, laws of one thousand eight hundred and seventy-nine, was reëacted Legislature after Legislature until it expired July the first, one thousand nine hundred and ten; and,

Preamble: expiration of funding act.

WHEREAS, the bonds issued by authority of said chapter ninety-eight, of the laws of one thousand eight hundred and seventy-nine, matured on July the first, one thousand nine hundred and ten; therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the State Treasurer is hereby authorized to pay cash instead of issuing bonds to take up the outstanding compromise bonds according to the provisions of chapter ninety-eight, laws of one thousand eight hundred and seventy-nine, at fifteen, twenty-five and forty cents on the principal only.

Payment of bonds in cash authorized.

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

In the General Assembly read three times and ratified this the 11th day of March, 1913.

CHAPTER 132.

AN ACT TO ALLOW ANY SHERIFF OR OTHER ARRESTING OFFICER TO SUE FOR AND RECOVER REWARDS OFFERED FOR MAKING ARRESTS.

The General Assembly of North Carolina do enact:

Officers entitled to reward.

May sue and recover.

Proviso: crimes committed within county of officer.

SECTION 1. That any sheriff or other officer who shall make an arrest of any person charged with crime for whose apprehension a reward has been offered, is hereby declared to be entitled to such reward, and may sue for and recover the same in any court in this State having jurisdiction: *Provided* that no reward shall be paid to any sheriff or other officer for any arrest made for a crime committed within the county of such sheriff or officer making such arrest.

SEC. 2. This act shall be in force from and after its ratification. In the General Assembly read three times and ratified this the 11th day of March, 1913.

CHAPTER 133.

AN ACT TO EXPEDITE THE DEVELOPMENT OF THE WATER POWERS OF THIS STATE AND TO REGULATE THE SAME.

The General Assembly of North Carolina do enact:

Companies declared public service companies.

Supervision and control of Corporation Commission.

Work to be begun within two years.

Prosecution of work.
Failure to work
forfeit of franchise.

Proviso:
exceptions.

SECTION 1. That all water power, hydro-electric power and water companies now doing business in this State, or which may hereafter engage in doing business in this State, whether organized under the general or Private Laws of this State, or under the laws of any other state or country, shall be deemed to be public service companies, and subject to the laws of this State regulating public service corporations, and all such companies are hereby placed under the supervision and control of the Corporation Commission of this State.

SEC. 2. That all such companies or corporations now existing shall be required to begin active work in making their proposed development within two years after the ratification of this act, or within two years after the organization of companies or corporations chartered or formed after the passage and ratification of this act, and diligently prosecute their work on the same until it shall have been completed; and a failure to begin the work or development within the time, and to diligently prosecute work on same until the completion of same, as herein provided, shall be legal grounds for declaring their charter rights, privileges and franchises forfeited, by the State, acting through its Attorney-General, upon the recommendation of the Corporation Commission of this State: *Provided*, this section shall not apply to any

company which is supplying the public and is meeting the demands of the public for its services.

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

In the General Assembly read three times and ratified this the 11th day of March, 1913.

CHAPTER 134.

AN ACT SUPPLEMENTAL TO AN ACT ENTITLED "AN ACT TO CONSTITUTE A COMMISSION TO SUPERINTEND THE REPAIR AND RENOVATION OF THE INTERIOR OF THE GOVERNOR'S MANSION AND TO APPROPRIATE THE SUM OF ONE THOUSAND DOLLARS FOR THE SAME"; BEING HOUSE BILL 1477, SENATE BILL 702, RATIFIED MARCH 7, 1913.

The General Assembly of North Carolina do enact:

SECTION 1. That the act referred to in the caption of this act, Amount changed. being House bill one thousand four hundred and seventy-seven, Senate bill seven hundred and two, ratified March seventh, one thousand nine hundred and thirteen, be, and the same is, hereby amended by striking out the words "one thousand" in line seven of the enrolled act and insert in lieu thereof the words "twenty-five hundred."

SEC. 2. Amend section four, line one of said act by striking Amount changed. out the words "one thousand" and insert in lieu thereof the words "twenty-five hundred."

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

In the General Assembly read three times and ratified this the 12th day of March, 1913.

CHAPTER 135.

AN ACT TO AMEND CHAPTER 196, PUBLIC LAWS OF 1911, CONCERNING CONTINGENT FUND FOR THE INSURANCE DEPARTMENT.

The General Assembly of North Carolina do enact:

SECTION 1. That section two, chapter one hundred and ninety- Amount of funds. six, Public Laws of one thousand nine hundred and eleven, be, and the same is, hereby amended by striking out in line three

thereof the words "two hundred and fifty" and inserting in lieu thereof the words "five hundred."

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

In the General Assembly read three times and ratified this the 12th day of March, 1913.

CHAPTER 136.

AN ACT TO REPEAL CHAPTER 117 OF THE PUBLIC LAWS OF 1908, RELATING TO THE USE OF SACCHARINE.

The General Assembly of North Carolina do enact:

Law repealed.

SECTION 1. That chapter one hundred and seventeen, of the Public Laws of one thousand nine hundred and eight, be, and the same is, hereby repealed: *Provided*, it is understood that section six, chapter three hundred and sixty-eight of the Public Laws of one thousand nine hundred and seven be, and the same is, hereby restored and to have full force and effect.

Proviso: law restored.

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

In the General Assembly read three times and ratified this the 12th day of March, 1913.

CHAPTER 137.

AN ACT TO AMEND SECTION 1652 OF REVISAL OF 1905 OF NORTH CAROLINA, RELATIVE TO TAKING DEPOSITIONS.

The General Assembly of North Carolina do enact:

SECTION 1. That section one thousand six hundred and fifty-two of Revisal of one thousand nine hundred and five of North Carolina be, and the same is, hereby amended as follows: After the word "attorney," in line seven of said section add, "*Provided*, when the adverse party is a nonresident and has no attorney of record, then it shall be sufficient to publish notice to the adverse party in some newspaper published in the county where the action is pending, or if no paper is published in said county, then in some newspaper published in the judicial district for three consecutive weeks: *Provided, further*, when the adverse party is a nonresident and service of notice can not be had on him or his attorney in this State, then one publication of notice to open such deposition shall be sufficient notice."

Proviso: notice by publication.

Proviso: one publication sufficient.

SEC. 2. This act shall be in force from and after its ratification. In the General Assembly read three times and ratified this the 12th day of March, 1913.

CHAPTER 138.

AN ACT AMENDATORY OF SECTION 4305 OF THE REVISAL OF 1905, RELATIVE TO POLLING PLACES AND REGISTRATION.

The General Assembly of North Carolina do enact:

SECTION 1. That section four thousand three hundred and five of The Revisal of one thousand nine hundred and five be, and the same is, hereby amended by adding at the end thereof the following: "And the county board of elections shall have power from time to time to order a revision of the polling book of any precinct in any township and to order a new registration for any precinct; and if and when a new registration is ordered notice shall be given as hereinbefore provided for the alteration of an election precinct or polling place."

County board of elections to order revision of polling book.

New registration.

Notice.

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

In the General Assembly read three times and ratified this the 12th day of March, 1913.

CHAPTER 139.

AN ACT TO AMEND CHAPTER 879, PUBLIC LAWS 1907, IN REGARD TO THE FORM OF LIFE INSURANCE CONTRACTS.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter eight hundred and seventy-nine of the Public Laws of one thousand nine hundred and seven, section one, be amended by striking out in line four the following words, "for less than five hundred dollars (\$500)."

Forms to be submitted to Insurance Commissioner.

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

In the General Assembly read three times and ratified this the 12th day of March, 1913.

CHAPTER 140.

AN ACT TO AMEND CHAPTER 100 OF THE REVISAL OF 1905 OF NORTH CAROLINA, KNOWN AS THE GENERAL INSURANCE LAW.

The General Assembly of North Carolina do enact:

SECTION 1. Amend section four thousand seven hundred and fifteen, subsection one of The Revisal of one thousand nine hundred and five of North Carolina, by adding after the words "surety insurance company or association," in line eight, and before the

Mutual fire
companies.

words "one hundred dollars," the words "or mutual fire insurance company doing only one class of fire insurance business."

Capital of accident
companies.

SEC. 2. Amend section four thousand seven hundred and twenty-nine by adding after the words "but life," in line twelve, and before the words "companies on the industrial plan," the words "or accident."

Discriminations
forbidden.

SEC. 3. Amend section four thousand eight hundred and ten by adding at the end thereof the words, "No such company or their agent shall make any discrimination in favor of individuals or insurants as set out in section four thousand seven hundred and seventy-five, whose provisions are hereby made to apply to such companies and their agents."

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

In the General Assembly read three times and ratified this the 12th day of March, 1913.

CHAPTER 141.

AN ACT AMENDATORY OF SECTION 3721, RELATIVE TO GAMBLING, BY EXTENDING TO PERSONS TESTIFYING THEREUNDER THE IMMUNITY TO PROSECUTION PROVIDED BY SECTION 1637.

The General Assembly of North Carolina do enact:

Immunity
extended.

SECTION 1. That the provisions of section one thousand six hundred and thirty-seven of The Revisal of nineteen hundred and five of North Carolina be, and they are, hereby made applicable to section three thousand seven hundred and twenty-one, and that the immunity in said section one thousand six hundred and thirty-seven be, and it is hereby, extended and made applicable to any person examined under oath under said section three thousand seven hundred and twenty-one before the issuance of any process as well as upon the trial of any action in which he may be called to testify.

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed in so far as they are in conflict herewith.

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

In the General Assembly read three times and ratified this the 12th day of March, 1913.

CHAPTER 142.

AN ACT TO PERMIT COUNTIES IN NORTH CAROLINA TO EMPLOY BANK AND TRUST COMPANIES IN THE CAPACITY OF COUNTY TREASURERS.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of county commissioners of any county in the State of North Carolina is hereby authorized and empowered, in the discretion of said board of commissioners, to abolish the office of county treasurer in its county, and in lieu thereof to appoint one or more solvent banks or trust companies located in its county as financial agent for said county, which said bank or trust company shall perform the duties now performed by the treasurer or the sheriff as *ex officio* treasurer of said county: *Provided*, that such bank or trust company shall not charge nor receive any compensation for its services, other than such advantage and benefit as may accrue from the deposit of the county funds in the regular course of banking.

Abolition of office.

Appointment of financial agent.

Proviso: compensation.

SEC. 2. That said bank or trust company, appointed and acting as the financial agent of its county, shall be appointed for a term of two years, and shall be required to execute the same bonds for the safe keeping and proper accounting of such funds as may come into its possession and belonging to such county and for the faithful discharge of its duties, as are now required by law of county treasurers.

Term of appointment.

SEC. 3. That this act shall be in force and effect from and after its ratification, but in counties where treasurers have been elected and have given the bonds, or sheriffs are acting as *ex officio* treasurers and have given their bonds, they shall be permitted to continue to perform the duties of their respective offices with the same compensation and liabilities as now provided until their present term of office shall expire.

When act effective.

SEC. 4. That this act shall apply only to Moore, Beaufort, Montgomery, Rowan, Union, Madison, Mitchell, Granville, Hyde, Polk, Chatham, Perquimans, Carteret and Cherokee counties.

Application of act.

SEC. 5. That the county commissioners shall, before abolishing the office of treasurer, pass a resolution to that effect at least sixty days before any primary or convention is held for the purpose of nominating county treasurer.

Resolution abolishing office

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

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

In the General Assembly read three times and ratified, this the 12th day of March, 1913.

CHAPTER 143.

AN ACT TO PROVIDE A CENTRAL HEATING PLANT FOR
THE VARIOUS STATE BUILDINGS.

The General Assembly of North Carolina do enact:

Purchase and
installation.

Location.

Sale of old plant.

Conversion of
funds.

Bond issue
authorized.

Amount.

Sale below par
forbidden.
Interest.

Temporary loans.

Denomination.

Authentication.

SECTION 1. That the board of public buildings and grounds be authorized to proceed to the purchase and installation of a central heating plant to be placed wherever their best judgment may dictate on property owned or to be acquired by the State, for the purpose of heating the capitol building, the new administration building, the Supreme Court building, and the agricultural building.

SEC. 2. The said board of public buildings and grounds is authorized to dispose of to the best advantage the plant now located in the Supreme Court building and the temporary heating plant in the administration building and to convert the proceeds therefrom into the fund to be used for the purchase of the central heating plant.

SEC. 3. That for the purpose of carrying out the provisions of this act the State Treasurer is hereby authorized and directed to issue bonds of the State of North Carolina, payable forty years after the first day of July, one thousand nine hundred and thirteen, to an amount not exceeding the sum of forty thousand dollars, such bonds to be issued and sold, after due advertisement, on the best obtainable terms from time to time as the money is needed to meet the expenses of the board of public buildings and grounds. Said bonds shall not be sold for less than par. All of said bonds shall bear interest at a rate not exceeding four per cent per annum from the date of issue until paid, which said interest shall be paid semi-annually on the first days of January and July of each and every year, so long as any portion of said bonds shall remain due and unpaid. If in the progress of the work funds should be needed at a time when financial conditions should seem unfavorable for the sale of bonds, then, in his discretion, the State Treasurer may and is hereby fully authorized to negotiate a temporary loan or loans upon the best obtainable terms and, if necessary, to pledge any of the unsold bonds as collateral therefor.

SEC. 4. That the bonds authorized and directed to be issued by the preceding sections shall be coupon bonds of the denominations of one hundred dollars, five hundred dollars, or one thousand dollars each, as may be determined by said State Treasurer, and shall be signed by the Governor and the State Treasurer, and shall be sealed with the great seal of the State. The coupons thereon may be signed by the State Treasurer, or may have a *fac simile* of his signature printed, engraved, or lithographed thereon; and the said bonds shall in all other respects be in such form as the said State Treasurer may direct.

SEC. 5. The said bonds and coupons shall be exempt from all state, county or municipal taxation or assessment, direct or indirect, general or special, whether imposed for the purposes of general revenue or otherwise, and the interest paid thereon shall not be subject to taxation as for income, nor shall said bonds or coupons be subject to taxation when constituting a part of the surplus of any bank, trust company or other corporation, but when constituting a part of such surplus shall be deducted from the total assets in order to ascertain the taxable value of such shares.

SEC. 6. That the said board of public buildings and grounds is authorized, if there be no proper location belonging to the State, and none available by purchase, to acquire a suitable site by condemnation.

SEC. 7. That all laws and clauses of laws in conflict with this act are hereby repealed.

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

In the General Assembly read three times and ratified this the 12th day of March, 1913.

CHAPTER 144.

AN ACT TO AMEND SECTION 2778 OF THE REVISAL OF 1905, RELATING TO THE COMMISSION OF COUNTY TREASURERS ON LOANS FROM STATE LOAN FUND.

The General Assembly of North Carolina do enact:

SECTION 1. That section two thousand seven hundred and seventy-eight of The Revisal of one thousand nine hundred and five of North Carolina be, and the same is, hereby amended by inserting after the word "disbursements" and before the word "provided," in line eight thereof, the following words: "*Provided*, that said treasurer shall be allowed no commission or compensation for receipts and disbursements of any loan or loans made to the county by the State Board of Education under section four thousand and fifty-three of The Revisal of one thousand nine hundred and five."

In the General Assembly read three times and ratified this the 12th day of March, 1913.

CHAPTER 145.

AN ACT IN RELATION TO RATE MAKING ASSOCIATIONS.

The General Assembly of North Carolina do enact:

SECTION 1. *Rate making associations.*

Every corporation, association or bureau which now exists or hereafter may be formed, and every person who maintains, or hereafter may maintain, a bureau or office for the purpose of suggesting, approving or making rates to be used by more than one underwriter for insurance, including surety bonds, on property or risks of any kind located in this State, shall file with the Insurance Commissioner a copy of the articles of agreement, association or incorporation and the by-laws and all amendments thereto under which such person, association or bureau operates or proposes to operate, together with his or its business address and a list of the members or insurance corporations represented or to be represented by him or it, as well as such other information concerning such rating organization and its operations as may be required by the Insurance Commissioner. '

SEC. 2. Every such person, corporation, association or bureau, whether before or after the filing of the information specified in the preceding section, shall be subject to the visitation, supervision and examination of the Insurance Commissioner, who shall cause to be made an examination thereof as often as he deems it expedient, and at least once in three years. For such purpose he may appoint as examiners one or more competent persons, and upon such examination he, his deputy or any examiner authorized by him shall have all the powers given to the Insurance Commissioner, his deputy or any examiner authorized by him by law, including the power to examine under oath the officers and agents and all persons deemed to have material information regarding the business or manner of operation by every such person, corporation, association, bureau, or board. The Insurance Commissioner shall make public the results of such examination and shall report to the Legislature in his annual report on the methods of such rating organization and the manner of its operation.

SEC. 3. Each such person, corporation, association or bureau shall file with the Insurance Commissioner, whenever he may call therefor, any and every schedule of rates or such other information concerning such rates as may be suggested, approved or made by any such rating organization for the purposes specified in section one of this act.

SEC. 4. No such person, corporation, association or bureau shall fix or make any rate or schedule of rates which is to or may apply to any risk within this State, on the condition that the whole amount of insurance on such risk or any specified part thereof shall be placed at such rates, or with the members of or sub-

Information to be filed with Insurance Commissioner.

Visitation, supervision and examination of Insurance Commissioner.

Appointment and powers of examiners.

Results of examination to be published. Report to Legislature.

Schedules of rates filed.

Conditions forbidden.

scribers to such rating organization; nor shall any such person, association or corporation authorized to transact the business of insurance within this State, fix or make any rate or schedule of rates or charge a rate which discriminates unfairly between risks within this State of essentially the same hazard, or if such rate be a fire insurance rate, which discriminates unfairly between the risks in the application of like charges or credits or which discriminates unfairly between risks of essentially the same hazards and having substantially the same degree of public protection against fire. Whenever it is made to appear to the satisfaction of the Insurance Commissioner that such discrimination exists, he may, after a full hearing, either before himself or before any salaried employee of the Insurance Department whose report he may adopt, order such discrimination removed; and all such persons, corporations, associations or bureaus affected thereby shall immediately comply therewith; nor shall such persons, corporations, associations or bureaus remove such discrimination by increasing the rates on any risk or class of risks affected by such order unless it is made to appear to the satisfaction of the Insurance Commissioner that such increase is justifiable.

Discriminatory rates forbidden.

Discrimination to be removed.

Removal by raise of rates forbidden.

SEC. 3. Every such rating organization shall keep a careful record of its proceedings and shall furnish upon demand to any person upon whose property or risk a rate has been made, or to his authorized agent, full information as to such rate, and if such property or risk be rated by schedule, a copy of such schedule; it shall also provide such means as may be approved by the Insurance Commissioner whereby any person or persons affected by such rate or rates may be heard, either in person or by agent, before the governing or rating committee or other proper executive of such rating organization on an application for a change in such rate or rates.

Records of proceedings.

Information and schedules.

Hearing on rates.

SEC. 6. This act shall not apply to any contract of life insurance, nor to any contract of insurance upon or in connection with marine or transportation risks or hazards other than contracts for automobile insurance, nor to contracts of insurance upon property or risks located without this State, nor to contracts made by persons, partnerships, associations or corporations authorized to do business on the mutual or coöperative plan as associations or societies, nor title and credit insurance.

Excepted contracts.

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

In the General Assembly read three times and ratified this the 12th day of March, 1913.

CHAPTER 146.

AN ACT TO PROVIDE FOR THE MAINTENANCE OF THE
NORTH CAROLINA HISTORICAL COMMISSION.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter seven hundred and fourteen of the Public Laws of one thousand nine hundred and seven be amended by striking out of line two, section six, the words "five thousand dollars" and inserting in lieu thereof the words "six thousand dollars."

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

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

In the General Assembly read three times and ratified this the 12th day of March, 1913.

CHAPTER 147.

AN ACT FOR THE RELIEF OF MINORITY STOCKHOLDERS
OF CERTAIN CORPORATIONS IN CERTAIN CASES.

The General Assembly of North Carolina do enact:

SECTION 1. That whenever stockholders owning one-fifth or more in amount of the paid-up stock of any corporation organized under the laws of North Carolina and doing business in said State, except corporations organized for religious, charitable, fraternal, and educational purposes, and except banking corporations and all public service corporations, shall apply in term or vacation to the judge of the Superior Court holding the courts for the county in which the principal place of conducting the business of the corporation is situated, by petition containing a statement that for the three years next preceding the filing of said petition, which time shall begin to run from three years after it shall have begun business, the net earnings of the corporation have not been sufficient to pay in good faith an annual dividend of four per centum upon the paid stock of said corporation, over and above the salaries and expenses authorized by the by-laws and regulations of said corporation or that the said corporation has paid no dividend for six years preceding said application, and that they desire a dissolution of said corporation, the judge of said Superior Court shall make an order requiring the officers of the corporation to file in court, within a reasonable time, inventories showing all the estate, both real and personal, of the corporation, a true account of the capital stock of the corporation, the names of the stockholders, their residences, the number of shares

Appropriation.

Number of stockholders.

Corporations excepted.

Items to be shown by petition.

Prayer of petition.
Order for return by corporation.

belonging to each, the amount paid in upon said shares and the amount still due thereon, and a statement of all the encumbrances on the property of the corporation and all its contracts which have not been fully satisfied and canceled, specifying the place and residence of each creditor, the sum owing to each, the nature of the debt or demand, and the consideration therefor and the books and papers of said corporation: *Provided*, that no suit shall be instituted until each and all of the petitioners shall have owned their stock for the term of two years prior to the institution of the action.

Proviso: petitioners to have owned stock two years.

SEC. 2. That upon the filing of said inventories, accounts and statements, the court shall enter an order requiring all persons interested in the corporation to appear before a referee to be appointed by the court, at a time and place named in said order, service of which may be made by publication for such time as may be deemed proper by the court, and show cause, if any they have, why said corporation should not be dissolved; and if it shall appear to the court that the statements contained in the petition are true, the court may adjudge a dissolution of said corporation and shall appoint one or more receivers, who shall have all powers of receivers conferred by The Revisal for the winding up the affairs and distribution of the assets of said corporation.

Order of reference.

Service of order.

Dissolution adjudged.

Receivers.

SEC. 3. That if it appears to the court that said corporation is insolvent or in imminent danger of insolvency, the court may appoint a temporary receiver of said corporation pending dissolution.

Temporary receiver.

SEC. 4. That no suit shall be brought for the dissolution of any corporation under the provisions of this act for the period of three years after a final judgment upon a prior petition filed as herein provided.

Limitation of suits.

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

In the General Assembly read three times and ratified this the 12th day of March, 1913.

CHAPTER 148.

AN ACT TO AMEND SECTION 995 OF THE REVISAL OF 1905, RELATIVE TO THE PROBATE AND REGISTRATION OF INSTRUMENTS REQUIRED OR PERMITTED BY LAW TO BE REGISTERED TO WHICH CLERKS OF THE SUPERIOR COURTS ARE PARTIES.

The General Assembly of North Carolina do enact:

SECTION 1. That section nine hundred and ninety-five of The Revisal of one thousand nine hundred and five be, and the same is, hereby amended as follows, viz.: Add after the word "justice"

Order for registration.

and before the word "in" in line nine of said section the words "or justice of the peace."

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

In the General Assembly read three times and ratified this the 12th day of March, 1913.

CHAPTER 149.

AN ACT TO AMEND CERTAIN SECTIONS OF CHAPTERS 81 AND 89 OF THE REVISAL OF 1905 OF NORTH CAROLINA, AND CERTAIN CHAPTERS OF THE PUBLIC LAWS OF 1907, 1909, AND 1911 OF NORTH CAROLINA, BEING PARTS OF THE PUBLIC SCHOOL LAW.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter eighty-nine of The Revisal of one thousand nine hundred and five be and the same is hereby amended as follows:

(a) Strike out section four thousand one hundred and sixteen and insert in lieu thereof the following:

"4116. *Apportionment of school funds; reservation of contingent fund.*—The county board of education shall, on the first Monday in January and the first Monday in July of each year, apportion the school fund of the county to the various school districts; but it shall, before apportioning the school fund reserve as a contingent fund an amount sufficient to pay the salary of the county superintendent and per diem and expense of the county board of education; and may further reserve as a fund for building and repairing schoolhouses and for equipment, in counties with a total school fund of five thousand dollars or less, not more than twenty per centum thereof; in counties with a total school fund of over five thousand dollars and not more than ten thousand dollars, not more than sixteen per centum thereof; in counties with a total school fund of over ten thousand dollars and not more than twenty-five thousand dollars, not more than ten per centum thereof; in counties with a total school fund of over twenty-five thousand dollars, not more than seven and a half per centum thereof, to be used as directed in section four thousand one hundred and twenty-four. It shall be the duty of the county board of education to distribute and apportion the school money so as to give to each school in the county for each race the same length of school term, as nearly as may be, each year. In making the apportionment the board shall have proper regard for the grade of work to be done and the qualifications of the teachers required in each school for each race. As soon as the apportionments are made, it shall be the duty of the board to notify the school committee-



Dates for apportionment.

Contingent fund.

Reserve for buildings and repairs.

Apportionment to races.

Grade of work and qualification of teachers.

Notice of apportionments.

men and the treasurer of the county school fund of the amount apportioned to each school, designating each school by number, and stating whether for white, colored or Indian, and naming the township and county. Funds unused by any district during any year shall, if still unused at the January meeting subsequent to the close of the school year, be returned to the general school fund for reapportionment, unless such district shall have been prevented from using such funds during that year by providential or other unavoidable causes.

Surplus returned for reapportionment.

“Provided, that in the discretion of the county board of education it may also reserve sufficient funds, after first providing for a six months school term in every school district, to pay a part of the cost, not to exceed one-half, necessary to employ a capable physician for his entire time as county health officer whose election meets with the approval of said board and whose duties shall be specified by the county board of health to embrace those provided for in that part of section eleven, chapter sixty-two, of the public health laws of one thousand nine hundred and eleven, relating to the medical inspection of schools and school children; and he shall lecture to the teachers in their meetings and supply them with printed instructions regarding measures for the proper care of the body, the recognition and prevention of disease, the recognition, prevention and correction of physical defects, etc.; and he shall keep an accurate daily record of the work he does under the provisions of this act and make weekly, monthly or quarterly reports giving such information as may be called for by blanks to be furnished by and returned to both the county board of education and the State Superintendent of Public Instruction; and if the county health officer should neglect for a period of ninety days to carry out the spirit of this act, unless his entire time should be required to fight an epidemic of some contagious or infectious disease, the county board of education may in its discretion withdraw its financial aid in his employment.”

Proviso: reserve for employment of physician.

Lectures to teachers by physician.

Records and reports.

Withdrawal of aid.

(b) Strike out section four thousand one hundred and thirty-one and insert in lieu thereof the following:

“The county board of education or the board of trustees of any incorporated or chartered graded school district may receive suitable sites for schoolhouses or school buildings by donation or purchase. In case of purchase the county board of education, or any board of trustees aforesaid, shall issue an order on its treasurer for the purchase money, and upon payment of the order the title to the site shall vest in the corporation in fee simple. Whenever the boards above mentioned are unable to obtain a suitable site for a school or school building, by gift or purchase, such board shall report to the county superintendent of public instruction, who shall, upon five days notice to the owner or owners of the land, apply to the clerk of the superior court of the county in which the land is situated for the appointment of

Donation or purchase of school sites.

Title to vest on payment of purchase money.

Condemnation of sites.

Procedure for condemnation.

three appraisers, who shall lay off by metes and bounds not more than two acres and assess the value thereof. The same means may be used to obtain more land in a district where there is a house or a site previously obtained, but not more than three acres shall be procured, including the site already obtained. They shall make a written report of their proceedings, to be signed by them, or by a majority of them, to the clerk within five days from their appointment, who shall enter the same upon records of the court. The appraisers and officers shall serve without compensation. If the report is confirmed by the clerk, the chairman and the secretary of the board shall issue an order on the treasurer of the county school fund, or, if a graded school district, upon the treasurer of the graded school district, in favor of the owner of the land thus laid off, and upon the payment or offer of payment of this order the title to such land shall vest in fee simple in the corporation. Any person aggrieved by the action of the appraisers may appeal to the Superior Court in term, upon giving bond to secure the board against such costs as may be incurred on account of the appeal not being prosecuted with effect."

Condemnation for enlargement of site.

Limit of acreage.

Report of appraisers.

Compensation.

Title to vest on payment of award.

Right of appeal.

Bond on appeal.

(c) Amend subsection (h) of section one of chapter one hundred and thirty-five of the Public Laws of nineteen hundred and eleven of North Carolina, amending section four thousand one hundred and thirty-three of The Revisal of nineteen hundred and five, as follows:

Publication in school report.

After the word "therein," in line six of said subsection (h), and before the word "and," insert the words "or in the printed annual school report of said county."

Proviso: agreement for employment of superintendent by two counties.

(d) At the end of section four thousand one hundred and thirty-five as amended add the following:

Record of agreement.

"*Provided*, that any county whose total school fund does not exceed fifteen thousand dollars may unite with any adjoining county and by agreement between the county boards of education of the two counties, meeting in joint session, may employ a county superintendent who shall devote his entire time to supervising impartially the educational work of the counties thus employing him. The agreement between the two county boards thus jointly employing one county superintendent, as to the apportionment of his salary and expenses, the division of his time, and all other essential details, shall be recorded in full in the minutes of the board of education of each county."

Appointment of school committee.

(e) After the word "July" in line three of section four thousand one hundred and forty-five, strike out all words up to and including the word "qualified," in line nine, and insert in lieu thereof the following: "One thousand nine hundred and thirteen, appoint in each of the townships of the county three intelligent men of good business qualifications who are known to be in favor of public education, who shall serve as follows: One for three years, one for two years, and one for one year from the date of

Terms of office.

their appointment as school committeemen in their respective townships and until their successors are elected and qualified. On the first Monday in July of each succeeding year, the board of education shall appoint one member of the school committee in place of the member whose term of office has just expired, and who shall continue in office for a period of three years and until his successor is duly appointed and qualified." In line twenty of said section, after the word "committee" strike out the sentence commencing with the word "The" and ending with the word "qualified," in line twenty-seven, and insert in lieu thereof the following:

Appointment of successors.

"The county board of education in each county may if it deems best on the first Monday in July, one thousand nine hundred and thirteen, instead of electing township committeemen, elect for each school of the several townships three school committeemen of intelligence and good business qualifications who are known to be in favor of public education, who shall serve as follows: One for three years, one for two years, and one for one year from the date of their appointment as committeemen and until their successors are appointed and qualified. And the board of education shall, on the first Monday of July of each succeeding year, appoint one member of the school committee in place of the member whose term of office has just expired, and who shall continue in office for a term of three years and until his successor is duly appointed and qualified."

Committees for each school.

Terms of office.

Appointment of successors.

(f) Strike out the sentence beginning with the word "The," in line seven of section four thousand one hundred and sixty-one, and ending with the word "committee," in line eleven, and insert in lieu thereof the following: "The county board of education of each county shall fix annually a day and place in each township for the meeting of the township or district committeemen of said township, who shall, in conference with the county superintendent, with whom application must have previously been filed by all applicants, select the teachers for their respective schools, except for rural public high schools: *Provided*, that no election of any teacher or of any assistant teacher shall be deemed valid until such election has been approved by the county superintendent."

Selection of teachers.

Proviso: approval of county superintendent.

(g) In line five of section four thousand and fifty-three, after the word "schoolhouse" and before the word "in," insert the following words: "Or dormitories for rural high schools and county farm life schools."

Loans for dormitories.

(h) Insert the words "justices of the peace" in line three of section four thousand one hundred and eight after the word "courts" and before the word "and" in said line; after the word "accrued," at end of said section, add the words, "this information to be furnished on blanks prepared by the State Department of Public Instruction."

Justices of the peace to report fines.

Blanks furnished by State department.

(1) After the word "of" and before the word "county," in line two of section four thousand one hundred and fifty-eight, strike

Treasurers of towns and cities to report to State Superintendent.

out the word "the" and insert in lieu thereof the word "any"; and after the word "county" and before the word "school," in said line, insert the words "town or city."

Payment of teachers' salaries.

(j) At the end of section four thousand one hundred and sixty-four add the following: "The county board of education of each and every county is hereby authorized and directed to provide for the prompt payment of all teachers' salaries due at the end of each school month."

Appointments to fill vacancies on county boards.

(k) After the word "board" and before the word "but," in line eleven of section four thousand one hundred and nineteen, insert the words "until the next General Assembly meets and acts": *Provided*, that this act shall not apply to vacancies heretofore filled under this section.

Statement of attendance.

(l) After the word "attendance," in line five of section four thousand one hundred and sixty-four and before the word "the" in said line, insert the following words, "the number of pupils completing the elementary grades."

Assistant teachers.

(m) After the word "term" in line five and before the word "no" in said line, in section four thousand one hundred and sixty-three, insert the following words, "no assistant teacher shall be employed in any one-teacher school until the average daily attendance shall have reached at least forty pupils, and in case the reports of any teacher shall for four consecutive weeks show an average daily attendance of less than forty pupils the assistant teacher may be dismissed."

SEC. 2. That section three thousand eight hundred and thirty-nine of chapter eighty-one of The Revisal of one thousand nine hundred and five be and the same is hereby amended as follows:

Failure of duty by municipal treasurer

After the word "county" at the end of line one and before the word "school" in line two thereof, insert the words "town or city."

SEC. 3. That chapter eight hundred and twenty of the Public Laws of one thousand nine hundred and seven, the same being entitled "An act to stimulate high school instruction in the public schools of the State and teacher training," be and the same is hereby amended as follows:

Terms of high school .

(a) At the end of line three in section one strike out the word "five" and insert in lieu thereof the word "seven."

Proviso: high school committee.

(b) After the word "duties" at the end of section two add the following words: "*Provided, further*, that the board of trustees or school committee of any chartered school receiving aid under section six of this act shall serve as the high school committee for said school."

Inspection and reports.

(c) Strike out all the words after the word "provided" in line six of section four down through the word "education" in line thirteen of said section, and insert in lieu thereof the following: "All public high schools established and aided under this act shall be subject to such inspection as may be directed by the State Superintendent of Public Instruction and shall make such reports as shall be required by him."

(d) In section four strike out all words between the word "from" in line fifteen and the word "who" in line sixteen, and insert in lieu thereof the following: "The State Board of Examiners." Teachers in high schools.

(e) Strike out section five and insert in lieu thereof the following:

"No public high school shall be established or maintained under this act in connection with any public elementary school having an annual school term of less than seven months; and every public elementary school operated in connection with a public high school established under this act shall have at least two teachers giving their full time to instruction in the branches of study required to be taught in the public elementary schools of the State; and no public high school shall be entitled to the benefits of this act that does not have at least one duly licensed high school teacher giving his full time to instruction in the high school branches as outlined by the State Superintendent of Public instruction: *Provided*, that this section shall not be construed to prevent the principal of a public high school from serving as principal of the public elementary school operated in connection therewith to the extent of exercising supervisory and disciplinary functions over said public elementary school." Schools entitled to benefits of act.

(f) Strike out section six of said chapter and insert in lieu thereof the following: "Public high schools shall not be established and aided under this act in towns or cities of more than twelve hundred inhabitants, except as is hereinafter provided in this section: *Provided*, that the county board of education may approve for the purposes of this act one regularly organized town or city high school of standard grade and may enter into agreement or contract with the board of trustees or committee of said high school whereby students of high school age and grade residing outside the limits of said high school district, and public school teachers of the county, may be permitted to attend for the full term each year said high school free of tuition. But no such contract or agreement shall entitle such high school to the benefits of this act until said contract or agreement shall have been approved by the State Board of Education. And when such contract or agreement shall have been approved by the State Board of Education said town or city high school shall be subject to the provisions and entitled to the benefits of this act: *Provided*, *further*, that said town or city high school shall maintain an average daily attendance for the full term of at least ten high school students from outside the local district." Proviso: principals.

(g) After the word "schools" and before the word "and," in line five of section seven, insert the following words: "After the recommendation and location of a public high school have been approved by the State Board of Education." Location of schools.

(h) Strike out section nine and insert in lieu thereof the following: "Every public high school receiving State aid under this Proviso: selection of city high school.

Approval of selection.

Proviso: nonresident pupils.

Approval by State board.

Average daily attendance.

act shall maintain an average daily attendance of at least ten high school students for the required term, and any public high school making an average daily attendance of less than ten for the required term shall not be entitled to receive State aid under this act; and every public high school receiving the maximum State aid allowed under this act shall maintain for the required term an average daily attendance of at least twenty, and any public high school making for the required term an average daily attendance of less than twenty shall have its apportionment from the State reduced proportionately."

Qualification for county superintendent.

SEC. 4. Amend section four thousand one hundred and thirty-five of The Revisal of one thousand nine hundred and five of North Carolina by striking out in line six thereof the words "in teaching school," and inserting in lieu thereof the following words, "in teaching or supervising schools within five years immediately preceding his election."

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

In the General Assembly read three times and ratified this the 12th day of March, 1913.

CHAPTER 150.

AN ACT TO AMEND THE LIEN LAWS OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That section two thousand and eighteen of The Revisal of one thousand nine hundred and five be amended so that the said section as amended will read as follows:

Notice of indebtedness by laborers or material men.

"2018. *Constructing railroads; claims collected; time for action.*—As often as any contractor for the construction of any part of a railroad which is in progress of construction shall be indebted to any laborer for thirty or less number of days labor performed in constructing said road, or is indebted for more than thirty days to any person furnishing material for the construction of said road, such laborer or material man may give notice of such indebtedness to said company in a manner herein provided, and said company shall thereupon become liable to pay such laborer or material man the amount so due for labor or material, and action may be maintained against said company therefor. Such notice shall be given by said laborer to said company within twenty days after the performance of the number of days labor for which the claim is made, and such notice shall be given by the material man to said company within thirty days after the materials have been furnished. Such notice to be given by the laborer shall be in writing and shall state the amount and number of days labor and the time when the labor was per-

Company liable.

Action against company.
Time for filing notice on company.

Requirements of notice.

formed for which the claim is made, and the name of the contractor from whom due, and shall be signed by such laborer or his attorney; and such notice of the material man shall be in writing and shall state the amount of material furnished and when furnished, and the name of the contractor to whom furnished and by whom due, and shall be signed by such material man or his attorney, and shall be served on an engineer, agent or superintendent employed by said company having charge of the section of road on which such labor was performed or material furnished, personally or by leaving the same at the office or usual place of business of said engineer, agent or superintendent, with some person of suitable age. But no action shall be maintained against any company under the provisions of this section unless the same is commenced within ninety days after notice is given to the company by such laborer or material man as above provided.”

Service of notice.

Time for commencing action.

SEC. 2. That section two thousand and twenty of The Revisal of one thousand nine hundred and five be repealed and the following new section substituted therefor:

“2020. *Counties, cities and towns to require bond of contractor.* Every county, city, town or other municipal corporation which shall let a contract for the building, repairing or altering any building, shall require the contractor for such work (when the contract price exceeds five hundred dollars) to execute bond with one or more solvent sureties before beginning any work under said contract, payable to said county, city, town or other municipal corporation, and conditioned for the payment of all labor done on and material and supplies furnished for the said work, and the amount of the said bond to be given by said contractor shall be equal to the contract price up to two thousand dollars, and when the contract price is between two and ten thousand dollars the amount of said bond shall be two thousand dollars plus thirty-five per cent of the excess of the contract price over two thousand dollars and under ten thousand; when the contract is over ten thousand dollars, the amount of the said bond shall be two thousand dollars plus twenty-five per cent of the excess of the contract price over the sum of two thousand dollars, and if the official of the said county, city, town or other municipal corporation, whose duty it shall be to take said bond, shall fail to require the said bond herein provided to be given, he shall be guilty of a misdemeanor. Any laborer doing work on said building and material man furnishing material therefor and used therein, shall have the right to sue on said bond, the principal and sureties thereof, in the courts of this State having jurisdiction of the amount of said bond, and any number of laborers or material men whose claims are unpaid for work done and material furnished in said building, shall have the right to join in one suit upon said bond for the recovery of the amounts due them respectively.”

Funds required in contracts with municipalities.

Condition of bond.

Amount of bond.

Failure to require bond a misdemeanor.

Remedy on bond for laborers and material men.

Right of joint suit.

- Sec. 4. That section two thousand and twenty-one of The Revisal of one thousand nine hundred and five be amended by adding thereto the following words: "And after the notice herein provided is given, no payment to the contractor shall be a credit on or a discharge of the lien herein provided."
- Sec. 5. That section two thousand and twenty-three of The Revisal of one thousand nine hundred and five be amended by adding to the end thereof the following: "Or of which notice shall have been given the owner by the claimant."
- Sec. 6. That a new section be added to be known as section 2023a.
- "2023a. *Laborers cutting logs entitled to liens upon the lumber.*—Every person doing the work of cutting or sawing logs into lumber, getting out wood pulp, acid wood or tan bark, shall have a lien upon the said lumber for the amount of wages due them, and the said lien shall have priority over all other claims or liens upon said lumber, except as against a purchaser for full value and without notice thereof: *Provided*, any such laborer whose wages for thirty or less number of days performed are due and unpaid shall file notice of such claim before the nearest justice of the peace in the county in which said work has been done, stating the number of days of labor performed, the price per day, and the place where the lumber is situate, and the person for whom said labor was performed, which said statement shall be signed by the said laborer or his attorney, and the said laborer shall also give to the owner thereof, within five days after the lien has been filed with the justice of the peace, as aforesaid, a copy of said notice as filed with the said justice of the peace: *Provided*, that if the owner can not be located, that notice shall be given by attaching said notice on the logs or lumber, wood pulp, acid wood or tan bark upon which the labor sued for was performed, and any person buying said lumber or logs, wood pulp, acid wood or tan bark after such notice has been filed with the nearest justice of the peace, shall be deemed to have bought the same with notice thereof, but no action shall be maintained against the owner of said logs or lumber, wood pulp, acid wood or tan bark or the purchaser thereof under the provisions of this section unless same is commenced within thirty days after notice is filed with the justice of the peace by such laborer, as above provided."
- Sec. 7. That section two thousand and twenty-eight of The Revisal of one thousand nine hundred and five be so amended so that as amended it will read as follows:
- "2028. *Filed in six months.*—Notice of lien shall be filed, as hereinbefore provided, except in those cases where a shorter time is prescribed, at any time within six months after the completion of the labor or the final furnishing of the materials, or the gathering of the crops."
- Payments not in discharge of lien.
- Notice to owners.
- Laborers entitled to lien.
- Priority of lien.
- Proviso: notice of claim.
- Copy of notice to owner.
- Proviso: notice attached to material.
- Purchase with notice.
- Time for beginning action.
- Time for filing lien.

SEC. 8. That section three thousand six hundred and sixty-three of The Revisal of one thousand nine hundred and five be amended by adding thereto the following: "That if any contractor shall fail to apply the contract price paid him by the owner or his agent to the payment of bills for labor and material, he shall be guilty of a misdemeanor and upon conviction thereof shall be fined or imprisoned, or both, at the discretion of the court."

Failure to apply payments to labor and material misdemeanor.
Punishment.

SEC. 9. That all local lien laws are hereby repealed and all laws and parts of laws in conflict with this act, whether local or public, are hereby repealed.

Local lien laws repealed.

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

In the General Assembly read three times and ratified this the 12th day of March, 1913.

CHAPTER 151.

AN ACT AUTHORIZING THE WESTERN HOSPITAL FOR INSANE AT MORGANTON TO COMPROMISE AND SETTLE ALL SUITS AND CLAIMS FOR DAMAGES ARISING BY REASON OF THE DISCHARGE OF RAW SEWER FROM THE COLONY BUILDING AND TO APPROPRIATE FUNDS THEREFOR.

WHEREAS, owing to the location of the colony building of the Western Hospital for Insane at Morganton, is such that raw sewer therefrom must be discharged and washed on the lands and into the watercourses flowing on and through the lands of adjoining property owners, and that it would cost considerable to divert the same therefrom; and,

Preamble: location of colony building.

WHEREAS, certain suits and claims have been instituted and made by such adjoining property owners, whose lands and water are so polluted, which said claims and suits can be compromised and settled at reasonable, sums, now therefore

Preamble: suits and claims instituted.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of directors of the Western Hospital for Insane, located at Morganton, are hereby authorized to open negotiations with such claimants of damages caused by pollution of lands and flowing water courses from the raw sewer from the colony buildings of said hospital at Morganton, and make such adjustment and settlement as may in the opinion of the said board of directors seem just, equitable and reasonable, and to this end the sum of twelve hundred dollars is hereby appropriated from any moneys in the State Treasury to pay off such claims

Adjustment and settlement authorized.

Appropriation.

and demands as may be necessary for such purpose of acquiring the perpetual right and easement of discharging the said raw sewer from said building into the lands and water courses of those residents injured thereby.

Settlements to be reasonable and just.

SEC. 2. That nothing in this act shall be construed to authorize the board directors said hospital to pay more than is reasonable and just in their judgment, or in any manner to make mandatory the settlement of such suits and claims in case no reasonable compromise may be reached.

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

In the General Assembly read three times and ratified this the 12th day of March, 1913.

CHAPTER 152.

AN ACT TO AMEND SECTION 1 OF CHAPTER 217 OF THE PUBLIC LAWS OF 1907 (PELL'S REVISAL, SECTION 1104a), IN REGARD TO CHARGES OF FREIGHT FOR JOINT HAULS.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of chapter two hundred and seventeen of the Public Laws of one thousand nine hundred and seven, as amended by chapter one hundred and twenty-six of the Public Laws of one thousand nine hundred and eight, be amended by adding at the end thereof the following: "*Provided, further, that the reductions provided herein on joint hauls shall not operate in any case to make a through joint haul rate over two or more lines of road between two given or particular points less than the standard freight tariff prescribed by the Corporation Commission applied as a continuous haul over the lines owned by one company for the short line distance between the two particular points in this State.*"

Proviso: limitation of reduction.

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

In the General Assembly read three times and ratified this the 12th day of March, 1913.

CHAPTER 153.

AN ACT TO PERMIT THE TRUSTEES OF THE NORTH CAROLINA COLLEGE OF AGRICULTURE AND MECHANIC ARTS TO ADMIT FREE OF TUITION ONE NEEDY FARM BOY FROM EACH COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. For the purpose of making it possible for a greater number of worthy and yet needy young men to advance the farming interest of the State by training themselves in modern agricultural methods, the Trustees of the North Carolina College of Agriculture and Mechanic Arts are hereby authorized, if they can do so, to admit free of tuition into that institution one needy farm boy from each county. This free tuition, if given, shall not interfere with the scholarships which the trustees are now required by law to give.

Admission authorized.

Scholarships not interfered with.

SEC. 2. All young men granted free tuition under this act must agree to farm for at least two years or to teach agriculture in the State schools.

Conditions of free tuition.

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

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

In the General Assembly read three times and ratified this the 12th day of March, 1913.

CHAPTER 154.

AN ACT TO PROVIDE FOR THE OPTIONAL FORMATION SPECIAL TAX SANITARY DISTRICTS FOR THE PROTECTION OF HEALTH AND THE ERADICATION OF DISEASE.

The General Assembly of North Carolina do enact:

SPECIAL TAX MAY BE VOTED IN SPECIAL SANITARY DISTRICTS.

SECTION 1. Special tax sanitary districts may be formed by the county board of health in any county, without regard to township lines, under the following conditions: Upon a petition of a majority of the freeholders within the proposed special sanitary district, in whose names real estate in such district is listed in the tax lists of the current fiscal year, endorsed by the county board of health, the board of county commissioners, after thirty days notice at the courthouse door and three public places in the proposed district, shall hold an election to ascertain the will of the people within the proposed special sanitary district, whether there shall be levied in such district a special annual tax of not more than the amount specified in the petition on the one hundred dollars valuation of property and on the poll to conduct the health

Conditions for establishment of districts.
Petition for election

Notice of election.

Question to be voted on.

Election officers.	work of the district as is hereinafter provided, in case such special
Polling place.	tax is voted. The board of county commissioners shall appoint a
New registration.	registrar and two pollholders, and shall designate a polling place
Law governing election.	and order a new registration for such district, and the election
Canvass of vote.	shall be held in the district under the law governing general elec-
Certificate and record of result.	tions, as near as may be, and the registrar and pollholders shall
Expense of election.	canvass the vote cast and declare the result, and shall duly certify
Tickets.	the returns to the board of county commissioners, and the same
Effect of election.	shall be recorded in the records of said board of commissioners.
Moneys to credit of health committee.	The expense of holding said election shall be paid out of the gen-
Appointment and authority of health committee.	eral funds of the county. At such election those who are in favor
Enlargement of territory.	of the levy and collection of the tax shall vote a ticket on which
Election on enlargement.	shall be printed or written the words "For Special Tax," and
Petition for election abolishing district.	and those who are opposed shall vote a ticket on which shall be printed
Proviso: no election within two years.	or written the words "Against Special Tax." In case a majority
	of the qualified voters at the election is in favor of the tax, the
	same shall be annually levied and collected in the manner pre-
	scribed for the levy and collection of other taxes. All moneys
	levied under the provisions of this section shall, upon collection,
	be placed to the credit of the health committee or board in such
	district, which committee shall be appointed by the county board
	of health, and such health committee shall have the authority to
	carry on the health work in the district as hereinafter provided.
	Upon the written request of a majority of the health committee
	of any special-tax district, the county board of health may en-
	large the boundaries of any special-tax district established under
	this section, so as to include any contiguous territory, and an
	election in such new territory may be ordered and held in the
	same manner as prescribed in this section for elections in special-
	tax districts; and in case a majority of the qualified voters in
	such new territory shall vote at such election in favor of a special
	tax of the same rate as that voted and levied in the special-tax
	district to which said territory is contiguous, then the new terri-
	tory shall be added to and become a part of the said special-tax
	district; and in case a majority of the qualified voters shall vote
	against said tax, the district shall not be enlarged. Upon petition
	of two-thirds of the qualified voters residing in any special-tax
	district established under this section, endorsed and approved
	by the county board of health, the board of county commissioners
	shall order another election in said district for submitting the
	question of revoking said tax and abolishing said district, to be
	held under the provisions prescribed in this section for holding
	other elections: <i>Provided</i> , that no election for revoking a special
	tax in any special-tax district shall be ordered and held in said
	district within less than two years from the date of the election
	at which the tax was voted and the district established, nor at
	any time within less than two years after the date of the last
	election on said question in said district; and no petition revoking
	such tax shall be approved by the county board of health oftener

than once in two years, and if at such election the majority of the qualified voters in said district shall vote "Against Special Tax," said tax shall be deemed revoked and shall not be levied, and said district shall be discontinued: *Provided, further,* that the provisions for ordering a new election to revoke a special tax in any special-tax district shall not apply to elections in such districts for increasing or restoring the special-tax levy in such district, which elections may be ordered and held at any time in accordance with the provisions of this section for establishing new special-tax districts.

Effect of election.

Proviso: election for restoration.

QUALIFICATIONS AND ELECTIONS OF HEALTH COMMITTEEMEN.

SEC. 2. The county board of health of each county shall immediately after the formation of a special-tax sanitary district, and on the first Monday in July of the odd years of the calendar thereafter, appoint in each sanitary district three intelligent men of good business qualifications, who are known to be in favor of public education, who shall serve for two years from the date of their appointment as health or sanitary committeemen in their respective district and until their successors are elected and qualified. If a vacancy shall occur at any time, by death, resignation or otherwise, it shall be the duty of the county board of health to fill such vacancy. Such board shall have the power to pay out of the special-tax fund to each member of the committee thus appointed one dollar per day for not more than six days per annum.

Appointment of health committee.

Qualifications for committeemen.
Term of office.

Vacancies.

Pay of commissioners.

TO ELECT CHAIRMAN AND SECRETARY.

SEC. 3. The sanitary committee, as soon as practicable after their election and qualification, not to exceed twenty days, shall meet and elect from their number a chairman and secretary, and shall keep a record of their proceedings in a book to be kept for that purpose. The name and address of the chairman and secretary shall be reported to the county health officer and to the State health officer.

Organization of nittee.

Record of proceedings.

Report of organization.

SEC. 4. The special tax sanitary committee shall have the immediate care and responsibility of the health interest of this district. They shall make such rules and regulations, pay such fees and salary, purchase supplies and impose such penalties as in their judgment may be necessary to protect and advance the public health: *Provided,* that no rules or regulations they may promulgate shall conflict with the rules and regulations of the boards of health of the State and county of which the district is a part. The committee shall have authority to employ a registered physician of the State as health officer, and if he should persistently neglect the performance of his full duties for a period of ninety days he may be dismissed by the committee and his successor employed to fill the unexpired term. If the committee is satisfied that the provisions of this act have been complied with they shall

Powers and duties of committee.

Proviso: rules to conform to general rules.

Employment and dismissal of physician.

Payment of physician.

Statements of work.
Reports to State board.

Vouchers.

Authority and duties of committee

Duties and powers of health officer.

give an order approved by the chairman and secretary of the committee on the treasurer of the county payable to the health officer for the full monthly amounts due for services in accordance with the contract, but monthly statements of the work done by the health officer shall be made to the committee; and he shall supply reports promptly of such information as he can on blanks supplied by and returnable to the State Board of Health. Orders for all funds to the credit of the special tax sanitary district before it shall be a valid voucher on the county treasurer must be first approved by the chairman and secretary of the committee for the sanitary district.

SEC. 5. The authority and duties of the special-tax sanitary committee shall be the same as those given by the Public Laws of the State to the county board of health in so far as they are applicable to the district.

SEC. 6. The duties and powers of the health officer elected for the special-tax sanitary district shall be the same as those prescribed by the Public Laws of the State for the county health officer, in so far as they are applicable to the sanitary district, and such additional duties as may be imposed on him by the special-tax sanitary committee.

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

In the General Assembly read three times and ratified this the 12th day of March, 1913.

CHAPTER 155.

AN ACT TO AMEND REVISAL OF 1905, SECTION 1097, FOR THE PROTECTION OF LIVE STOCK.

The General Assembly of North Carolina do enact:

SECTION 1. That The Revisal of one thousand nine hundred and five, section one thousand and ninety-seven, be, and the same is, hereby amended by adding after the word "revenue" and before the word "provided" in subsection one, in the sixth line thereof, the words:

"And to require the erection of accommodations for loading and unloading live stock and for feeding, sheltering and protecting the same in transportation."

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

In the General Assembly read three times and ratified this the 12th day of March, 1913.

Care of live stock in transit.

CHAPTER 156.

AN ACT TO PROVIDE FOR THE REGULATION AND SUPERVISION OF BOND, INVESTMENT, AND OTHER COMPANIES.

The General Assembly of North Carolina do enact:

SECTION 1. That subchapter fourteen, chapter one hundred, Revisal of one thousand nine hundred and five of North Carolina, section four thousand eight hundred and five, be amended by adding the following:

(1) 4805a. *License; capital; supervision.* Every corporation, company, copartnership or association, all of which are in this act termed company, organized, proposed to be organized, or which shall hereafter be organized, without this State, whether incorporated or unincorporated, which shall in this State sell or negotiate for sale of any stocks, bonds or other evidences of property or interest in itself or any other company, all of which are in this act termed securities, upon which sale or proposed sale the whole or any part of the proceeds are used, or to be used, directly or indirectly, for the payment of any commission or other expenses incidental to the organization or promotion of any such company, shall be subject to this act. Corporations and companies subject to act.

(2) Before offering or attempting to sell any such securities to any person or persons, doing or offering to do any business whatever in this State, excepting that of preparing the documents hereinafter required, every such company shall file in the office of the Insurance Commissioner of this State, together with the fees prescribed for fidelity companies, the following documents, to wit: A statement showing in full detail the plan upon which it proposes to transact business. A copy of all applications for and forms of contracts, securities, bonds or other instruments, which it proposes to make with or sell to its contributors. A statement which shall show the name, location, and head office of the company and an itemized account of its actual financial condition, and the amount of its property and liabilities, and such other information, and in such form touching its affairs as said officer may require. It shall also file with the said Insurance Commissioner a copy of the laws of such state, territory or government under which it exists or is incorporated, and also a copy of its charter of its home state and certificate of the proper officer of such state that it is authorized to do business therein, articles of incorporation, constitution and by-laws, and all amendments thereof which have been made, and all other papers pertaining to its organization; and shall, to do business in this State, be licensed by the Insurance Commissioner, which the commissioner is authorized to do when he is satisfied that such company or corporation is safe and solvent, and has complied with the laws of this State applicable to fidelity companies and governing their admission and supervision by the Insurance Department. Documents to be filed with Insurance Commissioner. License by Insurance Commissioner.

- Advertising matter filed with Insurance Commissioner. (3) No advertisement, pamphlet, circular or other document shall be issued, circulated or delivered by such company or its agent, within this State, unless the same shall bear a serial number, and a copy thereof shall first have been filed with the Insurance Commissioner, nor after such company has been notified of objection thereto by said officer.
- Contracts to be in writing. (4) No person, for the purpose of organizing or promoting any company, or promoting the sale of securities of such company by it after organization as principal or agent, shall sell or agree or attempt to sell within this State any securities in such company unless the contract of subscription or of sale shall be in writing and contain a provision in the following language:
- Form of stipulation. (a) "No sum shall be used for commission, promotion and organization expenses on account of any share of stock in this company in excess of one per cent of the amount actually paid upon separate subscriptions (or in lieu thereof may be inserted, or one dollar per share from every fully paid subscription) for such securities, and the remainder of such securities shall be held or invested as authorized by the law governing such company and held by the organizers (or trustees as the case may be), and the directors and officers of such company after organization as bailees for the subscriber, to be used only in the conduct of the business of such company after having been licensed and authorized therefor by proper authority."
- Deposits of funds held as bailees. Funds and securities held by such organizers, trustees, directors or officers as bailees shall be deposited with any bank or trust company of this State until such company has been licensed as aforesaid.
- Name and interest of persons sharing in commissions to appear in contract. (5) No person shall participate in, receive or accept any part or promise of any part of any of the commissions or rewards of any organizer, promoter or agent for the sale of any such securities, unless the name of such person and the fact of his interest in such commissions or rewards shall appear upon such contract of subscription. The omission of such statement from any such contract shall, in addition to the penalty herein provided, make such person liable to the purchaser or his assignees for all sums paid by such purchasers with interest at the legal rate from date of payment, upon the assignment or tender of assignment of the securities so purchased.
- Penalty and liability for omission. (5) That Insurance Commissioner shall have power to make such examination of said company at its expense, including actual expenses and the *per diem* of examiners twenty-five dollars, and to require such further information as he may deem advisable, and if he shall find that the provisions of the law have been complied with and is satisfied that the company is safe and solvent, and that its business is proper and legitimate and is so conducted, he may license the said company to transact business in the State upon the payment of a license fee of one hundred dollars (\$100); and no such company or representative thereof shall transact or
- Power of examination.
- License fee.

offer to transact business within this State unless a license shall have been issued to such company as aforesaid. Such license shall recite in bold type that the Insurance Commissioner in no wise recommends the securities to be offered for sale by such company.

License to negative recommendation.

(7) No such company shall transact, or offer to transact, any business within this State during any time after the adoption of any change in its articles of organization, by-laws or plan of doing business, or the making of any change in the form of its applications, or other contracts, before the same shall have been filed with the said Insurance Commissioner.

Changes of organization or plans to be filed with Insurance Commissioner.

(8) No person shall transact or offer to transact business in this State as agent for such company, or transact or offer to transact any business described in this act unless such person shall hold a license issued by the Insurance Commissioner. Such license shall only issue upon the filing with the said Insurance Commissioner by such agent a bond in the sum of one thousand dollars (\$1,000), with such conditions and sureties as may be required and approved by the Insurance Commissioner. Such license shall expire on the first day of April following, unless the authority is sooner revoked by the Insurance Commissioner, and such authority shall be subject to revocation at any time by such officer for cause appearing to him sufficient. The fee for such agent's license shall be the same as prescribed for fidelity companies.

Doing business without license forbidden.

Issue of license.

Expiration of license.

Revocation for cause.

Fee for agent's license.

(9) Every company shall, on or before the first day of March, file with the Insurance Commissioner a statement as of the thirty-first day of December preceding, in such form as required by him, and such other statements and information shall be filed in such form and within such time as may be required by the said Insurance Commissioner. The accounts of such company shall be kept in such form as required by the Insurance Commissioner.

Statements to be filed.

Form of accounts.

(10) No such company shall fail to comply with any provision of the law or any requirement of the Insurance Commissioner pursuant to the law, and no officer, agent or employee of any such company shall make or cause to be made any false statement in any report required of him, or a false entry in any book of such company, or shall make or publish any false statement of its condition or regarding its securities; and upon any violation of this section the Insurance Commissioner may revoke its license to do business in this State.

Causes for revocation of license.

(11) Any officer or agent of any such company knowingly or willfully violating any provision of this act shall be punished by a fine of not exceeding two hundred dollars (\$200), or by imprisonment in jail or worked on the roads for not exceeding two years, or by both such fine and imprisonment.

Punishment for violation of act.

Sec. 2. This act shall take effect and be in force from and after its passage.

In the General Assembly read three times and ratified this the 12th day of March, 1913.

CHAPTER 157.

AN ACT TO CREATE A STATE BOARD OF ACCOUNTANCY AND PRESCRIBE ITS DUTIES AND POWERS; TO PROVIDE FOR THE EXAMINATION AND ISSUANCE OF CERTIFICATES TO QUALIFIED APPLICANTS, WITH THE DESIGNATION OF CERTIFIED PUBLIC ACCOUNTANTS, AND TO PROVIDE THE GRADE OF PENALTY FOR VIOLATION OF THE PROVISIONS THEREOF.

The General Assembly of North Carolina do enact:

Governor to appoint board.

SECTION 1. Within thirty days after the passage of this act, the Governor shall appoint four persons to constitute a state board of accountancy. Three members of said board shall be persons skilled in the knowledge and practice of accounting and actively engaged as professional accountants within the State of North Carolina, and the other a recognized attorney of the State; being of good standing as such.

Constituent members.

Terms of office.

SEC. 2. The members of such board shall hold office for three years or until their successors are appointed and have qualified, except that of the members first appointed under this act, one shall hold office for one year, one for two years, and two for three years. The term of office for each to be designated by the Governor in his appointment. Upon the expiration of each of said terms a member shall be appointed by the Governor for the term of three years, and after this date the members of said board shall be appointed from among the holders of certificates issued under this act.

Appointment of successors.

Qualifications for certificates. Examination and certification.

SEC. 3. The board shall determine the qualifications of persons applying for certificates under this act, and make rules for the examination of applicants and the issue of certificates herein provided for.

Organization of board.

SEC. 4. The board shall organize by the election of one of its members as president, one member as secretary and one member as treasurer: *Provided, however,* that the office of secretary and treasurer may be held by one person.

Proviso: secretary and treasurer.

Bond of treasurer.

SEC. 5. The treasurer shall give bond to the State in such sum as may be determined by the board.

Records and reports.

SEC. 6. The board shall keep a complete record of all its proceedings, and shall annually submit a full report to the Governor.

Certificates of qualification.

SEC. 7. The board shall grant certificates of qualification to such applicants as may, upon examination, be qualified in "theoretical and "practical" accounting, "auditing," "commercial law" as affecting accountancy, and in such other subjects as the board may deem advisable. A majority of the board shall constitute a quorum and the vote of three members shall be considered as the action of the board.

Quorum of board.

Persons entitled to certification.

SEC. 8. Any citizen of the United States, or person who has duly declared his intention of becoming such citizen, over the age

of twenty-one years, of good moral character, being a graduate of a high school or having had an equivalent education, who has had at least three years experience in the practice of accounting, and has passed a satisfactory examination as herein provided, shall be entitled to a certificate to practice accounting and shall be styled and known as a certified public accountant.

SEC. 9. The examination shall be held as often as may be necessary in the opinion of the board, and at such times and places as it may designate, but not less frequently than once in each calendar year. Examinations.

SEC. 10. The board shall charge for each examination and certificate provided for in this act a fee of twenty-five dollars (\$25). This fee shall be payable to the treasurer of the board by the applicant at the time of filing application. In no case shall the examination fee be refunded, but said applicant may be reexamined within eighteen months from the date of his application without payment of an additional fee. Examination fee.
Re-examination fee.

SEC. 11. The members of the board to be appointed under the provisions of this act shall be paid for the time actually expended in the pursuance of the duties imposed upon them by this act an amount not exceeding ten dollars per day, and they shall also be entitled to necessary traveling expenses. Pay of board.

SEC. 12. From the fees collected the board shall pay all expenses incident to the examination to be held under this act, the expenses of preparing and issuing certificates, the traveling expenses of examiners and their compensation while performing their duties under this act: *Provided*, that no expense incurred under this act shall be charged against the State. Any surplus arising shall, at the end of each year, be deposited by the treasurer of the board with the State Treasurer to the credit of the general fund. Payment of expenses.
Provide: no charge against State.
Surplus to use of State.

SEC. 13. Any public accountant who files his application (and be it understood that by "public accountant" is meant one actively engaged and practicing accountancy as his principal vocation during the business period of the day) within ninety days after the organization of the board, and is at the time of filing said application a public accountant, and has practiced as such for at least three years next preceding the date of his application, the last six months of which has been in the State of North Carolina, shall file with his application proof of said facts. The board shall consider said proofs and such other evidence as may be procured, and if it be satisfied that the statements contained in said application and proofs are true, and that the applicant is of good moral character, it shall accept the foregoing evidence in lieu of examination and grant said applicant a certificate. Grant of certificate without examination.

SEC. 14. Any citizen of the United States or person who has declared his intention of becoming such citizen, over twenty-one (21) years of age, of good moral character, and who has complied with the rules and regulations of the board pertaining to such cases, and who holds a valid and unrevoked certificate as a certi- Certificates from other states.

fied public accountant, or the equivalent thereof, issued by or under the authority of any other State of the United States, or of the United States, or the District of Columbia, or any territory of the United States, or by or under the authority of a foreign nation, when the board shall be satisfied that their standards and requirements for a certificate as a certified public accountant are substantially equivalent to those established by this act, may, at the discretion of the board, receive a certificate as a certified public accountant, and such person may thereafter practice as a certified public accountant and assume and use the name, title and style of "Certified Public Accountant," or any abbreviation or abbreviations thereof, in the State of North Carolina: *Provided, however,* that such other state or nation extends similar privileges to certified public accountants of the State of North Carolina.

Proviso: reciprocal privileges.

Revocation of certificate.

SEC. 15. The board may revoke any certificate issued under this act for sufficient cause: *Provided,* that written notice shall have been mailed to the holder of such certificate at his last known address at least twenty days before any hearing thereof, stating the cause of such contemplated action, and appointing a time for a hearing thereon by the board; and, *Provided, further,* that no certificate issued under this act shall be revoked until such hearing shall have been had. At all such hearings the Attorney-General of the State or one of his assistants designated by him shall sit with the board with all the powers and pay of a member thereof.

Proviso: revocation not without hearing.
Attorney-General to sit.

Practice as certified public accountant without license misdemeanor.

SEC. 16. If any person shall represent himself as having received a certificate as provided in this act, or shall practice as a certified public accountant, or use the abbreviation "C. P. A." (without specifying the state that granted said certificate), or in similar words or letters to indicate that the person using the same is qualified to practice in this State as a certified public accountant, without having received such certificate as provided for by this act, or if any person having received a certificate as provided for in this act, and having thereafter lost such certificate by revocation as herein provided, shall practice as a certified public accountant, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty dollars and not exceeding two hundred dollars for each offense.

State, county and municipal officers.

SEC. 17. Nothing herein contained shall be construed to restrict or limit the power or authority of any state, county, or municipal officer or appointee engaged in or upon the examination of the accounts of any public officer, his employees or appointees.

SEC. 18. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 19. That this act shall be in effect from and after its ratification.

In the General Assembly read three times and ratified this the 12th day of March, 1913.

CHAPTER 158.

AN ACT TO CORRECT THE CALLS OF STATE GRANTS NUMBERS 251 AND 506.

The General Assembly of North Carolina do enact:

SECTION 1. That the calls of state grant number two hundred and fifty-one granted to William Monteith, and recorded in the office of the Secretary of State, in book one hundred and seventy-four, on page two hundred and thirty-one, be corrected to read as follows: Grant corrected.

Beginning on a b. oak at the mouth of the Bluff branch, and runs north eighty-eight west fifty-eight poles to a b. oak; thence south seventy-eight west forty-six poles to a s. oak; thence north sixty-five west one hundred poles to a post oak; thence north thirty-five west twenty-four poles to a spanish oak; thence north forty-five west twenty-three poles to a white oak; thence north twenty-three east one hundred and twenty poles to a stake; thence north eighty-one east two hundred and sixty-five poles to a stake; thence south fifteen west one hundred and eighty poles to a water oak on the bank of the river; thence south seventy-one west fifty-eight poles to the beginning. Metes and bounds.

SEC. 2. That the call of state grant number five hundred and six from the state to William Allison, and now owned by W. J. Souther, be amended and corrected to read as follows: Grant corrected.

That on the first call in the old plat, "south twenty east eight," be stricken out and the call "south twenty west fourteen and a half" be inserted instead. Calls stricken out and inserted.

That the call "south thirty-two east one hundred and forty-six" be stricken out and "south fifty-seven and a half east one hundred and twenty-nine" inserted in lieu thereof; that the calls in said grant shall read, when amended, as follows:

"Beginning at a black gum on the south side of the old road and runs south twenty west fourteen and a half poles to a chestnut oak; thence west crossing the branch sixty poles to a locust; then north forty-five west twenty poles to a chestnut; then north twenty east eight poles to a small black oak; then north sixty west sixty-eight poles to a chestnut oak; then north twenty east crossing the branch eighty poles to a stake; thence south fifty-seven and a half east one hundred and twenty-nine poles to a stake; then south forty-eight poles to the beginning. Metes and bounds.

SEC. 3. That the Secretary of State is hereby authorized and directed to correct said grants in the records of his office, so as to correspond with the corrected boundaries in this act. Correction on record.

SEC. 4. That this act shall not affect any vested rights or pending litigation. Vested rights and pending litigation.

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

In the General Assembly read three times and ratified this the 12th day of March, 1913.

CHAPTER 159.

AN ACT RELATIVE TO THE ISSUANCE OF POLICIES BY ASSESSMENT INSURANCE COMPANIES.

The General Assembly of North Carolina do enact:

Words printed in policy.

SECTION 1. That every policy or certificate issued to a resident of the State of North Carolina by any corporation transacting in the State of North Carolina the business of life insurance upon the assessment plan, or admitted to do business in this State on the assessment plan shall print in bold type and in red ink, near the top of the front page of said policy, upon every policy or certificate issued upon the life or lives of any such resident or residents of the State of North Carolina, the words "issued upon the assessment plan," and the words "assessment plan" shall be printed conspicuously in red ink in and upon every application, circular, card and any and all printed documents issued, circulated or caused to be circulated by such corporation within the State, save and except, however, in advertising in newspapers within the State, in which case the words may be printed in black.

Words printed in other papers.

Revocation of license.

SEC. 2. That if any corporation or association transacting insurance business in this State on the assessment plan or issuing any policy upon the life or lives of a resident or residents of North Carolina upon the assessment plan shall fail or refuse to comply with the foregoing section, the Insurance Commissioner shall forthwith suspend or revoke all authority of such corporation or association and of its agents to do business in this State.

Repealing clause.

SEC. 3. That all laws and clauses of law in conflict with this act be, and the same are, hereby repealed when this act shall go into effect.

When act effective.

SEC. 4. This act shall be in force from and after July first, one thousand nine hundred and thirteen.

In the General Assembly read three times and ratified this the 12th day of March, 1913.

CHAPTER 160.

AN ACT TO AMEND CHAPTER 100 OF THE PUBLIC LAWS OF 1911 TO CONTINUE FOR THE YEARS 1913 AND 1914 THE APPROPRIATION FOR ESTABLISHING A CARD INDEX SYSTEM FOR GRANTS AND TO REORGANIZE AND CHANGE THE METHOD OF FILING WARRANTS, PLATS, AND SURVEYS IN THE OFFICE OF THE SECRETARY OF STATE.

The General Assembly of North Carolina do enact:

Former law amended.

SECTION 1. That chapter one hundred of the Public Laws of one thousand nine hundred and eleven be amended by striking out, in lines six, seven, eight and nine in section one, the words "that

an appropriation of one thousand five hundred dollars a year for Amendment.
 the years one thousand nine hundred and eleven and one thousand
 nine hundred and twelve is hereby made for that purpose," and
 inserting in lieu thereof the words, "that an appropriation of one
 thousand five hundred dollars a year for the years one thousand
 nine hundred and thirteen and one thousand nine hundred and
 fourteen is hereby made for that purpose."

SEC. 2. That this act shall be in force from and after its rati-
 fication.

In the General Assembly read three times and ratified this the
 12th day of March, 1913.

CHAPTER 161.

AN ACT TO PROMOTE THE MANUFACTURE OF ANTIHOG CHOLERA SERUM, ANTITOXIN AND OTHER CURATIVE SERA BY THE STATE OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. The North Carolina State Board of Agriculture, for Use and control of
 the purpose of preparation of antihog cholera serum, shall have land.
 the use and control of so much of a tract of land owned by the
 State as may be desirable for the purpose herein mentioned. The Description of
 said land was purchased by the State from W. A. Myatt and wife land.
 by deed dated May third, one thousand eight hundred and eighty-
 nine, and contains seventy-eight acres, more or less, and joins
 the city farm of the city of Raleigh. The Board of Agriculture Use of tract.
 shall use the said tract for the raising, feeding and care of hogs
 and the erection and equipping of such buildings and appliances
 as may be necessary in connection with said work and for pre-
 paring said serum, the same to be distributed by the State Veteri- Distribution of
 narian at cost to the people of the State applying for same. serum.

SEC. 2. The State Laboratory of Hygiene, under direction of the Diphtheria anti-
 State Board of Health, shall have the use and control of so much toxin and other
 of said land as may be deemed necessary for the manufacture of curative sera.
 diphtheria antitoxin and other curative sera. The president of Allotment of land.
 the State Board of Health and the State Veterinarian shall ami-
 cablely allot the portion of said land to be used by each in their re-
 spective operations.

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

In the General Assembly read three times and ratified this the
 12th day of March, 1913.

CHAPTER 162.

AN ACT DIRECTING THE SECRETARY OF STATE TO SECURE COPIES OF CERTAIN MAPS AND CHARTS FROM THE ARCHIVES OF THE STATE OF TENNESSEE.

Preamble: original report and map lost.

WHEREAS, as it appears that the original report and map of the survey made by the North Carolina Commissioners, McDowell, Vance, and Matthews, of that portion of the State of Tennessee extending from a point on the Virginia line to a point on the Smoky Mountain west of the Pigeon River, where said survey terminated, has been lost or destroyed, and

Preamble: copy of report and map in archives of Tennessee.

WHEREAS, it further appears that a copy of said report and map of the said commissioners was made in the year one thousand eight hundred and three, from the originals then on file in the office of Secretary of State, which copy was certified by Will White, then Secretary of State of North Carolina, and is now on file in the State archives of Tennessee at Nashville; and

Preamble: use and benefit of map.

WHEREAS, it is of importance to citizens of this State to have the use and benefit of said map and survey in determining disputed boundary questions along said river; now therefore,

The General Assembly of North Carolina do enact:

Secretary of State to secure copy.

SECTION 1. That the Secretary of State be, and he is, hereby directed and required to procure, as soon as possible, from the State of Tennessee, a copy of the said copy of the said report and map of the said commissioners, the same to be certified under the great seal of the State of Tennessee, affixed by the Secretary of State or the Governor thereof, the said copy, when so procured, to be filed and kept in the office of the Secretary of State for the use of this State, and the citizens thereof.

Certificate to copy.

Custody of copy.

Copy competent evidence.

SEC. 2. That when the Secretary of State shall obtain a copy of said report, then a copy of the report so obtained, certified under the pen and seal of the said Secretary of State, shall be competent evidence in the trial of any action in the courts of this State. The costs of obtaining said copy shall be paid by the State Treasurer upon a warrant issued by the State Auditor on voucher approved by the Secretary of State.

Cost of obtaining copy.

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

In the General Assembly read three times and ratified this the 12th day of March, 1913.

CHAPTER 163.

AN ACT TO PROTECT AGRICULTURAL FAIRS.

The General Assembly of North Carolina do enact:

SECTION 1. That the various county commissioners of any county in North Carolina in which there is a regularly organized agricultural fair may refuse to allow any circus, menagerie, wild west show, dog and pony show, carnival show, to exhibit within five miles of such fair from its beginning to its ending: *Provided*, that notice is given the sheriff by the commissioners of said county not to issue such license to said entertainments sixty days prior to the date of such exhibition.

Refusal of license to shows.

Proviso: notice by county commissioners.

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

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

In the General Assembly read three times and ratified this the 12th day of March, 1913.

CHAPTER 164.

AN ACT TO PREVENT CORRUPT PRACTICES IN THE PRIMARY, SPECIAL, GENERAL, AND OTHER ELECTIONS.

The General Assembly of North Carolina do enact:

SECTION 1. That any person who shall hereafter, in connection with any primary, special, general or other elections held, being held, or about to be held in the State of North Carolina, do any of the acts and things declared in this section to be unlawful, shall be guilty of a misdemeanor and, upon conviction, shall be fined or imprisoned, or both, in the discretion of the court. It shall be unlawful for any person,

Violation of section misdemeanor.

Punishment.

Acts declared unlawful.

(a) To fail as an officer or as a judge or registrar of election, or as a member of any election or canvassing board, to prepare the books, tickets, and return blanks which it is his duty under the law to prepare, or to fail to distribute the same as required by law, or to make the returns, or perform any other duty within the time and in the manner required by law;

Failure in duty by election officer.

(b) To continue, or attempt, to act as a judge or registrar of election, or member of any election board, after having been legally removed from such position, and after having been given notice of such removal;

Acting or attempting to act as election officer after removal.

(c) To break up or by force or by violence stay, or interfere with, the holding of any election, or with the possession, by the proper officers, of any ballot boxes or election books, or tickets, or return sheets, by those entitled to the possession of the same

Forcible interference with election or with election officer in discharge of duty.

under the law, or to interfere in any manner with the performance of any duty imposed by law upon any election officer or member of any election or canvassing board;

Boisterous conduct affecting officers in discharge of duties. (d) To be guilty of boisterous conduct so as to disturb any member of any election or canvassing board, or any judge or registrar of election, in the performance of his duties as imposed by law;

Betting on elections (e) To bet or wager any money or other thing of value on any election;

Discharging or threatening to discharge or otherwise intimidating voters. (f) To directly or indirectly discharge or threaten to discharge from employment or otherwise intimidate or oppress any legally qualified voter on account of any vote such voter may cast, or consider casting, or intend to cast or not to cast, or which he may have failed to cast;

Spending or contributing in aid of candidate without reporting. (g) To directly or indirectly spend or contribute any money or other thing of value to aid in the campaign or election of any candidate for any office in a primary or in a general election unless the same be reported immediately to such candidate, to the end that it may be reported by him in the reports required of him by law, or unless such contribution shall be reported to the campaign committee of such candidate within the meaning of "campaign committee" as herein defined. The term "campaign committee" as used in this subsection shall embrace only such committees as are designated by candidates for office before primary elections and reported to the Secretary of State at least thirty days before such primary election by those who are candidates for any office embracing a greater territory than a county, and reported to the clerk of the Superior Court in the county of the candidate at least thirty days prior to the primary election by those who are candidates for any office to be voted for only

Campaign committee defined.

Reciprocal duty of candidate and campaign committee to report contributions.

by the electors in a particular county or subdivision thereof. It shall be the duty of each candidate to receive from such campaign committee, and of each campaign committee of each candidate to give to the candidate appointing such committee, all the information they may have, and for such campaign committee and candidate to embrace such information in the reports required of them by law, and it shall be unlawful for the candidate and the members of his campaign committee to fail to do so;

Failure by candidate to report receipts and expenditures.

(h) Who is a candidate or member of the campaign committee to fail to report under oath, within the time required by law for the report from such candidate, the amount of money received in connection with or in aid of his campaign, and the sources thereof, and for what purposes the same has been applied. That the report to be made by the campaign committee of any candidate before the primary shall be made in duplicate, one copy thereof to be filed with the candidate and one copy to be filed with the officer to whom said candidate is required to report, and is to be made within the time required for a report from such candidate;

Duplicate reports of campaign committee.

(i) Who is a candidate for any political office before a primary to expend or knowingly assent to or permit the expenditure of more than fifty per cent of what the annual salary of such person will be if elected to the office for which he is a candidate, except that a candidate for Governor and a candidate for the United States Senate may spend or allow others to spend a total amount, which shall not be greater than the annual salary would be if the candidate were elected to such office, and such candidate may lawfully pay in addition his transportation expenses and board and lodging bills while campaigning for such office;

Limit of expenditure by candidates.

Candidates for Governor and United States Senator.

(j) Who is a member of any executive committee, or managing committee, or other committee of any political party within the State of North Carolina for any county or subdivision of any county in said State, to fail to report to the clerk of the court of such county, not more than fifteen nor less than ten days before any general election, the amount of money received by such committee for campaign purposes, and within twenty days after the election to make a similar report of money received and from whom, and the purposes for which the same was used; such report is to be made under oath by the secretary or chairman of such committee, who has full knowledge of all the details of the committee's affairs; or for any chairman or secretary of such committee of a political party having a territory embracing more than one county to fail to make, within the time required by law, similar reports to the Secretary of State.

Failure to report by executive committees of parties.

(k) For any person to publish in any newspaper or pamphlet, or otherwise, any charge derogatory to any candidate, or calculated to affect the candidate's chances of election to office, unless such publication be signed by the party giving publicity to and being responsible for such charge;

Publication of charges without signature.

(l) For any person to publish or cause to be circulated derogatory reports with reference to any candidate known by the person publishing or circulating such report to be false, when such report is calculated or intended to affect the chances of such candidate for such office.

Publication or circulation of false reports.

(m) To give or promise, in return for political support or influence any political appointment or support for political office.

Promise of appointment or support.

Sec. 2. That any person who shall hereafter, in connection with any primary, special, general, or other election held or being held, or to be held in the State of North Carolina, do any of the acts and things declared in this section to be unlawful, shall be guilty of a felony, and upon conviction shall be imprisoned in the State's Prison for not less than four months, or fined not less than one thousand dollars, or both in the discretion of the court.

Violation of section felony.

Punishment.

It shall be unlawful for any person

(a) To fraudulently cause his name to be placed upon the registration books of more than one election precinct, or to fraudulently cause or procure his name, or that of any other person, to be placed upon the registration books in any precinct when such

Further acts declared unlawful. Fraudulent registration or procurement of registration or impersonation of voter.

registration in such precinct does not qualify such person to legally vote in such precinct, or to falsely impersonate another registered voter for the purpose of voting in the stead of such other voter;

Gift, promise, request for or acceptance of bribe.

(b) To give or promise or request or accept at any time before or after any such election any money, property or anything of value whatever, in return for the vote of any elector or electors;

Fraudulent act or omission by officer.

(c) Who is an election officer or a member of the canvassing or election board or other officer charged with any duty with respect to any election to knowingly make any false or fraudulent entry on any election book, or any false or fraudulent return, or to knowingly make, or cause to be made, any false statement on any ticket, or to do any fraudulent act, or knowingly and fraudulently omit to do any act or make any report legally required of such person;

False swearing.

(d) To knowingly and falsely swear with respect to any matter pertaining to any such elections;

Presentation of fraudulent papers.

(e) To falsely make or present any exemption from poll tax, or any tax receipt, or certificate, or other paper to fraudulently qualify any person as an elector, or to attempt thereby to secure to any person the privilege of voting.

Persons required to testify.

SEC. 3. That any person subpoenaed by the State to testify shall be required to testify, but such person shall be immune from prosecution and pardoned for any violation of law about which such person is so required to testify.

Immunity to witnesses.

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

In the General Assembly read three times and ratified this the 12th day of March, 1913.

CHAPTER 165.

AN ACT TO AMEND CHAPTER 89, PUBLIC LAWS OF 1907, RELATIVE TO DIVORCE WHERE THE PARTIES HAVE LIVED SEPARATE AND APART FOR TEN CONSECUTIVE YEARS.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter eighty-nine, Public Laws of one thousand nine hundred and seven, be, and the same is, hereby amended by striking out all of section one of said chapter, after the word "years" in line six thereof, and inserting in lieu thereof the following, "and the plaintiff in the suit for divorce shall have resided in this State for that period, and no children be born of the marriage and living."

Residence of plaintiff.

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

In the General Assembly read three times and ratified this the 12th day of March, 1913.

CHAPTER 166.

AN ACT TO AMEND SECTION 132 OF THE REVISAL OF 1905,
IN REGARD TO THE DISTRIBUTION OF THE SURPLUS OF
ESTATES.

The General Assembly of North Carolina do enact:

SECTION 1. Add to section one hundred and thirty-two, para-^{Estates of married}graph eight, to read as follows: If any married woman die ^{women.} intestate leaving one child and a husband, her personal estate shall be equally divided between the child and husband. If she leave more than one child and a husband, her personal estate shall be divided in equal portions and the husband shall receive a child's part: *Provided, however,* that this act shall not apply where the husband of the deceased woman is father of all the children, or their descendants of his deceased wife.

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

In the General Assembly read three times and ratified this the 12th day of March, 1913.

CHAPTER 167.

AN ACT TO ALLOW CONVICTS SENTENCED TO WORK UPON
THE PUBLIC ROADS IN ANY OF THE COUNTIES OF THE
STATE OF NORTH CAROLINA A DEDUCTION OF TIME
FOR GOOD CONDUCT AND TO AUTHORIZE THE COUNTY
COMMISSIONERS TO MAKE PROVISION IN CERTAIN
CASES FOR DESTITUTE FAMILIES OF SAID CONVICTS. ✓

The General Assembly of North Carolina do enact:

SECTION 1. That every convict who is now or may hereafter be sentenced to work upon the public roads of any county in North Carolina, and who shall have performed faithfully, and who shall hereafter perform faithfully, the duties assigned to him during his term of sentence, shall be entitled to a deduction from the time of his sentence for the respective years thereof, and proportionately for any part of a year, when there shall be a fractional part of a year in the sentence, to wit, for each month, five days; and it shall be the duty of the county commissioners or other proper authorities to discharge such convict from the county roads when he shall have served the time of his sentence, less the number of days he may be entitled to have deducted therefrom in the same manner as if no deduction has been made: *Provided,* that if any convict shall escape or attempt to escape from said roads, he shall forfeit and lose any and all deduction from the time of his sentence which he may have been entitled to

Allowance for faithful discharge of duties.

Ratio of allowance.

County commissioners to discharge prisoners.

Proviso: forfeit for escape or attempt to escape.

Proviso: judges of performance of duty.

Proviso: women convicts.

up to the time of the escape or attempted escape as provided in this section: *Provided, further*, that the authorities having such convict in charge shall be the sole judges as to whether said convict has performed faithfully the duties assigned him; and, *Provided, further*, that this section shall apply to women who have been, or may be, sentenced to the county farm or county home of any county of the State.

SEC. 2. All laws or parts of laws in conflict with the provisions of this act are, in so far as they conflict herewith, hereby repealed.

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

In the General Assembly read three times and ratified this the 12th day of March, 1913.

CHAPTER 168.

AN ACT TO REDUCE THE COSTS OF WITNESSES APPEARING BEFORE GRAND JURIES ON PRESENTMENTS.

The General Assembly of North Carolina do enact:

Subpoenas to name Tuesday.

SECTION 1. That whenever the names of witnesses are endorsed on presentments made by a grand jury, in issuing subpoenas for such witnesses, the clerk of the court shall name therein the first Tuesday of the term of court as the time such witnesses are required to appear and give evidence. And no clerk shall issue a subpoena for any such witness to appear on Monday, except upon written order of the solicitor of the district.

Subpoenas for Monday on order of solicitor.

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

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

In the General Assembly read three times and ratified this the 12th day of March, 1913.

CHAPTER 169.

AN ACT TO MAKE INDICTABLE WHAT IS KNOWN AS HAZING IN COLLEGES AND SCHOOLS IN THIS STATE.

The General Assembly of North Carolina do enact:

Hazing forbidden.

SECTION 1. It shall be unlawful for any student or students in any college or school in this State to engage in what is known as hazing.

Hazing defined.

SEC. 2. That for the purposes of this act hazing shall be defined to be "to annoy by playing abusive or ridiculous tricks upon

any student, to frighten, scold, beat or harass him, or to subject him to personal indignity.”

SEC. 3. That this act shall be framed and hung or displayed in every college or school keeping student boarders. That the violation of this act shall be a misdemeanor. Act to be framed and displayed. Violation misdemeanor.

SEC. 4. That any one aiding or abetting any student or students in hazing shall be guilty of a misdemeanor. Aiding and abetting misdemeanor.

SEC. 5. That upon conviction of any student of this offense he shall, in addition to any punishment imposed by the court, be expelled from the college or school he is attending. Expulsion on conviction.

SEC. 6. That the faculty or governing board of any college or school charged with the duty of expulsion of students for proper cause shall, upon the conviction of any student or students, at once expel them, and a failure to do so shall be a misdemeanor. Governing boards to expel students. Failure a misdemeanor.

SEC. 7. This act shall not apply to females, nor to schools or colleges not keeping boarders, or to schools keeping less than ten student boarders. Exceptions.

SEC. 8. That in all trials under the provisions of this act any student or other person subpoenaed as a witness in behalf of the State shall be required to testify if called upon to do so: *Provided, however,* that no such student, or person so testifying, shall be amenable or subject to indictment on account of, or by reason of, such testimony. Witnesses required to testify. Proviso: immunity to witnesses.

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

In the General Assembly read three times and ratified this the 12th day of March, 1913.

CHAPTER 170.

AN ACT TO AUTHORIZE WOMEN TO DISCHARGE CERTAIN DUTIES PERTAINING TO EDUCATION.

The General Assembly of North Carolina do enact:

SECTION 1. That positions on committees for rural and graded schools, boards of trustees for state schools and colleges for women, and subtext-book commissions shall not be deemed offices within this State, but shall be places of profit or trust. School committees. Boards of trustees. Subtext-book commissions.

SEC. 2. Women shall be eligible to serve in the places named in section one of this act, under the same conditions and restrictions as now imposed upon men: *Provided,* that the provisions of this act shall not apply to any position or place where the person holding such position or place is elected by the people. Conditions and restrictions. Proviso: elective positions.

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

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

In the General Assembly read three times and ratified this the 12th day of March, 1913.

CHAPTER 171.

AN ACT SUPPLEMENTAL TO AND AMENDATORY OF "AN ACT TO DIVIDE THE STATE INTO TWENTY SUPERIOR COURT JUDICIAL DISTRICTS AND TO FIX THE NUMBER OF WEEKS FOR COURTS FOR EACH, AND FOR OTHER PURPOSES," RATIFIED THE 6TH DAY OF MARCH, 1913.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter nine hundred, Public Laws of nineteen hundred and thirteen, entitled "An act to divide the State into twenty superior court judicial districts and to fix the number of weeks of courts for each, and for other purposes," ratified the sixth day of March, nineteen hundred and thirteen, be, and the same is, hereby amended as follows: Under section two strike out under "sixth" the words "Greene . . . five weeks" and under "fifth" insert under the words "Carteret . . . four weeks" the words "Greene . . . five weeks," and strike out the words "thirty-six" and insert in lieu thereof the words "forty-one."

Greene County.

SEC. 2. This act shall be in full force and effect on and after the first day of July, nineteen hundred and thirteen.

In the General Assembly read three times and ratified this the 12th day of March, 1913.

CHAPTER 172.

AN ACT TO PROVIDE THE STATE AUDITOR WITH A PENSION CLERK.

The General Assembly of North Carolina do enact:

SECTION 1. That the State Auditor be, and he is, hereby authorized to expend annually, out of funds not otherwise appropriated, an amount not exceeding three hundred dollars to pay a pension clerk, who may be a member of his office force, for the purpose of carrying into effect the pension laws of this State.

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

In the General Assembly read three times and ratified this the 12th day of March, 1913.

Expenditure
authorized.

Limit of amount.

CHAPTER 173.

AN ACT TO MAKE SCHOOL ATTENDANCE COMPULSORY.

The General Assembly of North Carolina do enact:

SECTION 1. That from and after the first day of July, one thousand nine hundred and thirteen, every parent, guardian, or other person in the State of North Carolina having charge or control of a child or children between the ages of eight and twelve years, shall cause such child or children to attend the local public school in the district, town or city in which he resides, continuously for four months of the school term of each year, except as herein-after provided. This period of compulsory attendance shall commence at the beginning of the compulsory period of the school term nearest to the eighth birthday of such child or children, and shall cover the compulsory period of four consecutive school years thereafter. This period of compulsory attendance for each public school shall commence at the beginning of the school term of said school unless otherwise ordered by the county board of education or, in case of towns or cities of two thousand or more inhabitants, by the board of trustees of the public schools of said towns or cities. Continuous attendance upon some other public school or upon any private or church school taught by competent teachers may be accepted in lieu of attendance upon the local public schools: *Provided*, that said period of continuous attendance upon such other school shall be for at least four months of each year: *Provided, further*, that any private or church school receiving for instruction pupils between the ages of eight and twelve years shall be required to keep such records of attendance of said children and to render such reports of same as are hereinafter required of public schools. And attendance upon such schools refusing or neglecting to keep such records and to render such reports shall not be accepted in lieu of attendance upon the local public school of the district, town or city which the child shall be entitled to attend: *Provided*, the period of compulsory attendance shall be in force and apply between the ages of eight and fifteen years in Mitchell County.

SEC. 2. This act shall not apply in any case in which the child's physical or mental condition, as attested by any legally qualified physician before any court having jurisdiction under this act, renders his attendance impracticable or inexpedient; or in any case in which the child resides two and one-half miles or more by the nearest traveled route from the schoolhouse; or in any case in which, because of extreme poverty the services of such child are necessary for his own support or the support of his parents, as attested by the affidavit of said parents and of such witnesses as the attendance officer may require; or in any case in which said parent, guardian or other person having charge or control of the child shall show before any magistrate by affi-

Parents, guardians and other persons to cause school attendance by children.

Length of term.

Beginning and end of term.

Attendance to commence.

Attendance on private or church schools.

Proviso: length of attendance.

Proviso: records and reports of private and church schools.

Proviso: compulsory attendance in Mitchell County.

Attendance excused.

Physical or mental condition of child.

Distance from school.

Extreme poverty of parents.

Want of books and clothing.

davit of himself and of such witnesses as the attendance officer may require, that the child is without necessary books and clothing for attending school, and that he is unable to provide the necessary books and clothes: *Provided*, that when books and clothing shall have been provided, through charity or by other means, the child shall no longer be exempt from attendance under this provision.

Attendance required.

Proviso: occasional absences.

Proviso: excusable absences.

Proviso: protracted illness or quarantine.

Violation of act misdemeanor.

Punishment.

Proviso: fine for first offense.

Proviso: each day of absence a separate offense.

Appointment and duties of attendance officer.

SEC. 3. Every parent, guardian, or other person in the State of North Carolina having charge or control of a child or children between the ages of eight and twelve years shall cause said child to attend school as aforesaid: *Provided*, that occasional absence from such attendance by such child amounting to not more than two unexcused absences in four consecutive weeks shall not be unlawful: *Provided, further*, that the superintendent, principal or teacher in charge of any school may excuse any child for a temporary absence because of unusual storm or bad weather, sickness or death in the child's family, unforeseen or unavoidable accidents, and such excuse and reason therefor shall be recorded by said superintendent, principal, or teacher in charge of school and reported to the attendance officer as hereinafter provided: *Provided, further*, that in case of protracted illness of any child whose attendance is required under this act, or in case of quarantine of the home in which the child resides, upon report of the health officer or upon satisfactory evidence to this effect, the attendance officer shall excuse from attendance such child until he is fully restored to health or until the time required by law that he shall stay out of school after quarantine has been raised.

SEC. 4. Any parent, guardian or other person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be liable to a fine of not less than five dollars nor more than twenty-five dollars, and upon failure or refusal to pay such fine said parent, guardian, or other person shall be imprisoned not to exceed thirty days in the county jail: *Provided*, that the fine for any first offense may, upon the payment of costs, be suspended and not collected until the same party is convicted of a second offense: *Provided, further*, that after the expiration of three days from the service of the notice by the attendance officer each and every day a parent, guardian, or other person shall willfully and unlawfully keep such child or children from school, or allow him to remain out of school, shall constitute a separate offense and shall subject said person to penalties herein prescribed.

SEC. 5. The county board of education in each county shall appoint and remove at will an attendance officer for each township to enforce the provisions of this act who shall serve also as taker of the school census, performing all the duties heretofore required of the school committee as to the census under section four thousand one hundred and forty-eight of The Revisal of one thousand nine hundred and five of North Carolina, and as keeper

of the attendance records, for which service he shall be allowed three cents per child of school age each school year. It shall be his duty to take an annual census and to furnish each superintendent, principal, or teacher in charge of school with an accurate school census of the district at the opening of the school each year, and also to furnish a copy of the school census of each district to the county superintendent of public instruction. The attendance officer shall serve written or printed, or partly written and partly printed notices upon every parent, guardian, or other person violating the provisions of this act, and prompt compliance on the part of such parent, guardian, or other person shall be required. For serving such notice the attendance officer shall be allowed a fee of twenty-five cents in case of conviction, same to be taxed in bill of costs; and if any parent, guardian, or other person upon whom such notice is served fails to comply with the law within three days, then it shall be the duty of said attendance officer to prosecute such person. Prosecution under this act shall be brought in the name of the State of North Carolina before any justice of the peace, or police justice, or recorder of any county, town or township in which the person prosecuted resides. The attendance officer shall have the right to visit and enter any office or factory or business house employing children, for the purpose of enforcing the provisions of this act; when doubt exists as to the age of a child, he may require a properly attested birth certificate or affidavit stating such child's age; he shall keep an accurate record of all notices served, all cases prosecuted, and all other services performed, and shall make an annual report of same to the county board of education. In the discretion of the county board of education, the attendance officer may be allowed reasonable additional compensation from the county school fund for such services as are required of him under this act, compensation for which is not specifically provided for herein: *Provided*, that in case the county board of education shall appoint a school committeeman or township constable as attendance officer, the duties of such officer herein prescribed are hereby declared to be a part of his duties *ex officio*: *Provided, further*, that the school committee or board of trustees of any school in any town or city of five thousand or more inhabitants, operating its schools under special charter, is hereby authorized and empowered, if in their judgment such action is wise, to appoint an attendance officer for the schools under their direction, fix his compensation, and pay the same out of the special tax school funds of said town or city, and assign to him other duties in addition to those enumerated above.

SEC. 6. ° It shall be the duty of all principals and teachers to coöperate with the attendance officers in the enforcement of this law. To this end it shall be the duty of the principal or teacher in charge in every school, in which pupils between the ages of eight and twelve years are instructed, to keep an accurate record

Pay of attendance officer.
School census.

Notices to parents and guardians.

Fee for serving notice.

Attendance officer to prosecute.

Prosecution.

Establishments employing children

Proof of age.

Annual reports.

Additional compensation.

Proviso: school committeeman or constable acting as attendance officer.

Proviso: employment by school trustees.

Co-operation of principals and teachers.

Record of attendance.

- Weekly reports of attendance. of the attendance of such pupils; to render during the period of compulsory attendance of each school term weekly reports of same to the attendance officer and the county superintendent of public instruction, showing all absences, excused and unexcused, and, in the case of an excused absence, to state the reason for which the pupil was excused. Upon the willful or negligent failure of any principal or teacher in charge of any school to comply with the provisions of this section, the county superintendent shall deduct from his or her salary for the current month the sum of five dollars before approving the voucher therefor.
- Penalty for failure to report. SEC. 7. It shall be the duty of the county board of education of each county to cause this act to be published in full in some newspaper published in the county, if there is one, and if there be none, then in circular form, and given the widest possible circulation at least four weeks prior to the opening of the schools for the school year, beginning July first, one thousand nine hundred and thirteen, and annually thereafter, if in their discretion it seems necessary.
- Publication of act. SEC. 8. This act shall not affect or in any part repeal any existing special or local laws requiring compulsory attendance in any county or school district: *Provided*, the provisions of this act shall apply to Mitchell County.
- Existing laws not affected. SEC. 9. This bill shall apply to all children in Polk County between the ages of seven and fifteen years.
- Proviso: application to Mitchell County. SEC. 10. Chapter eight hundred and ninety-four of the Public Local Laws of one thousand nine hundred and seven of North Carolina, as amended by chapter five hundred and twenty-five of the Public Laws of one thousand nine hundred and nine of North Carolina is hereby repealed.
- Application in Polk County. SEC. 11. The board of education of each county shall have power at their regular meeting held in July of each year, and thereafter at any regular meeting, to make such rules and regulations as they may deem best to secure the attendance of all children between the ages of eight and twelve years upon schools of the county, and such rules and regulations, when approved by the county superintendent of public instruction, and posted at the courthouse door and at the door of each public schoolhouse in the county, shall supercede any provision of this act in conflict therewith.
- Laws repealed. SEC. 12. This act shall be in full force and effect from and after its ratification.
- Rules and regulations of county boards of education to supercede act. In the General Assembly read three times and ratified this the 12th day of March, 1913.

CHAPTER 174.

AN ACT AUTHORIZING COLLECTION OF PRIVILEGES AND LICENSE TAXES WHICH HAVE NOT BEEN PAID FOR FOUR YEARS BACK.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be the duty of the State Tax Commission, through the various registers of deeds of the counties in North Carolina, and through such other agents and representatives as it may appoint, to ascertain all privileges and license taxes which were due under Schedules B and C of the Revenue Acts in the years one thousand nine hundred and nine, one thousand nine hundred and ten, one thousand nine hundred and eleven and one thousand nine hundred and twelve, which have not been paid and also all unpaid taxes of corporate excess of corporations for said years; to assess and make out the amount of said taxes and the persons by whom due and certify the same by counties to the Treasurer of the State.

State Tax Commission to ascertain and assess taxes unpaid.

Certificate to Treasurer.

SEC. 2. That it shall be the duty of the Treasurer of the State to forward said lists to the sheriffs of the respective counties in the State to be by him collected and paid over to the said treasurer; and the said sheriffs are hereby fully authorized and empowered to collect any and all of said taxes for the said years which have not been paid in the same manner as he collects other taxes.

Lists furnished sheriffs.

Collection of tax.

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.

In the General Assembly read three times and ratified this the 12th day of March, 1913.

CHAPTER 175.

AN ACT TO AMEND CHAPTER 873, SECTION 7, PUBLIC LAWS OF 1909, RELATING TO THE APPROPRIATION OF THE LIBRARY COMMISSION TO MAKE EFFECTIVE SECTION 3 OF SAID ACT PROVIDING FOR THE OPERATION OF TRAVELING LIBRARIES.

The General Assembly of North Carolina do enact:

SECTION 1. That section seven of chapter eight hundred and seventy-three of the Public Laws of one thousand nine hundred and nine be amended by striking out in lines two and three the

Appropriation.

words fifteen hundred dollars (\$1,500) and inserting in lieu thereof the words three thousand dollars (\$3,000).

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

In the General Assembly read three times and ratified this the 12th day of March, 1913.

CHAPTER 176.

AN ACT TO INCREASE THE POWERS OF THE BOARD OF INTERNAL IMPROVEMENTS.

The General Assembly of North Carolina do enact:

Inspection and investigation of departments and institutions.

Reports.

Powers of board.

Recommendations.
Employment and payment of accountants.

SECTION 1. That it shall be the duty of the board of internal improvements to inspect and investigate annually each agency and department of government, and each institution in the State to which an appropriation is made by the General Assembly, and to make reports thereon to the Governor, in which report among other things shall be set forth the expenses of such agency, department or institution and the necessity therefor. The said board shall in making such investigations have all the powers conferred by section four thousand eight hundred and forty-five of The Revisal and shall make recommendations in said report of such changes as, in their opinion, will improve the public service.

SEC. 2. That for the purpose of performing the duties imposed by section one of this act, said board is authorized and empowered to employ expert accountants, who shall be paid such sum as may be agreed on, which must, however, be approved by the Governor of the State.

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

In the General Assembly read three times and ratified this the 12th day of March, 1913.

CHAPTER 177.

AN ACT FOR THE BENEFIT OF THE STATE SCHOOL FOR THE BLIND AND DEAF.

The General Assembly of North Carolina do enact:

Appropriation for library.

For treatment of eye, ear and throat.

SECTION 1. That the sum of one hundred dollars is hereby appropriated annually for the library of the State School for the Blind and the Deaf; that the further sum of five hundred dollars is annually appropriated for the treatment of the eyes, ears and throats of the pupils of the said school; that the further sum of

five hundred dollars is also annually appropriated for the treatment of the mouths and teeth of the pupils of the said school. For treatment of teeth.

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

In the General Assembly read three times and ratified this 12th day of March, 1913.

CHAPTER 178.

AN ACT TO AMEND CHAPTER 95 OF THE REVISAL OF 1905, ENTITLED "DENTISTRY."

The General Assembly of North Carolina do enact:

SECTION 1. That section four thousand, four hundred and sixty-seven of The Revisal of one thousand nine hundred and five be, and the same is, hereby amended by adding at the end of said section, as a part thereof, the following proviso: "*Provided*, that said board of dental examiners are hereby authorized to, and may, grant a limited, temporary or permanent license in their discretion to practice dentistry to any applicant of good character who has received a diploma from a reputable dental college; said license to authorize said applicant so licensed to practice only in a county or prescribed territory to be fixed in said license, in which there is no dentist who has duly passed the required examination or received a certificate of proficiency at the time of such application. Proviso: limited license.

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

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

In the General Assembly read three times and ratified this 12th day of March, 1913.

CHAPTER 179.

AN ACT TO REPEAL CHAPTER 86 OF THE PUBLIC LAWS OF NORTH CAROLINA, 1911, RELATING TO RESTRAINTS UPON MUNICIPALITIES IN INSTITUTING PUBLIC SERV- ICE UTILITIES.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter 86 (eighty-six) of the Public Laws of Chapter repealed. North Carolina, one thousand nine hundred and eleven, be, and the same is, hereby repealed.

General repeal
clause.

Proviso: pending
litigation.

Exception.

SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed: *Provided*, that the provisions of this act shall not apply to pending litigation.

SEC. 3. That this act shall not apply to Cherokee County.

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

In the General Assembly read three times and ratified this the 12th day of March, 1913.

CHAPTER 180.

AN ACT TO APPOINT MEMBERS OF THE COUNTY BOARDS OF EDUCATION.

The General Assembly of North Carolina do enact:

Members of boards. SECTION 1. That the following named persons are hereby appointed members of the county boards of education in and for their respective counties for a term of six years from the first Monday of July, one thousand nine hundred and thirteen, that is to say:

Alamance county.	<i>Alamance</i> —S. E. Tate.
Alexander county.	<i>Alexander</i> —J. E. Chatham.
Alleghany county.	<i>Alleghany</i> —Eugene Transou.
Anson county.	<i>Anson</i> —J. M. Griffin.
Ashe county.	<i>Ashe</i> —Charles Goodman.
Beaufort county.	<i>Beaufort</i> —Wm. M. Butt.
Bertie county.	<i>Bertie</i> —M. B. Gillam.
Bladen county.	<i>Bladen</i> —A. M. Kelly.
Brunswick county.	<i>Brunswick</i> —R. F. Lewis.
Burke county.	<i>Burke</i> —J. H. Giles.
Cabarrus county.	<i>Cabarrus</i> —G. F. McAllister.
Caldwell county.	<i>Caldwell</i> —R. B. Bush.
Camden county.	<i>Camden</i> —G. F. Riggs.
Carteret county.	<i>Carteret</i> —C. N. Mason.
Caswell county.	<i>Caswell</i> —R. I. Newman.
Catawba county.	<i>Catawba</i> —P. A. Hoyle.
Chatham county.	<i>Chatham</i> —A. R. Norwood.
Cherokee county.	<i>Cherokee</i> —J. M. Richardson.
Chowan county.	<i>Chowan</i> —F. A. Ward.
Clay county.	<i>Clay</i> —J. A. Chambers.
Columbus county.	<i>Columbus</i> —Minus Meares.
Craven county.	<i>Craven</i> —T. M. Arthur.
Cumberland county.	<i>Cumberland</i> —W. H. Marsh.
Currituck county.	<i>Currituck</i> —E. D. Bowden.
Dare county.	<i>Dare</i> —S. A. Griffin.
Davidson county.	<i>Davidson</i> —C. W. Stokes.

<i>Davie</i> —S. A. Woodruff.	Davie county.
<i>Duplin</i> —W. R. Newbury.	Duplin county.
<i>Durham</i> —Jas. R. Blacknall.	Durham county.
<i>Forsyth</i> —E. T. Kapp.	Forsyth county.
<i>Franklin</i> —A. W. Perry, T. H. Dickens (four years), J. N. Harris (for six years).	Franklin county.
<i>Gaston</i> —John C. Puett.	Gaston county.
<i>Gates</i> —R. W. Simpson.	Gates county.
<i>Graham</i> —W. M. Rogers.	Graham county.
<i>Granville</i> —J. A. Morris.	Granville county.
<i>Greene</i> —Wm. A. Darden.	Greene county.
<i>Guilford</i> —C. H. Ireland.	Guilford county.
<i>Halifax</i> —John A. Collins.	Halifax county.
<i>Harnett</i> —J. M. Hodges.	Harnett county.
<i>Haywood</i> —D. M. Cagle.	Haywood county.
<i>Henderson</i> —J. C. Sales.	Henderson county.
<i>Hertford</i> —Uriah Watson.	Hertford county.
<i>Hoke</i> —John A. Hodgins.	Hoke county.
<i>Hyde</i> —M. S. Credle.	Hyde county.
<i>Jackson</i> —T. L. Jameson.	Jackson county.
<i>Johnston</i> —Geo. F. Woodard.	Johnston county.
<i>Jones</i> —F. M. Jenkins.	Jones county.
<i>Lee</i> —M. A. McLeod.	Lee county.
<i>Lenoir</i> —H. W. Davis.	Lenoir county.
<i>Lincoln</i> —J. W. Little.	Lincoln county.
<i>Macon</i> —Norman L. Barnard.	Macon county.
<i>Madison</i> —W. O. Connor.	Madison county.
<i>Martin</i> —Joseph T. Waldo.	Martin county.
<i>McDowell</i> —Joe C. Conley.	McDowell county.
<i>Mitchell</i> —D. F. Blalock.	Mitchell county.
<i>Montgomery</i> —R. L. Davis.	Montgomery county.
<i>Moore</i> —W. H. Lawhorn.	Moore county.
<i>Nash</i> —Frank V. Avent.	Nash county.
<i>New Hanover</i> —B. Solomon.	New Hanover county.
<i>Northampton</i> —E. B. Lassiter.	Northampton county.
<i>Onslow</i> —Hosea Brown.	Onslow county.
<i>Orange</i> —Sterling Browning.	Orange county.
<i>Pamlico</i> —J. P. Jones.	Pamlico county.
<i>Pasquotank</i> —W. J. Foster.	Pasquotank county.
<i>Pender</i> —R. K. Bryan.	Pender county.
<i>Perquimans</i> —R. H. Welch.	Perquimans County.
<i>Person</i> —J. W. Noel.	Person county.
<i>Pitt</i> —L. C. Arthur.	Pitt county.
<i>Polk</i> —E. McQueen Salley, M.D.	Polk county.
<i>Randolph</i> —Jas. T. Wood.	Randolph county.
<i>Richmond</i> —David A. Parsons.	Richmond county.
<i>Robeson</i> —L. R. Hamer.	Robeson county.
<i>Rockingham</i> —Walter J. Williams.	Rockingham county.
<i>Rowan</i> —J. M. Furr.	Rowan county.

Sampson county.	<i>Sampson</i> —C. E. Daniels.
Scotland county.	<i>Scotland</i> —J. T. Bostick.
Stanly county.	<i>Stanly</i> —O. D. Ritchie.
Stokes county.	<i>Stokes</i> —J. Wilson Mitchell.
Surry county.	<i>Surry</i> —E. H. Wrenn.
Swain county.	<i>Swain</i> —J. W. Burnett.
Transylvania county.	<i>Transylvania</i> —Edwin Poor.
Tyrrell county.	<i>Tyrrell</i> —H. T. Davenport.
Union county.	<i>Union</i> —A. A. Secrest.
Vance county.	<i>Vance</i> —C. M. White.
Wake county.	<i>Wake</i> —L. J. Sears.
Warren county.	<i>Warren</i> —J. E. Rooker.
Washington county.	<i>Washington</i> —John E. Singleton.
Watauga county.	<i>Watauga</i> —J. W. Farthing.
Wayne county.	<i>Wayne</i> —Barnes Aycock.
Wilkes county.	<i>Wilkes</i> —R. L. Proffit.
Wilson county.	<i>Wilson</i> —R. T. Barnes.
Yadkin county.	<i>Yadkin</i> —M. V. Fleming.
Yancey county.	<i>Yancey</i> —Frank Hensley.

Avery county.

SEC. 3. That the following named persons are hereby appointed members of the County Board of Education in and for Avery County, the first named person for the term of two years, the second named person for the term of four years, and the third named person for a term of six years from the first Monday of July, one thousand nine hundred and thirteen:

Avery—A. P. Brinkley, Joseph P. Hall, Roby T. Lewis.

Terms.

Secretary of State
to certify elections.

SEC. 3. That the Secretary of State shall within sixty days after the ratification of this act send a certified copy of the names of the members of the county boards of education appointed by this act for the respective counties to the clerk of the Superior Court of each county in the State; thereupon said clerk shall immediately notify each member of his appointment, and direct said members to appear at the court-house on the first Monday of July thereafter, for the purpose of qualifying as directed by law.

Notice to members
elect.

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

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

In the General Assembly read three times and ratified, this the 12th day of March, 1913.

CHAPTER 181.

AN ACT TO AMEND THE HEALTH LAWS OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That section nine, chapter sixty-two, Public Laws of one thousand nine hundred and eleven, be and the same is hereby amended by striking out all after the period in line twenty-five of said section, and inserting in lieu thereof the following: "The board of health shall meet on the first Monday of July, one thousand nine hundred and thirteen and thereafter on the second Monday of January, in the odd years of the calendar, and elect either a county physician or a county health officer, who shall serve thereafter until the second Monday in January of the odd years of the calendar: *Provided*, that if the county board of health of any county shall fail to elect a county physician or county health officer within two calendar months of the time set in this section, the Secretary of the State Board of Health shall appoint a registered physician of good standing in the said county, to the office of county physician, who shall serve the remainder of the two years, and shall fix his compensation, to be paid by the said county, in proportion to the compensation paid by other counties for like service, having in view the amount of tax collected by said county." That section six, chapter sixty-two, Public Laws of one thousand nine hundred and eleven, be and the same is hereby amended by striking out the words "the engineer member" in line eight and by striking out the word "one" in line nine of said section and by inserting the word "two."

SEC. 2. That section eleven, chapter sixty-two, Public Laws of one thousand nine hundred and eleven, be, and the same is, hereby amended by striking out the words "superintendents of health," in line one of said section, and inserting in lieu thereof the word "physician"; that said section be, and the same is, hereby further amended by striking out all after and including the semi-colon in line eight to the colon in line fourteen; that said section be, and the same is, hereby further amended by striking out the words "superintendent of health," in lines fourteen and fifteen, and inserting in lieu thereof the word "physician" and by striking out the words "and to fix the compensation of" in lines fifteen and sixteen thereof; that said section be, and the same is, hereby further amended by striking out all after the words "*Provided, however,*" in line nineteen, to the beginning of line twenty-three, and inserting in lieu thereof the following: "That the terms under which such physician is employed by the county physician shall be approved by the board of county commissioners. The duties of the county health officer shall be"; that said section be, and the same is hereby further amended by inserting the word "and" after the comma in line

Election of county physician or health officer.

Term.

Proviso:
Appointment on failure of election.

Compensation.

Executive committee of State board.

County physician.

Monthly inspections and reports abrogated.

County physician.

Liability abrogated.

Employment of extra physician.

County health officer and county physician.

twenty-three; and that said section be, and the same is, hereby further amended by striking out, in line twenty-four, the words "in addition to the aforesaid," and inserting in lieu thereof the word "the," and inserting between the word "duties" and the comma, in line twenty-four, the words "of the county physician." That the words "excepting, further, that the board in its discretion may employ the engineer member of the board as a consulting engineer for such compensation as may be agreed upon," appearing in lines twenty-six to twenty-eight of section six of chapter sixty-two, Public Laws of one thousand nine hundred and eleven, be stricken out.

Pay of engineer member of State board.

SEC. 3. That sections twelve and thirteen, chapter sixty-two, Public Laws of one thousand nine hundred and eleven, be, and the same is, hereby amended by striking out the terms, "superintendent of health" and "superintendent" wherever they occur in said section and inserting in lieu thereof the words "county physician or county health officer."

County physician or county health officer.

SEC. 4. That section fourteen, chapter sixty-two, Public Laws of one thousand nine hundred and eleven, be, and the same is, hereby amended by striking out the words "health officer," in lines two and three of said section, and inserting in lieu thereof the words "physician or municipal health officer."

Municipal physician or health officer.

SEC. 5. That section fifteen, chapter sixty-two, Public Laws of one thousand nine hundred and eleven, be, and the same is, hereby amended by striking out the words "health officer," in the first line of said section, and inserting in lieu thereof the word "physician"; that said section be, and the same is, hereby further amended by striking out the words "superintendent of health," in line three, and inserting in lieu thereof the word "physician"; and that said section be, and the same is, hereby further amended by striking out the words "superintendent of health," in lines four and five, and inserting in lieu thereof the word "physician"; and that said section be, and the same is hereby further amended by inserting the words "physician or" between the words "municipal" and "health," in line seven; and that said section be, and the same is, hereby further amended by striking out the words "the municipal health officer shall be," in line twelve, and inserting in lieu thereof the words "the physician is"; and that said section be, and the same is hereby further amended by inserting after the comma, in line fourteen, the words "he shall be known as the municipal health officer and"; and that said section be, and the same is, hereby further amended by striking out the word "also," in line fourteen; and that said section be, and the same is, hereby further amended by striking out the words "superintendent of health," in line sixteen, and inserting in lieu thereof the words "health officer, and such other duties as may be assigned him by the municipal board of health."

Municipal physician.

SEC. 6. That section sixteen, chapter sixty-two, Public Laws of one thousand nine hundred and eleven, be, and the same is, hereby amended to read as follows: "All laws, with the exception of section twenty of this chapter, pertaining to the reporting, recording and quarantining of diseases, and all laws pertaining to disinfection, shall be faithfully enforced by the quarantine officer. The county physician, county health officer, municipal physician or municipal health officer shall be eligible to this office. The county board of health, on the first Monday of July, one thousand nine hundred and thirteen, and thereafter on the second Monday of January in the odd years of the calendar, shall elect a quarantine officer for their county and arrange with such officer to accept and discharge the duties assigned in this chapter to such official, and any other duties relating to the control of infectious diseases which may be assigned him by the county board of health. The quarantine officer shall serve until the second Monday in January of the odd years of the calendar."

Enforcement of health laws.

Quarantine officer.

Election of quarantine officer.

Term of quarantine officer.

SEC. 7. That sections seventeen, eighteen, and nineteen of chapter sixty-two, Public Laws of one thousand nine hundred and eleven, be stricken out, and that the numbers of the following sections of said chapter shall be changed so as to follow consecutively.

Sections stricken out.

SEC. 8. That section twenty, chapter sixty-two, Public Laws of one thousand nine hundred and eleven, be, and the same is, hereby amended by striking out the words "State Board of Health," in line four of said section, and inserting in lieu thereof the words "local, county or municipal board of health"; and that said section be, and the same is, hereby further amended by adding after the colon, in line four, the following: "Provided, that nothing in this section shall interfere with the execution of section twenty of this chapter."

Quarantine regulations.

Proviso: section 20.

SEC. 9. That section twenty-one, chapter sixty-two, Public Laws of one thousand nine hundred and eleven, be stricken out, and that the numbers of the following sections of said chapter shall be so changed as to follow consecutively.

Section stricken out.

SEC. 10. That section twenty-two, chapter sixty-two, Public Laws of one thousand nine hundred and eleven, be, and the same is, hereby amended by striking out the words "provided in section twenty-one," in lines two and three of said section, and inserting in lieu thereof the words "prescribed by the local, county or municipal board of health."

Penalty for breach of quarantine.

SEC. 11. That section twenty-three, chapter sixty-two, Public Laws of one thousand nine hundred and eleven, be, and the same is, hereby amended by striking out the word "authorities," in line six of said section, and inserting in lieu thereof the words "board of health."

Board of health to enforce vaccination.

SEC. 12. That section four thousand four hundred and fifty-one of The Revisal of one thousand nine hundred and five be, and the same is, hereby amended to read as follows: "On the

Warning of appearance of smallpox. Free vaccination.	appearance of a case of smallpox in any neighborhood due warn- ing of the existence of the disease shall be given, and all persons not able to pay shall be vaccinated free of charge by the county physician or health officer or by the municipal physician or health officer, and the county physician or health officer shall vaccinate every person admitted into a public institution, jail or county home, as soon as practicable, unless he is satisfied, upon examination, that the person is already successfully vaccinated; the money for vaccine to be furnished by the county commis- sioners. The board of health of any city, town, or county may make such regulations and provisions for the vaccination of the inhabitants of their city, town or county, and impose such pen- alties as they may deem necessary to protect public health."
Vaccination on admittance to pub- lic institutions.	
Enforcement of vaccination.	
Section inserted.	SEC. 13. That the following section shall be inserted as a part of chapter sixty-two, Public Laws of one thousand nine hundred and eleven, and that subsequent sections be numbered consecu- tively: "Section 20. Any householder who knows that a person within his family or house, and any physician who suspects that a person whom he is called to treat is sick with yellow fever, bubonic plague, Asiatic cholera, or typhus fever, shall immedi- ately give notice thereof to the quarantine officer, and the quaran- tine officer in turn shall immediately notify, by telegram, the Secretary of the State Board of Health thereof. The Secretary of the State Board of Health shall personally assume control of the quarantine of the aforesaid diseases and shall promulgate such rules and regulations governing their control as he deems wise. Anyone violating this section or the rules and regulations made by the Secretary of the State Board of Health, as directed by this section, shall be, upon conviction, guilty of a misde- meanor and fined not less than fifty dollars (\$50) nor more than two hundred dollars (\$200), or imprisoned not less than ten (10) nor more than sixty (60) days."
Diseases to be reported.	
Notice to State Board of Health.	
Control of quarantine.	
Rules and regula- tions.	
Violation of rules misdemeanor.	
Punishment.	
Appropriation.	SEC. 14. That section thirty-eight, chapter sixty-two, Public Laws of one thousand nine hundred and eleven, be, and the same is, hereby amended to read as follows: "For carrying out the provisions of this act as to the duties of the board of health, twenty-six thousand five hundred dollars, or so much thereof as may be necessary, is hereby annually appropriated, to be paid by the State Auditor on requisition, to be signed by the Secretary and President of the State Board of Health, the same to be ap- portioned as follows: Four thousand to the State Laboratory of Hygiene, eight thousand to the campaign against the hookworm disease, and fourteen thousand five hundred dollars to the execu- tive officer of the State Board of Health, and the printing and stationery necessary for the board to be furnished upon requi- sition upon the State Printer: <i>Provided</i> , that one thousand dol- lars of this appropriation be used annually by the State Board of Health to arrange for a supply of diphtheria antitoxin which shall be available to the citizens of this State at contract price.
Apportionment.	
Printing and stationery.	
Anti-toxin.	

A yearly statement shall be made to the Governor of all money received and expended in pursuance of this act." Yearly statement.

SEC. 15. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 16. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this the 12th day of March, 1913.

CHAPTER 182.

AN ACT IN RELATION TO THE SALE OF SECURITIES OF INSURANCE CORPORATIONS AND OF CORPORATIONS ORGANIZED TO PROMOTE OR HOLD THE CAPITAL STOCK OF INSURANCE CORPORATIONS. ✓

The General Assembly of North Carolina do enact:

SECTION 1. *Promotion of insurance corporations; sale of securities.*

As the terms are used in this act "promoting corporation" means a corporation or joint-stock association, engaged in the business of organizing or promoting or endeavoring to organize or promote the organization of an insurance corporation or corporations, or in any way assisting therein; "holding corporation" means a corporation or joint-stock association, which holds or is engaged in the acquisition of the capital stock or a major portion thereof of one or more insurance corporations for the purpose of controlling the management thereof; as voting trustee or otherwise; and "securities" means the shares of capital stock, subscription, certificates, debenture bonds and any and all other contracts or evidences of ownership of or interest in insurance corporations, or in promoting or holding corporations as defined in this section. Definition of terms.

SEC. 2. No individual, partnership, association or corporation, as the agent of another or as a broker, shall sell or offer for sale, or in any way assist in the sale in this State of the securities of any promoting or holding corporation, as defined in this section, or of any insurance corporation, which is not, at the time of such sale or offer for sale, lawfully engaged or authorized to engage in the transaction of the business of insurance in this State, without first procuring, as hereinafter provided, a certificate of authority from the Insurance Department to sell such securities; nor shall any individual, partnership, association or corporation sell or offer for sale in this State the securities of any promoting or holding corporation as defined in this section, or of any insurance corporation which is not at the time of such sale or offer of sale, lawfully engaged or authorized to Certificate of authority from Insurance Department.

engage in the transaction of the business of insurance in the State, unless such corporation shall have first procured from the Insurance Commissioner, as hereinafter provided, a certificate that said corporation has fully complied with the provisions of this section, and is authorized to sell such securities. Every certificate issued by the Insurance Commissioner pursuant to the provisions of this section shall state in bold type that the Insurance Commissioner in no way recommends the securities thereby authorized to be sold, and shall be renewable annually, upon written application, filed on or before the first day of April of each year, and may be revoked for cause at any time by such Insurance Commissioner. The commissioner shall prepare and furnish upon request suitable blank forms of application for the certificates required by this section.

SEC. 3. Every individual, partnership, association or corporation who or which desires or intends to sell or to offer for sale in this State the securities of insurance corporations or of any holding or promoting corporation as defined in this section, shall file with the Insurance Commissioner an application for a certificate of such authority. Such application shall contain a statement, verified by oath, setting forth the name and address of the applicant, previous business experience, date and place of birth or organization, and such other and further information as the said Insurance Commissioner may require. It shall be the duty of the Insurance Commissioner to examine the application so filed, and to make any further inquiry or examination of any such applicant as he may deem advisable. If upon such examination the Insurance Commissioner shall find that the applicant or applicants, or if a corporation, the officers and directors thereof, is or are all trustworthy persons of good business credit, the Insurance Commissioner may issue to such applicant a certificate of authority to sell or offer for sale in this State the securities of any insurance corporation or corporations, and of any promoting or holding corporation previously authorized under this section which shall be mentioned therein.

SEC. 4. Every such unauthorized insurance corporation, and every promoting or holding corporation, as defined in this act, whose securities are offered for sale in this State, shall file with the Insurance Commissioner copies of all securities to be offered for sale, and an application for certificate of authority under this section which shall contain a statement in detail of the plans and purposes of such corporation, the amount and par value of the securities to be offered for sale, and the selling price thereof, the manner in which the moneys paid in therefor are to be spent or employed, the rate of commission to be paid for the sale of such securities, the salaries to be paid to the officers of such corporation, and such other and further information as the Insurance Commissioner may require. No change shall thereafter be made in the form or character of the securities to be

Certificate to negative recommendation.

To be renewed annually.

Revocable for cause.

Blanks furnished by Commissioner.

Application for certificate.

Statements verified.

Examination of application.

Issue of certificate.

Matters to be presented in application.

Approval of changes.

offered for sale, or in the plans or purposes of any such corporation without the approval thereof in writing by the said Insurance Commissioner. It shall be the duty of the said Insurance Commissioner to examine the application and other documents so filed, and to make any further inquiry or examination of any such corporation as he may deem advisable. If upon such examination the Insurance Commissioner shall find that the plans and purposes of any such corporation are proper, that its condition is satisfactory, that the amount of its securities is reasonable, that the price at which such securities are to be sold is adequate, and that the manner in which the moneys paid in therefor, the rate of commissions to be paid and the salaries of officers are fair, the Insurance Commissioner may issue a certificate that such corporation has complied with all the provisions of this section, and is authorized to sell or offer its securities for sale in this State.

Issue of certificate upon examination.

SEC. 5. No printed matter shall be used in connection with the sale of securities of any such promoting, holding or insurance corporation, for advertising purposes, or in the dissemination of information with reference thereto, unless such printed matter shall first be submitted to the Insurance Commissioner and approved by him in writing. No such corporation, and no officer, director, or agent thereof, or any other person, copartnership, association or corporation shall issue, circulate or employ or cause or permit to be used, issued, circulated or employed any circular or statement, whether printed or oral, of any sort, misrepresenting or exaggerating the earnings of insurance corporations or the value of their corporate stock or other securities, or the profits to be derived either directly or indirectly from the organization and management of insurance corporations, or of organizing or holding corporations as defined in this section. No insurance or other corporation, and no individual, copartnership or association transacting business in this State shall place or offer to place insurance in any corporation in connection with the sale or purchase of the securities of any insurance corporation or of any promoting or holding corporation as defined in this section.

Printed matter to be submitted to and approved by Commissioner.

Exaggerated circulars or statements forbidden.

Insurance forbidden.

SEC. 6. This act shall be in effect on and after its ratification.

In the General Assembly read three times and ratified this the 12th day of March, 1913.

CHAPTER 183.

AN ACT AUTHORIZING AND REGULATING CERTAIN CLASSES OF INDEMNITY INSURANCE CONTRACTS, EMPOWERING CORPORATIONS TO MAKE SUCH CONTRACTS AND FIXING CERTAIN FEES AND THE PENALTY FOR VIOLATION THEREOF.

The General Assembly of North Carolina do enact:

- Exchange of contracts authorized.
- Life insurance excepted.
- Execution of contracts.
- Declaration filed with Insurance Commissioner.
- Name or title of office.
- Kind of insurance.
- Form of contract.
- Power of attorney.
- Location of office.
- Number and amount of applications.
- Proviso: exchange authorized by Insurance Commissioner.
- SECTION 1. Individuals, partnerships and corporations of this State hereby designated as subscribers, are hereby authorized to exchange reciprocal or inter-insurance contracts with each other, or with individuals, partnerships and corporations of other states and countries, providing indemnity among themselves from any loss which may be insured against under other provisions of the laws, excepting life insurance.
- SEC. 2. Such contracts may be executed by an attorney, agent or other representative, herein designated attorney, duly authorized and acting for such subscribers.
- SEC. 3. Such subscribers, so contracting among themselves, shall, through their attorney, file with the Insurance Commissioner of this State a declaration verified by oath of such attorney, setting forth:
- (a) The name or title of the office at which such subscribers propose to exchange such indemnity contracts. Said name or title shall not be so similar to any other name or title previously adopted by a similar organization, or by any insurance corporation or association, as in the opinion of the Insurance Commissioner is calculated to result in confusion or deception. The office or offices through which such indemnity contracts shall be exchanged shall be classified as reciprocal or inter-insurance exchanges.
- (b) The kind or kinds of insurance to be effected or exchanged.
- (c) A copy of the form of policy, contract or agreement under or by which such insurance is to be effected or exchanged.
- (d) A copy of the form of power of attorney or other authority of such attorney under which such insurance is to be effected or exchanged.
- (e) The location of the office or offices from which such contracts or agreements are to be issued.
- (f) That applications have been made for indemnity upon at least one hundred (100) separate risks, aggregating not less than one and one-half million dollars (\$1,500,000) as represented by executed contracts or *bona fide* applications, to become concurrently effective, or, in case of liability or compensation insurance, covering a total pay roll of not less than one and one-half million dollars (\$1,500,000): *Provided*, that when the attorney maintains the central office in this State the Insurance Commissioner may authorize an exchange with a less number

of risks and a smaller amount of indemnity to be exchanged and an amount of cash deposits less than twenty-five thousand dollars (\$25,000).

(g) That there is on deposit with such attorney and available for payment of losses a sum of not less than twenty-five thousand dollars (\$25,000).

Deposit with attorney.

SEC. 4. Concurrently with the filing of the declaration provided for by the terms of section three hereof, the attorney shall file with the Insurance Commissioner an instrument in writing, executed by him for said subscribers, conditioned that upon the issuance of certificate of authority provided for in section eleven hereof service of process may be had upon the Insurance Commissioner in all suits in this State arising out of such policies, contracts or agreements, which service shall be valid and binding upon all subscribers exchanging at any time reciprocal or inter-insurance contracts through such attorney. Three copies of such process shall be served, and the Insurance Commissioner shall file one copy, forward one copy to said attorney, and return one copy with his admission of service.

Service of process on Insurance Commissioner.

Copies of process.

SEC. 5. There shall be filed with the Insurance Commissioner of this State by such attorney a statement under the oath of such attorney showing the maximum amount of such indemnity upon any single risk, and such attorney shall, whenever and as often as the same shall be required, file with the Insurance Commissioner a statement verified by his oath to the effect that he has examined the commercial rating of such subscribers as shown by the reference book of a commercial agency having at least one hundred thousand (100,000) subscribers, and that from such examination or from other information in his possession it appears that no subscriber has assumed on any single risk an amount greater than ten per cent (10%) of the net worth of such subscriber.

Further statements to be filed.

Limit on single risks.

SEC. 6. Upon the filing of the foregoing papers, and upon the payment of fees as provided for in this act, it shall be the duty of the Insurance Commissioner to examine and pass upon the same, and if found correct, and in accordance with this act, to issue a certificate of authority, which shall expire on the first day of April next succeeding.

Certificate of authority.

SEC. 7. There shall at all times be maintained as a reserve a sum in cash or convertible securities equal to fifty per centum (50%) of the aggregate net annual deposits collected and credited to the accounts of the subscribers on policies having one year or less to run and *pro rata* on those for longer periods.

Reserve fund.

For the purpose of said reserve, net annual deposits shall be construed to mean the advance payments of subscribers after deducting therefrom the amounts specifically provided in the subscribers' agreements, for expenses. Said sum shall at no time be less than twenty-five thousand dollars (\$25,000.00), and, if at any time fifty per cent of the aggregate deposits so collected and credited shall not equal that amount, then the subscribers, or their attorney for them, shall make up any deficiency.

Definition of term.

Minimum of reserve.

- Annual reports. SEC. 8. Such attorney shall make an annual report to the Insurance Commissioner for each calendar year, showing the financial condition of affairs at that office where such contracts are issued, and shall furnish such additional information and reports as may be required: *Provided, however,* that such attorney shall not be required to furnish the names and addresses of any subscribers. The business affairs and assets of said reciprocal or inter-insurance exchanges shall be subject to examination by the Insurance Commissioner.
- Provide; names and addresses not furnished.
Examination by Insurance Commissioner.
- Exchange of business authorized. SEC. 9. Any corporation now or hereafter organized under the laws of this State shall, in addition to the rights, powers and franchises specified in its articles of incorporation, have full power and authority to exchange insurance contracts of the kind and character herein mentioned through exchanges complying with this act.
- Doing business before compliance with law a misdemeanor.
- Punishment. SEC. 10. Any attorney or representative who shall, except for the purpose of applying for certificate of authority as herein provided, exchange any contracts of indemnity of the kind and character specified in this act, or directly or indirectly solicit or negotiate any applications for same without first complying with the foregoing provisions, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00).
- Certificate of authority. SEC. 11. Each attorney by whom or through whom are issued any policies of or contracts for indemnity of the character referred to in this act shall procure from the Insurance Commissioner annually a certificate of authority, stating that all the requirements of this act have been complied with, and upon such compliance and the payment of the fees and taxes required by this act, the Insurance Commissioner shall issue such certificate of authority. The Insurance Commissioner may revoke or suspend any certificate of authority issued hereunder in case of breach of any of the conditions imposed by this act after reasonable notice has been given said attorney in writing so that he may appear and show cause why such action should not be taken.
- Revocation or suspension of certificate.
- License fee and tax. SEC. 12. Individuals, firms and corporations exchanging reciprocal or inter-insurance contracts as provided herein shall pay through their attorney an annual license of fifty dollars (\$50.00) and two and one-half per centum of the gross premium deposits, reduced by all sums distributed among the subscribers or credited to their accounts, and also other regular fees.
- Application of general law. SEC. 13. Nothing in the general insurance laws, except as herein provided and as may specifically apply to such contracts and exchanges shall be construed to extend to inter-insurance or reciprocal exchanges licensed under this act.
- SEC. 14. This act shall be in force from and after its ratification.
- In the General Assembly read three times and ratified, this the 12th day of March, 1913.

CHAPTER 184.

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

The General Assembly of North Carolina do enact:

SECTION 1. That the following named persons be and they are Appointments.
 hereby appointed justices of the peace for their respective coun- Terms of office.
 ties and townships in North Carolina for a term of six years, Beginning of term.
 except when a different length of time is named herein, said terms Time for qualifica-
 to begin the first day of April, one thousand nine hundred and tion.
 thirteen, or when term of office expires, and they shall have thirty Time for qualifica-
 days in which to qualify from the ratification of this act or from tion.
 the expiration of their present term of office.

ALAMANCE COUNTY.

Alamance county.

Pleasant Grove Township—C. R. McCauley.
Burlington Township—L. D. Meador.
Albright Township—E. F. Holt.
Thompson Township—J. S. Clark, George T. Morrow.
Newlin Township—M. C. McBane and J. G. Clark, E. G. Durham.
Graham Township—Lewis H. Holt, J. M. McCracken.
Patterson Township—W. H. Isley.
Haw River Township—V. S. Freeland, J. H. Blackmon.
Melville Township—John T. Shaw, E. C. Turner, A. H. Mebane.
Coble Township—J. H. Bailiff.
Constable for Patterson's Township—William A. Stout.

ALEXANDER COUNTY.

Alexander county.

Wittenburg Township—J. F. Downs, A. W. Robinson.
Sharps Township—L. M. Lentz and P. F. Somers.
Millers Township—N. J. Keever.
Taylorville Township—W. F. Patterson and H. C. Payne.
Gwaltney Township—J. P. Stevenson and John Woodfin.
Little River Township—Benjamin Harrington, Folk Bowman,
 W. Vance Bebbber.

ALLEGHANY COUNTY.

Alleghany county.

Whitehead Township—T. A. Edwards, D. C. Whitehead and
 R. A. Wagner.
Cherry Lane—Mack Roberts, A. J. Bryan.
Prathers Creek Township—N. C. Shephard.
Piney Creek Township—John C. Halsey, F. J. Weaver, W. F.
 Parsons.

ANSON COUNTY.

Anson county.

Morven Township—W. E. Pennington.

Ashe county.

ASHE COUNTY.

Old Field Township—J. A. Mortz.

North Fork Township—F. J. Sturgill, two years.

Walnut Hill Township—R. F. Blevins, A. P. Parker, Charles W. Phipps.

Pine Swamp Township—W. H. Owens, V. L. Moretz, A. H. Church, W. R. Watson.

Old Field Township—J. A. Moretz.

Peak Creek Township—A. C. Dancy, S. M. Transou.

Chestnut Hill Township—J. F. Oliver, R. F. Edwards, S. S. Revis, and H. L. Goodman.

Clifton Township—R. F. Jenkins, J. C. Roland, R. A. Faw, and Sam W. James.

Creston Township—W. K. Harris.

Grassy Creek—C. L. Greer.

Horse Creek Township—Jesse Goss, Arthur Sheets, J. P. Hemp-ton, and Adolphus Tucker, F. M. Goss, W. M. Weaver.

Laurel Township—W. F. Lewis, W. R. Osborne, L. J. Sturgill.

Obids Township—D. H. Burgess, J. C. Parsons, J. C. Crawford.

Piney Creek—Roby Blevins, Arthur Sheets.

Avery county.

AVERY COUNTY.

Banner Elk Township—R. L. Lowe.

Cranberry Township—J. M. Hodges, R. Z. Barrelson.

Rowing Creek—R. T. Lewis.

Linville Township—J. L. Hartley, M. W. Clay.

Beaufort county.

BEAUFORT COUNTY.

Pantego Township—G. V. Latham, L. W. Paul, Thomas Green.

Richland Township—E. D. Lewis, J. W. Litchfield.

Chocowinity Township—W. A. Cratch.

Bertie county

BERTIE COUNTY.

Windsor Township—W. H. Sellinger, P. W. Phelps.

Roxobel Township—C. L. L. Cobbs.

Coleraine Township—John H. Newson, E. P. Forehand.

Mitchell's Township—Gaither W. Mitchell.

Whittier Township—J. C. Bell.

Merry Hill Township—Charles Cooper, W. R. Smith.

Snake Bite Township—M. T. Phelps.

Bladen county.

BLADEN COUNTY.

White Oak Township—Elbert Owen.

Bethel Township—J. M. Pait.

Carvers Creek Township—J. S. Nicholson.

Elizabeth Township—H. H. Barnhill.

Lake Creek Township—R. H. Sutton (two years), L. B. Shaw, H. M. McL. Corbett.

Turnbull Township—B. F. Tatum.

Brown Marsh Township—N. A. Currie, Guilford Horne, Alex. Burney.

BRUNSWICK COUNTY.

Brunswick county.

Northwest Township—A. M. Chinnis (two years), C. W. Harvell (four years), W. T. Robbins (four years), L. S. Skipper (two years).

Town Creek Township—George H. Bellamy, L. D. Ganey, P. S. Hawes (four years), G. M. McKeithaw (four years), Jackson Johnson (two years), W. O. McKeithaw (two years).

Smithfield Township—W. T. Pinner, David Ward (four years), S. W. Smith (four years), W. F. Smith (four years), J. O. Lennou (two years).

Lockwoods Folly Township—A. T. Hewett (four years), J. W. Lancaster, F. P. White (four years), E. H. Gray (two years).

Shallotte Township—E. L. Stanley, D. E. Standland (four years), Samuel Hickman, H. F. Pierce (four years), H. M. Benton (four years), J. H. F. Frink (two years), R. W. Sellars (four years).

Wiccamaw—J. A. Phelps (four years), D. B. Edwards (four years), D. B. Long (four years). (*Wiccamaw Township as underscored.*)

BUNCOMBE COUNTY.

Buncombe county.

Black Mountain Township—J. H. Hampton.

Asheville Township—J. D. Penland, J. A. McIntyre, B. L. Lyda, E. H. Merrimon, F. N. Waddell, Washington Haynes, John Duckett, J. B. Erwin.

French Broad Township—Mack Buckner, W. H. Hunter.

Fairview Township—P. O. Merrell, C. L. Whitaker.

Leicester Township—James E. Martin.

Reems Creek Township—D. H. Reagin.

Upper Hominy Township—J. C. Waters.

Big Ivy Township—J. H. Woodward (for 'six years).

Burke county.

BURKE COUNTY.

Morganton Township—J. C. Mull.*

Silvery Creek Township—

Icard Township—W. W. Aiken, F. P. Cook.

Lower Creek Township—

Upper Creek Township—O. M. Avery, W. P. Patton.

Lovelady Township—

Linville Township—P. P. Mull, Knox Gibbs, W. M. Wise.

Jonas Ridge Township—R. C. Franklin, Henry McDaniels.

Lower Fork Township—

Cabarrus county.

CABARRUS COUNTY.

Number Three Township—C. H. Hamilton.
Number Four Township—T. L. Ross.
Number Six Township—George E. Ritchie.
Number Seven Township—George W. Dry.
Number Eight Township—T. A. Moser.
Number Twelve Township—C. J. Williams.

Caldwell county.

CALDWELL COUNTY.

Lower Creek Township—G. R. Clarke (two years).
Globe Township—W. P. Coffey (two years).
John's River Township—D. W. Boyd, Columbus Holloway (two years), Elgie Estes.
Lenoir Township—L. H. Coffey.
Lovelady Township—W. E. Poovey, G. W. Hayes.
Wilson's Creek Township—J. J. Coffey.
Hudson Township—John Z. Bush.

Camden county.

CAMDEN COUNTY.

South Mills Township—John W. Jacobs, John W. Sawyer.
Courthouse Township—S. E. Overley, T. B. Godfrey, R. L. Forbest, W. E. Whaley.
Shiloh Township—E. S. Forbes, M. S. Jones, and W. M. Forbes.

Carteret county.

CARTERET COUNTY.

Straits Township—Denard Gillikin, Robert H. Davis, Robert Hancock.
Portsmouth Township—W. H. Babb.
Lupton Township—James Allen Lupton.
Roe Township—Thos. L. Goodwin.
Atlantic Township—Ambrose Fulcher, J. R. Morris.
Wit Township—Wallace Styron.
Stacy Township—Monterville Hamilton.
Davis Township—A. F. Davis.
Smyra Township—R. E. L. Davis.
Marshalberg Township—E. L. George.
Harkies Island Township—John G. Gaskill.
Atway Township—Watson Lawrence.
Bettie Township—William Felton.
Marrimon Township—C. S. Nelson.
Newport Township—P. P. Garner.
Beaufort Township—W. J. Wallace, C. W. Whitehurst.
Harlowe Township—W. A. Weeks.
Morehead City Township—J. F. Brinson.
Wilswood Township—J. W. Boone.
Sanders Store Township—W. S. Tayloe.

Eldorado Township—W. E. Smith.
Salter Path Township—Micajah Adams.
Pollitices Township—S. M. Rhue.
Stella Township—P. A. Koonce.

CASWELL COUNTY.

Caswell county.

Anderson Township—L. B. Fitch, J. K. Enoch, J. E. Herndon, J. S. Roscoe.
Dan River Township—J. B. Walters, A. H. Boswell, J. A. White, J. T. Faulkes.
Leasburg Township—J. A. Stephens, A. Graham, J. D. Butler, S. T. Fruqua, W. E. Conley.
Locust Hill Township—E. A. Allison, J. C. Allison, N. C. Hodges.
Stony Creek Township—J. B. Turner, J. N. Aldridge.
Hightowers Township—W. L. Compton, S. B. Barnwell, F. R. Warren, J. R. Smith, T. J. Carter.
Milton Township—W. T. Bryant, W. O. Smith, L. J. Whitlock, J. B. Satterfield, J. B. Yarborough.
Pelham Township—R. W. Duncan, J. F. M. Travis, W. C. Swann, W. H. Gatewood, L. G. Carter, J. M. Yates, J. M. Hodges.
Yanceyville Township—B. S. Graves, J. O. Gwynn.

CATAWBA COUNTY.

Catawba county.

Caldwell Township—H. H. Caldwell.
Mountain Creek Township—S. Wilkinson.
Catawba Township—J. A. Sleuman.
Bandy Township—J. Alonzo Propst.
Hickory Township—Q. A. Hedrick.

CHATHAM COUNTY.

Chatham county.

Albright Township—M. W. Duncan.
Bear Creek Township—B. A. Lawrence, J. L. Dorsett, J. W. Brewer.
Center Township—J. M. Keck.
Haddy Township—Maney Lindley. (All for two years.)
Gulf Township—D. W. Tally.
Williams Township—A. E. Cole.
Hickory Mountain Township—R. W. Dark.

CHEROKEE COUNTY.

Cherokee county.

Murphy Township—P. E. Nelson, R. B. Ferguson, A. B. Wells, E. E. Fair, and G. F. Hendrix.
Valleytown Township—J. M. Morrow, J. R. Leach, D. S. Russell.
Nolta Township—Oliver Kinsey, R. H. King, A. H. Davidson.
Shoal Creek Township—A. G. Sparkest and G. W. Jones.
Beaverdam Township—M. A. Hanbree, J. G. Crow.
Hothouse Township—I. M. Gaddis, T. T. Johnson.

Chowan county.

CHOWAN COUNTY.

Number One Township—M. H. Dixon, M. B. Chappell, S. E. Morris, and John McGuire.

Edenton Township—R. F. Tuttle and W. R. Boyce.

Number Two Township—L. R. Bunch, Tom R. Hobbs, and G. W. Goodwin.

Number Three Township—W. C. Ward, E. C. Welch, E. N. Elliott.

Number Four Township—I. J. Moran and J. B. Webb (two years).

Cleveland county.

CLEVELAND COUNTY.

Number Six Township—C. S. Caveney, Robert N. Gidney.

Number Two Township—A. M. Lovelace.

Number Three Township—John Miller Roberts.

Number Four Township—N. F. Waterson, F. Floyd.

Number Five Township—T. Lee Dillinger.

Number Eight Township—Zimmie Kitsler.

Number Nine Township—A. J. R. Hoyle.

Number Ten Township—L. Z. Hoffman, W. T. Johnson (four years), J. W. Alwran (four years).

Columbus county.

COLUMBUS COUNTY.

Fair Bluff Township—J. B. High (four years).

Chadbourn Township—Farney Gore (four years), J. T. Blake.

Bug Hill Township—Clyde Gore (four years).

Tatums Township—A. M. Benton, J. E. Porter (four years), E. L. Lawson (four years).

Ransom Township—S. B. King (four years), E. J. Grimesley (two years).

South Williams Township—F. C. Wright, S. H. Baswell (four years).

North Williams Township—J. J. Williams (two years), W. C. Graham.

Whitevilles Township—E. A. Maultsby (four years), Plato Collier (two years), A. W. Buffkin, W. H. Phillips.

Lees Township—L. C. White (four years), B. A. Marlowe (four years).

Waccamaw Township—W. C. Wayne (two years).

Welches Creek Township—J. L. McCoy, J. M. Brown, J. M. Smith.

Williams Township—W. J. McPherson, W. J. Hughes.

Lees Township—R. I. Batton.

Craven county.

CRAVEN COUNTY.

Number One Township—C. J. Heath, L. E. Dudley.

Number Two Township—W. R. Arthur, L. B. Caton, J. A. Thomas.

Number Three Township—C. J. White, W. O. Wooten, L. S. Harper, B. B. Wooten, and J. F. Braxton.

Number Nine Township—A. E. Wadsworth, J. E. Daugherty, H. B. Wadsworth, W. G. B. Lane.

CUMBERLAND COUNTY.

Cumberland
county.

Beaverdam Township—R. S. Tatum, B. A. Fisher, and G. C. Simmons (for a term of two years each).

Cedar Creek Township—G. H. Clark, J. H. Faircloth, Jr., John H. Bryant, D. J. Wheeler.

Flea Hill Township—L. R. Parker.

Seventy-first Township—W. C. Blue (two years each).

Pearces Mill Township—F. H. Overby.

Grays Creek Township—W. C. Riddle.

CURRITUCK COUNTY.

Currituck county.

Poplar Branch Township—Samuel McHaney, W. S. Harrison, Sr.

Fruitville Township—Alonzo Ansell.

Fruitville Township—Ferdinand Boney, David B. Waterfield, and Remos B. Litchfield.

DARE COUNTY.

Dare county.

Nags Head Township—John W. Ward, Sr.

Hatteras Township—W. S. Ovidley.

DAVIDSON COUNTY.

Davidson county.

Alleghany Township—John Rogers.

Emmons Township—A. G. Surrat, Joseph Crouse.

Arcadia Township—C. C. Weisner, D. C. Mock.

Conrad Hill—Nathaniel Conrad.

Cotton Grove—J. D. Lookabill, J. L. Miller.

Hampton Township—J. L. Nelson.

Healing Springs—W. W. Hidrick, D. F. Floyd, Walter Daniel.

Lexington Township—H. H. Koonce, J. W. Lindsay, R. L. Yakley.

Reedy Creek Township—W. F. Williams.

Silver Hill Township—A. V. Miller, W. C. Hedrick, D. F. Floyd.

Thomasville Township—J. R. Stone, J. W. Bowers, C. M. Bodenhammer, S. C. Grimes.

Boone—W. J. Whitner, J. B. Bailey, J. L. Fitzgerald.

Midway Township—W. F. Miller.

DUPLIN COUNTY.

Duplin county.

Warsaw Township—J. W. R. Bass.

Smiths Township—Frank Mercery, Lafayette Smith, and J. A. Grady.

Wolscope Township—O. H. Jackson (four year).

Faison Township—S. A. Borden, E. F. Hicks, J. A. Shines (four years).

Rockfish Township—Henry D. Williams (four years).

Cypress Township—D. W. Moready (four years).

Island Creek Township—F. P. Powers, D. E. Boney.

Durham county.

DURHAM COUNTY.

Oak Grove Township—A. M. Sorrell (four years).

Davie county.

DAVIE COUNTY.

Fulton Township—John R. Williams.

Edgecombe county.

EDGECOMBE COUNTY.

Number Two Township—H. H. Shelton and J. E. Warren.

Number Three Township—T. I. Taylor.

Number Four Township—M. P. Edwards.

Number Five Township—P. H. Lane.

Number Six Township—Arthur Anderson and W. T. Braswell.

Number Seven Township—W. W. Vick.

Number Twelve Township—R. G. Hart.

Number Thirteen Township—Dr. W. P. Mercer.

Forsyth county.

FORSYTH COUNTY.

Vienna Township—R. C. Conrad, J. S. Conrad, E. A. Conrad.

Winston Township—J. C. Bessent.

Salem Chapel Township—A. L. Perrell, Fletcher Moir, J. A. Marshall.

Abbotts Creek Township—John A. Holder, Levi Ring.

Blews Creek Township—R. S. Linville, A. W. Preston.

Bethana Township—R. O. Butner and C. L. Holland.

Broadway Township—E. P. Heitman, W. R. Rominger, J. P. Charles.

Clemmonsville Township—T. W. Griffith, W. H. Davis, Frank Cook.

Middle Fork Township—George W. Crews, R. D. Gourley.

Old Richmond Township—W. F. Sprinkle.

Old Town Township—J. H. Shamel, J. E. Conrad, S. A. James.

Kernersville Township—J. M. Guyer.

South Fork Township—L. I. Conrad, William A. Crouse.

Winston Township—P. T. Lehman.

Franklin county.

FRANKLIN COUNTY.

Dunn's Township—W. H. Williams, B. F. Pearce, John Stallings, and Z. L. Cheese.

Harris Township—M. L. Fowler, J. B. King, J. A. Underhill, and F. W. Justice.

Youngsville Township—C. C. Winston, J. R. Farrington, Thad Gill, and B. G. King.

Franklinton Township—J. E. Nicholson, E. W. Morris, Henry Mitchell, J. D. Speed.

Hayesville Township—R. G. Winn, Dr. K. M. Clark, and R. L. Stokes.

Sandy Creek Township—E. M. Gupton, R. H. Strickland, E. N. Williams, J. J. Cooper.

Gold Mine Township—A. T. Griffin, W. D. Upchurch, E. B. Gupton, E. B. Perry.

Cedar Rock Township—T. W. Stokes, J. Pete Davis, Arthur Collie, Ed Parrish.

Cypress Creek Township—J. A. Boone, J. M. Sykes, Alton Wilder.

Louisburg Township—S. P. Boddie, J. W. Hollingsworth, W. E. Tucker, James L. Palmer, Dr. O. L. Ellis.

GASTON COUNTY.

Gaston county.

Cherryville Township—Jacob Kiser, W. O. Harrelson, Jonas D. Rudisill.

Crowders Mt. Township—W. S. Mauney (two years), James R. Carson (four years), W. H. McGinnis.

River Bend Township—A. L. D. Bumgarner (two years).

Gastonia Township—John F. Davis (four years).

Dallas Township—Frank O. Davis, H. A. Costner, Luther D. Black (two years).

South Point Township—Parks Hand, J. Robert Henderson (four years).

GATES COUNTY.

Gates county.

Gatesville Township—B. F. Wiley.

Hall Township—J. H. Lilly.

Reynoldson Township—E. S. A. Ellinor, John J. Gatling, E. L. Smith.

Holly Grove Township—Million Franklin, C. M. Manning, W. C. Vann, C. W. Jones.

Hunters Mill Township—R. W. Simpson and B. H. Ward, L. S. Parker (two years).

GRAHAM COUNTY.

Graham county.

Yellow Creek Township—A. Wall.

Stecoah Township—D. A. Taylor, Joel Calhoun.

GRANVILLE COUNTY.

Granville county.

Fishing Creek Township—C. R. Gordon, J. R. Renn, L. T. Buchanan.

Brassfield Township—W. P. White, C. L. Allen, M. W. Wheelons, John W. Whitfield.

Dutchville Township—E. B. Cozart, S. H. Rogers, J. N. Tilley, M. L. Coley.

Tally Ho Township—W. B. Horner, L. L. Crews, E. D. Hunt.

Walnut Grove Township—B. F. Hester, William Thorp, J. B. Adcock.

Sassafras Fork Township—I. T. Green, S. J. Currin, R. A. Norwood, Wilkins Stovall.

Salem Township—E. I. Breedlove, E. A. Hunt, L. G. Breedlove, A. S. Green.

Oak Hill Township—J. P. Stovall, J. N. Watkins, R. I. Mulchi.

Oxford Township—T. N. Bunwell, C. H. Cheatham, H. F. Cole.

Guilford county.

GUILFORD COUNTY.

Morehead Township—E. F. Paschal.

Friendship Township—S. A. Kirkman, Lee Finch.

Greene Township—W. A. Bowman, J. Lewis Holt.

Gilmer Township—W. M. Rogers, W. C. England.

Clay Township—J. Frank Coble, A. M. Hemphill, Geo. A. Garrett.

High Point Township—A. J. Dodameade, and J. W. Guire.

Oak Ridge Township—C. W. Taylor, E. D. Morgan.

Summer Township—J. H. Johnson, W. M. Kirkman.

Deep River Township—J. Lee Charles.

Bruce Township—J. P. Ogburn.

Halifax county.

HALIFAX COUNTY.

Butterwood Township—A. E. Carter, W. H. Thorne (two years).

Enfield Township—G. R. Bennett, J. R. Holliday, O. P. Stallings, J. J. Robertson, and John Beavans, Frank Branch (two years).

Halifax Township—B. H. Hale, M. H. Clark (two years).

Littleton Township—W. R. Harvey.

Roanoke Rapids Township—R. W. Brown (four years).

Weldon Township—W. T. Shaw, E. L. Green, and J. E. Branch.

Faucett Township—J. H. Lewis, G. C. Neville, and W. A. Brown.

Palmyra Township—R. H. White and W. G. Hedgpeth (two years).

Brinkleyville Township—J. E. Ayers, Sr. (two years), P. T. Odom. (These are all for two years, except the one for four years, whose name is R. W. Brown.)

Harnett county.

HARNETT COUNTY.

Anderson Creek Township—J. S. Johnson, Niven Ray.

Averasboro Township—O. P. Shell, E. Lee, V. L. Stephens.

Barbecue Township—John A. Clark, John Darroch, J. H. Withers.

Black River Township—John G. Johnson, W. H. Stevenson, R. D. Overby, and A. B. Currin.

- Buckhorn Township*—W. A. Avent, L. S. Mann, J. A. Champion.
Duke Township—W. H. Lucas, E. S. Yarborough, A. F. Fowler,
 L. E. Stancil.
Hectors Creek Township—J. M. Page, J. A. Johnson, A. L.
 Baughcom.
Grove Township—A. F. Grimes, T. D. Stewart, W. H. Tur-
 lington.
Johnsville—H. A. Morrison, D. P. McDonald, C. C. Cameron.
Lillington Township—J. N. Fuquay, C. H. Biggs, S. W. Withers,
 W. F. Marsh, Sr.
Stewarts Creek Township—B. A. Dollar, Seaman Hobbs.
Upper Little River Township—T. A. Harrington, J. B. F. Stew-
 art, N. A. McLean.

HAYWOOD COUNTY.

Haywood county.

- Clyde Township*—D. H. Byers, J. H. Haynes.
Beaverdam Township—C. H. Willis.
Pigeon Township—E. D. Wells, John Blaylock.
Chattahoochee Township—A. C. Bennett, W. G. B. Messer, Silas
 Caldwell.
Wainsville Township—R. Q. McCracken, C. B. Atkinson.
Fines Creek Township—Allen Messer, Melvil Rogers.

HENDERSON COUNTY.

Henderson county.

- Blue Ridge Township*—T. C. Whitaker.
Edneyville Township—G. W. Lydia, J. H. Lamb.
Green River Township—J. W. Ward.
Hoopers Creek Township—J. Frank Pate.

HERTFORD COUNTY.

Hertford county.

- Murfreesboro Township*—W. S. Nelson, W. W. Stephenson.

HYDE COUNTY.

Hyde county.

- Swan Quarter Township*—Foster Jarvis (four years).
Currituck Township—Caswell Squayers, Leonard A. Griffin
 (four years).
Lake Landing Township—E. L. Silverthorne, Seth Clark, H. S.
 Gibbs.
Fairfield Township—George P. Carter.
Lake Landing Township—John Hall.

IREDELL COUNTY.

Iredell county.

- Sharpsburg Township*—D. N. McLelland, W. B. McLelland.
Olin Township—Dr. C. M. Bess, S. A. Padgitt, J. W. Vanstory.
Concord Township—W. H. Hunter.
Shiloh Township—B. L. Bradford and J. F. Murdock.
Chambersburg Township—G. F. Shepherd, S. W. McNeely, D. L.
 Webb.
Davidson Township—John B. Mayhew, W. A. Mayhew, A. S.
 McKay, and C. H. Cornelius.

Jackson county.

JACKSON COUNTY.

River Township—P. N. Price.
Silva Township—R. W. Fisher.
Canada Township—A. E. Galloway.

Johnston county.

JOHNSTON COUNTY.

Banner Township—Joe G. Smith, J. M. Britt, J. L. Hall.
Wilders Township—J. R. Barnes.
Beulah Township—N. R. Pike.
Ingrams Township—A. D. Ford, L. W. Hockaday.
Pleasant Grove Township—Amos Coats, T. J. Johnson.
Oneals Township—John C. Hood.
Pine Level Township—N. G. Wiggs.

Jones county.

JONES COUNTY.

White Oak Township—R. L. Jenkins, J. Manley Foscue.
Pattocksville Township—W. F. Banks, R. P. Parker, T. A. Bell.
Trenton Township—R. W. Mallard, J. B. Hawkins.
Tuckahol Township—W. J. Marshburn.

Lee county.

LEE COUNTY.

West Sanford Township—W. S. Weatherspoon.
East Sanford Township—J. C. Gregson.
West Pocket Township—W. E. Paschal.

Lenoir county.

LENOIR COUNTY.

Moseley Hall Township—Seth Dawson, J. F. Peele.
Trent Township—J. G. Whitfield, P. G. Smith.
Vance Township—W. T. Moseley, Heber Worthington.
Falling Creek Township—A. P. Gwynn, J. H. Darden, Jr., J. D. Bizzell.
Southwest Township—Jesse Stanly.
Neuse Township—C. A. Dudley.
Neck Township—G. W. Abbott, W. H. Kilpatrick.
Institute Township—E. L. Hardy.

Lincoln county.

LINCOLN COUNTY.

North Brook Township—W. M. Hull, F. J. Leatherman, D. M. Mull.
Lincoln Township—J. M. Roberts, J. T. McLaw, Jacob Rasmour, and J. A. Love.
Howards Creek Township—J. H. Heafner, Guy Rinch, M. L. Baker.
North Brook Township—W. M. Hull, F. J. Leatherman, D. H. Mull.
Ironton Township—Bradshaw Lauring, S. J. Shum.
Catawba Springs Township—W. H. Lowe, W. F. Kelly, J. A. Nixon, and McLane Cherry.

MACON COUNTY.

Macon county.

Cowee Township—James A. Morrison.*Nantahala Township*—Dan Moore.

MADISON COUNTY.

Madison county.

Number One Township—R. L. Gudger, W. R. Sams, R. H. Triplett.*Number Two Township*—J. W. Crow (two years).*Number Three Township*—Wesley Wyatt (two years), Thomas J. Murray, J. D. Carter.*Number Six Township*—N. F. Plemmons.*Number Seven Township*—Wiley M. Roberts.*Number Eight Township*—W. G. G. D. Russell, Isaac Price (two years), W. G. Brice.*Number Nine Township*—D. H. Gardner, W. T. Davis, J. C. Sanders, Sr. (two years).*Number Eleven Township*—Lee English, Edgar Bryan (two years).*Number Twelve Township*—Joseph Worley, James A. Worley (two years).*Number Thirteen Township*—William Fleming.*Number Fourteen Township*—James E. Ramsey (two years).*Number Fifteen Township*—J. H. Jervis, I. D. Holcombe (two years).

MARTIN COUNTY.

Martin county.

Cross Roads Township—Geo. D. Gurganus (four years).*Robersonville Township*—S. L. Ross.*Goose Nest Township*—M. L. Burnette.*Hamilton Township*—Joseph T. Waldo, F. L. Haislip.

M'DOWELL COUNTY.

McDowell county.

Glenwood Township—R. E. Hinshaw, J. R. Bröwn, J. M. Haney (two years).

MECKLENBURG COUNTY.

Mecklenburg county.

Huntersville Township—John F. Ewart, John L. Miller, and Thomas F. Irwin, J. T. Mayberry.*Charlotte Township*—F. D. Alexander, J. K. A. Alexander, W. H. McQuay, R. Stewart, Walter Brem, R. B. Caldwell, W. B. Caldwell, T. W. Dixon, S. C. Ross, J. M. Scullion. Each of the above for two years. L. M. McAlister, J. W. Cobb, W. W. Phifer, C. H. Wolfe, McD. Watkins, W. R. Robertson, W. R. Wearn, H. C. Severs, D. P. Hutchison, S. S. Stokes, M. C. Mayer, Thos. Griffin, Frank C. Johnson, W. M. Tye, J. K. Wolfe, Amos B. Cook.*Steel Creek Township*—J. B. Watt, J. P. Stroup, J. L. Milwee, James Sledge (two years), S. T. Price (two years).*Sharon Township*—W. H. Hunter, H. C. Reid, C. P. Elliott, T. J. Sammonds, J. W. Kirkpatrick (for two years). R. B. Hunter (two years), J. C. Reid (two years), I. G. Wallace.

Providence Township—H. Q. Alexander, L. S. Knox, S. R. Grier (two years), W. F. McGinnis (two years).

Pineville Township—M. A. Edwards, T. P. Morrow, W. B. Warwick, T. B. Hawfield.

Clear Creek Township—G. W. Davis, J. W. Wilson (for two years).

Crab Orchard Township—M. C. Davis, J. A. Newell.

Lemleys Township—J. T. Cashion, J. W. Knox, S. S. Caldwell (two years).

Mallard Creek Township—R. W. Alexander, W. W. Brown (two years).

Long Creek Township—E. L. Reams, J. D. Alexander, A. W. King, Marshall M. Johnston.

Paw Creek Township—R. F. Dunn, W. M. Wingate (two years), W. S. Abernethy (two years).

Deweese—J. L. Smith, J. F. Watt (for two years), A. E. Armour, F. O. Johnston.

Berryhill Township—A. H. Rhyne (two years).

Mitchell county.

MITCHELL COUNTY.

Fork Mountain Township—D. M. Cook.

Snow Creek Township—W. A. Roberson, D. Jonathan Gouge.

Grassy Creek—R. L. Carrell.

Robert Deyton, Ed W. Young, D. T. Fortner, Squibb Phillips, Filmore Blalock, W. W. Bailey, S. M. Collis, Windell Slagle, J. G. Woody, G. D. Turbyfill, W. C. McInturff, M. C. Tipton, W. M. Gouge, George Hardy, Floyd Garland. (To serve in the townships in which they reside.)

Montgomery county.

MONTGOMERY COUNTY.

Troy Township—L. R. Lisk, C. W. Bell, J. C. Beckwith, A. C. Wooley, N. H. Williams, J. R. Wallace.

Pee Dee Township—C. C. Smith.

Mt. Gilead Township—R. W. Steele, John B. Hurley, John A. McAuley, O. C. Bruton, J. C. Galloway.

Cheeks Creek Township—G. R. Haywood, W. E. Euing.

Biscoe Creek Township—V. W. Burkhead, J. M. Wright, E. K. Auman, T. A. Russell, J. K. Wood.

Little River Township—J. C. McIntosh, David Cagle, T. W. Maness.

Ophir Township—W. H. Reynolds, B. A. Davis, W. P. Hurley, N. S. Hamilton.

Eldorado Township—M. C. Brewer, J. J. Russell, J. D. Harris.

Uwharrie Township—J. C. Hamilton, W. H. Vickers, W. L. Thayer.

MOORE COUNTY.

Moore county.

Mineral Springs Township—J. A. Wicker.*Sheffield Township*—J. R. Maness.

NASH COUNTY.

Nash county.

Manning Township—J. T. Fulford, S. L. Edwards, J. N. Berg-
eron.*North Whitakers Township*—W. R. Mann, W. B. Skinner (four
years).*Coopers Township*—Percy W. Joyner, E. L. Cooper.*North Whitakers Township*—W. C. Taylor (two years).

(This township duplicated for room.)

NEW HANOVER COUNTY.

New Hanover
county.*Wilmington Township*—W. A. McGowan (two years), John J.
Fowler (four years).

NORTHAMPTON COUNTY.

Northampton
county.*Kirby Township*—E. L. Parker, T. B. DeLatch, P. M. Edwards,
C. T. Parker.*Rich Square Township*—Wm. A. Cutland.*Roanoke Township*—J. R. Vaughn, W. F. Nelson, W. W. Draper.*Occoneechee Township*—W. H. Joyner, F. S. Faison, Jr.*Gaston Township*—B. M. Camp, J. R. Carstarphen, John L.
Waterman.*Jackson Township*—G. A. Moore.*Wiccacon Township*—J. T. Lanier.

ONslow COUNTY.

Onslow county.

Jacksonville Township—F. W. K. Kellum, B. L. Parker, G. B.
Foster.*Richland Township*—E. A. Ervin, J. K. Batchelor, J. B. Murrill,
G. H. Simmons.*Stumpsound Township*—Mike Padgett, R. B. Jarman, H. V.
Grant.*Swanboro Township*—C. S. Pittman, B. J. Pollard, R. C. Morton.*White Oak Township*—W. T. Bray, A. A. Eubanks, E. M. Morton.

ORANGE COUNTY.

Orange county.

Bingham Township—C. F. Bradshaw (two years).*Eno Township*—S. A. Douglas (two years).

PAMLICO COUNTY.

Pamlico county.

Number Four Township—J. F. Campen, J. R. Sadler.*Number Two Township*—B. D. Eubanks, C. G. Dowdy.*Number Three Township*—W. K. Jones.*Number Five Township*—J. R. Hodges.*Number One Township*—S. A. Brinson.

Pasquotank
county.

PASQUOTANK COUNTY.

Providence Township—D. J. Pritchard.

Salem Township—John C. James, Jr., Seth Scott, W. J. Saunders.

Pender county.

PENDER COUNTY.

Union Township—N. W. Powers.

Caintuck Township—W. C. Keith.

Grady Township—M. M. Bullard.

Caswell Township—E. W. Godwin (two years).

Perquimans
county.

PERQUIMANS COUNTY.

New Hope Township—C. M. Munden (two years).

Parkville Township—T. C. Story (two years).

Person county.

PERSON COUNTY.

Roxboro Township—John S. Clayton, J. M. O'Briant, J. W. Younger, W. S. Newton.

Woodsdale—W. H. Hall, Nat Jordan, L. P. Duncan.

Flat River—J. S. Noell, W. F. Timberlake, J. C. Cates.

Brushy Fork—A. M. Long, A. P. Daniel, W. C. Warren.

Allensville—John L. Gentry, J. W. Yancy, D. C. Moore.

Mount Tizah—B. S. Glenn, J. W. Cash.

Cunningham Township—L. B. Scott, John M. Jones, R. A. Clay.

Holloways Township—Thomas H. Street, C. P. Sanford, S. S. Critchfield.

Oliver Hill Township—T. S. Wagstaff, W. A. Winstead, F. H. Wagstaff.

Pitt county.

PITT COUNTY.

Greenville Township—J. J. Harrington, W. H. Allen (four years).

Greenville Township—T. R. Moore (four years).

Swift Creek Township—Claud Gaskins (four years).

Bethel Township—S. T. Carson (four years).

Contentnea Township—J. L. Hobgood (four years).

Polk county.

POLK COUNTY.

Tryon Township—George A. Gosh, J. C. Fisher.

Columbus Township—L. L. Tallant, M. T. Mills, James Ormand.

Coopers Cap Township—J. C. Powell, W. G. Egerton.

Saluda Township—L. H. Capps, E. B. Goelet, H. B. Bradley, W. E. Ward.

Greens Creek Township—W. M. Barnett, R. C. Prince.

Randolph county.

RANDOLPH COUNTY.

New Market Township—J. A. Wall, R. L. Coltrane.

Level Cross Township—R. C. Smith.

Liberty Township—Williams Brothers, R. W. Staley.

Providence Township—Geo. W. Pugh, Nathaniel Allred.

Tabernacle Township—A. W. Fuller, L. C. Phillips, and J. C. Hoover.

Franklinville Township—W. C. Jones.

Concord Township—D. C. McMaster, J. H. Kearne.

Cedar Grove Township—M. H. Lassiter, E. Whatley, W. S. Gatlin, C. M. Nance.

Grant Township—C. O. Ingold.

Colridge Township—H. T. Bray.

Pleasant Grove Township—H. B. Lambert, E. S. Caviness, and Archie Jones.

New Hope Township—T. W. Ingram and J. M. Shaw.

Union Township—S. A. Cox and A. S. Callicott.

Richland Township—O. M. Yow, M. J. Presnell, W. N. Hayes.

Brower Township—E. B. Leach, G. F. Gatlin, and J. L. Owen.

Randleman Township—J. L. Fields, A. N. Bulla, and J. A. Russell.

Asheboro Township—M. W. Parrish, S. E. Lowdermilk.

Trinity Township—D. Moody Welborn, T. S. Bouldin, C. W. Redding, W. N. Elder, and C. W. Wilson.

Randleman Township—J. E. Lassiter, T. O. Bowdan. (This township duplicated.)

RICHMOND COUNTY.

Richmond county.

Wolf Pitt Township—R. B. Bryant.

Beaver Dam Township—J. W. Butler.

Number One Rockingham Township—A. J. Harrington.

ROBESON COUNTY.

Robeson county.

Orrum Township—Hector Stephens.

Wisharts Township—Isaac Smith, J. Ed Tyson, Rowlon Mercer.

Alfordsville Township—N. J. McRimmon (two years).

St. Pauls Township—J. F. Hamilton and Marcus Smith (four years).

Thomsons Township—E. C. McNeil (four years).

Lumberton Township—J. A. Rowland, W. P. Parker.

Parkton Township—T. E. Thompson, A. A. Wright.

ROCKINGHAM COUNTY.

Rockingham county.

New Bethel Township—A. H. Garrett, J. P. Wilson (two years).

Wentworth Township—J. A. Gunn, D. M. Moore, W. H. Settle.

Price Township—W. J. Grogan.

Ruffin Township—W. H. Powell.

Leaksville Township—James M. Price.

ROWAN COUNTY.

Rowan county.

Litker Township—John D. A. Fisher.

Franklin Township—Cicero Miller, William Kestler.

Atwell Township—John L. Fleming, H. W. Overcash.
Salisbury Township—John B. Manley, C. E. Fesperman, C. N. Brown, C. M. Miller.
Cleveland Township—D. B. Roseborough.
Locke Township—Rufus Safirt, P. J. Cress.
Steele Township—T. F. Knox (two years).

Rutherford county.

RUTHERFORD COUNTY.

Golden Valley Township—Julius H. Yelton.
Chimney Rock Township—Zeb V. Taylor, Paul F. Searcy, Frank Reynolds.
Camp Creek Township—F. R. Tate, B. M. Edney, Brice Condry.
Sulphur Springs Township—V. E. King, Loyd Williamson, V. E. McKinney.

Sampson county.

SAMPSON COUNTY.

South Clinton Township—R. H. Hubbard, Sr.
Honey Cutt Township—A. E. Royal.

Scotland county.

SCOTLAND COUNTY.

Laurel Hill Township—A. M. McNeill, Jr., A. D. Gibson, A. L. Jackson.
Williamson Township—D. T. Wright, A. H. McDonald, R. D. Gibson, W. F. McKenzie.
Spring Hill Township—A. E. Shaw, Jack McGirt, J. Malloy McLean.
Stewartsville Township—L. W. McKinnon, S. W. Covington, J. P. Thompson, Hugh McCall, H. O. Covington.
 (All for two years except A. E. Shaw, of Spring Hill Township.)

Stanly county.

STANLY COUNTY.

Center Township—James W. Smith (two years), Gaston Blacklock (two years).
Harris Township—Thomas J. Cotten (two years).
Endy Township—L. H. Bost, T. D. Kelly (two years).
Furr Township—R. W. Simpson, V. L. Mills (two years).
Big Lick Township—Q. E. C. Cable (two years).
Almond Township—Mathew M. Furr, Jno. L. Cauble and L. M. Moody.
South Albemarle Township—Travis Thompson, J. C. Parker (each for two years).

Stokes county.

STOKES COUNTY.

Quaker Gap Township—James D. Martin, J. R. Forest, R. W. Hill, G. L. Simmons.

SURRY COUNTY.

Surry county.

- Westfield Township*—H. E. Taylor, E. J. Payne, R. K. Simmons.
Pilot Township—Stephen Taylor, R. E. Smith, Claude Jones.
Mt. Airy Township—Geo. W. Hiatt, T. B. Mcargo, E. C. Shelton,
 John A. Cox, Peter Deathrage, S. G. Pace, P. S. Rothrock, E. F.
 McKimmey.
Dobson Township—Moses Hodges, J. H. Poindexter, A. H. Free-
 man, Britton Haymore.
Bryon Township—Robert Wilmont and B. J. Snow, W. H. Wall.
Elkin Township—T. V. Foote.
Eldora Township—Thomas A. Jones, W. M. Bennett.
Stewart Creek Township—E. J. Miller, Will Davis, Samuel
 Booker, R. P. Comer, and G. W. Newman.
Franklin Township—J. F. Armfield.
Rockford Township—J. F. Burrus, R. A. Doss, Hillary Coe.
Siloam Township—C. C. Matthews, D. A. Whitaker, and J. A.
 Whitaker.
Long Hill Township—F. A. Ashburn, Joseph Samuels.

SWAIN COUNTY.

- Charleston Township*—M. W. Taylor and M. T. Battle.

Swain county.

TRANSYLVANIA COUNTY.

Transylvania
county.

- Carthage Creek Township*—L. C. Lynch.
Boyd Township—T. R. Duncan, L. F. Lyda, Jeff Shipman.
Eastotoe Township—Leon Gillespie, E. M. Whitmore.
Little River Township—L. M. Hart, Wait Kilpatrick, J. E. Hunt.
Dunns Rock Township—Porter Clark, Elisha Allison, A. C.
 Landreth.
Brevard Township—C. M. Cook, Jr., T. B. Galloway, C. S.
 Osborne.

UNION COUNTY.

Union county.

- Sandy Ridge Township*—H. A. Norwood, G. T. Winchester,
 C. A. Deal, J. H. Winchester, G. W. Sutton.
New Salem Township—John Brewer, G. W. Smith, M. T. Austin.
Monroe Township—E. C. Laney, Sam A. Helms, I. H. Blair,
 G. F. Sutton.
Lanes Creek Township—E. E. Huggins, A. E. Ruthing, N. S.
 Rogers.
Goose Creek Township—W. G. Long, Zeb V. Long, J. C. Little,
 A. B. Austin.
Marshville Township—H. Frank Little, T. C. Griffin, A. J.
 Brooks, Oscar Bowman, Z. M. Little, H. M. Green.
Buford Township—T. P. Ross, W. P. Plyler, V. T. Cheers, Jerre
 C. Laney.
Jackson Township—W. E. Stewart, J. B. Godfrey, T. L. Davis,
 W. M. Crow, S. J. Richardson.
Vance Township—Hiram Orr, W. D. Hawfield, J. M. Barkey,
 J. E. Broom, J. W. Roberts.

Vance county.

VANCE COUNTY.

Henderson Township—L. M. Harris, T. L. Jones, Joseph T. Jones, L. R. Gooch, Frank Mortham, Charles P. Lowry, George Gilliam.

Kittrells Township—J. Bayard Allen, H. M. Hight, Thomas H. Kittrell, Charles H. Williams, Eugene T. Bobbitt, W. S. R. Burwell.

Watkins Township—Henry D. Floyd, Thomas V. Bobbitt, J. B. Glover.

Dabney Township—L. W. Burroughs, Hayden W. Glover, J. U. Fleming.

Williamsboro Township—S. G. Knott, D. L. Woody, R. A. Bullock, Henry T. Shanks, Lee Wilson.

Townesville Township—James A. Boyd, Capt. J. M. B. Hunt, Alvin Terry, E. L. Knott, Junius E. Alston.

Nut Bush Township—C. M. White, Geo. R. White, B. F. Fleming.

Middleburg Township—W. H. Parrish, T. B. Parham, E. L. Fleming.

Sandy Creek Township—J. N. Tunstall, D. H. Reavis, E. J. O'Brian.

Wake county.

WAKE COUNTY.

New Light Township—W. D. Ray, J. D. Pleasants, J. H. Keith.

Neuse River Township—J. D. Wilson, J. B. Wiggins.

St. Mary's Township—J. D. Johnson.

Wake Forest Township—J. C. Cadell, S. F. Allen, Plummer Jones.

Raleigh Township—A. H. Yerby, D. F. Fort, Jr., E. M. Bledsoe, O. L. Parhand, W. D. Perry, C. F. Koonce, Vitruvius Royster, J. L. Crowder.

Marks Creek Township—L. L. Doub.

House Creek Township—Arthur Perry, H. H. Ray.

White Oak Township—Theo. Maynard.

Warren county.

WARREN COUNTY.

Township One—R. A. King, B. E. King, and T. E. Pulley.

Township Two—Macon Thornton and R. E. Stevens.

Township Three—C. R. Leete and J. W. King.

Township Four—J. H. Rose and J. L. Muston.

Township Five—Sol. Fleming and Richard Bender.

Township Seven—W. C. Fagg and J. William Limer.

Township Eight—J. F. Hunter and B. C. Hamlet.

Township Ten—F. B. Newell and John W. Allen.

Township Eleven—Otis Clark and J. C. Powell.

Township Twelve—J. C. Dellridge.

WASHINGTON COUNTY.

Washington
county.

Skennersville Township—Geo. S. Swain, H. A. Norman, E. R. Spruill.

Lees Mill Township—W. S. Davenport.

Scuppernong Township—J. F. Snell.

Plymouth Township—J. T. McNair, Geo. W. Jackson.

WATAUGA COUNTY.

Watauga county.

Stony Fork Township—J. E. Luther and S. C. Carroll, D. B. Wagner.

Cave Creek Township—A. W. Smith, Bennett Smith.

Watauga Township—T. H. Taylor, W. H. Mast.

Meat Camp Township—C. G. Hodges, Nahum Winebarger.

Bald Mountain Township—Geo. H. McGlamery and John Tatum.

North Fork Township—B. R. South.

Blue Ridge Township—W. D. Cook.

WAYNE COUNTY.

Wayne county.

Pikeville Township—J. B. Sikes.

Goldsboro Township—Hugh Murphy.

Brogden Township—W. H. Kornegay (four years), W. B. Stevens.

Buck Swamp Township—C. G. Coppe, Geo. D. Vail (two years).

Pork Township—T. R. Gurley, A. J. Howell (two years).

Goldsboro Township—J. E. Peterson, Hugh Humphrey, I. J. Harrell, J. A. Toler, J. C. Bardin (two years).

Great Swamp Township—Jno. A. Kornegay (four years), J. E. Sasser, R. U. Davis, W. F. Patrick (two years).

Nahunta Township—E. C. Exum, J. W. Johnson, E. L. Pipkin, G. A. Yelcerton (two years).

New Hope Township—D. L. Hines, M. L. Adams, J. H. Grant (four years), J. J. Sutton, E. E. Long (two years).

Pikeville Township—P. B. Scott, I. B. Sikes, J. R. Musgrave (two years), J. F. Wooten (two years).

Stony Creek Township—N. F. Pate, S. D. Pate, Jacob S. Sasser (two years).

Fork Township—E. F. Rose (four years).

WILKES COUNTY.

Wilkes county.

Union Township—T. A. Faw, Joseph C. Vannoy, David Roten.

Beaver Creek Township—Will Jones.

Brushy Mountain Township—H. C. Walker and Joseph Moore.

Edwards Township—H. A. Durham, N. E. Parlier, D. F. Carter, R. J. Carter, and Leet Poplin.

Elk Township—John Triplett, W. T. Land and A. M. McEwen, Geo. W. Welch.

Jobs Cabin Township—W. S. Hall, H. M. Hamby, Freeland Parsons.

Lewis Fork Township—J. W. Dyer.

Lovelace Township—Thomas Triplett, Rufus Transeau.

Moravian Falls Township—J. R. Parlier, W. S. Reavis, W. A. Laxton, and S. S. Church.

Mulberry Township—J. L. Pendry, C. M. Adams, J. D. Hall, P. E. Dancy, E. F. Brown.

New Castle Township—G. W. Sale and John H. Pardue.

North Wilkesboro Township—A. E. Spainhower.

Reddies River Township—J. H. Pennel, T. S. McNeill, L. B. Pierce, and L. A. Pullis.

Rock Creek Township—G. C. Pendry, J. W. Burshett, I. N. Baugus, W. W. Myers.

Somers Township—L. W. Lonsford, Guss Myers, and J. P. McCarter.

Trap Hill Township—G. W. Lyon, Jr., S. P. Johnson, and L. A. Harris.

Walnut Grove Township—Joseph Hanks, J. H. Joines, and T. C. Myers.

Wilkesboro Township—J. T. Ferguson, J. E. Winkler, C. M. Tevepaugh.

Staunton Township—F. G. Yates, H. O. Parsons.

Wilson county.

WILSON COUNTY.

Wilson Township—J. Frank Farmer.

Black Creek Township—D. E. Barnes.

Cross Roads Township—A. T. Barnes, W. B. Barnes, I. H. Lamb.

Gardners Township—John H. Robbins, Cofield Barnes.

Saratoga Township—J. R. Eagles, Walter Owens, R. A. Rogers, E. G. Rogers, A. M. McKeeland, A. J. McKeel.

Toisnot Township—R. I. Robbins.

Spring Hill Township—S. C. Barnes.

Yadkin county.

YADKIN COUNTY.

Booneville Township—J. H. Fleming, A. C. Stinson, Oscar Fleming.

Forbust Township—Will Jennings.

Liberty Township—J. C. Money.

Buck Shoals Township—W. J. Angle, W. M. Parker, E. Snow.

Deep Creek Township—Luke S. Williams.

Yancey county.

YANCEY COUNTY.

Brush Creek Township—T. C. Randolph, Wyatt Woody (two years).

Burnsville Township—Tildam Burnett, W. C. Ramsey.

Jacks Creek Township—Will Horton, W. J. Byrd (two years).
Ramseytown Township—Wiley Tipton, J. W. Edwards (four years).

Prices Creek Township—John Parrott, Raleigh Badford.

Pensacola Township—James Wilson (two years).

South Toe Township—James W. Hoover, Sandy Patton.

Egypt Township—D. M. Buck.

In the General Assembly read three times and ratified this the 12th day of March, 1913.

CHAPTER 185.

AN ACT TO AMEND SECTION 3805, REVISAL OF 1905, RELATIVE TO SELLING OR GIVING CIGARETTES TO MINORS.

The General Assembly of North Carolina do enact:

SECTION 1. That section three thousand eight hundred and five of Revisal of one thousand nine hundred and five be amended by adding at the end of said section the following: "It shall be the duty of every police officer in the State of North Carolina, upon knowledge or information that any minor under the age of seventeen years is or has been smoking any cigarette, to inquire of any such minor the names of the person or persons who sold or gave such cigarette or aided and abetted any person or persons in giving or selling any cigarettes, or the substance from which such cigarettes were made, to such minor as are forbidden by this section and the foregoing section of The Revisal of one thousand nine hundred and five; upon receiving this information from any such minor, the said officers shall forthwith cause a warrant to be issued for any person or persons giving or selling or aiding and abetting any person giving or selling any cigarette or the substance out of which such cigarettes were made, and have all such persons dealt with as the law directs. Any such minor who shall fail or refuse to give to any officer upon inquiring the names of all persons selling or giving him such cigarettes or the substance out of which same was made, shall be guilty of a misdemeanor.

Officers to make inquiry.

Warrant on information.

Refusal to give names a misdemeanor.

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

In the General Assembly read three times and ratified, this the 12th day of March, 1913.

CHAPTER 186.

AN ACT SUPPLEMENTAL TO AND AMENDATORY OF AN ACT ENTITLED, "AN ACT SUPPLEMENTAL TO AND AMENDATORY OF AN ACT TO DIVIDE THE STATE INTO TWENTY SUPERIOR COURT JUDICIAL DISTRICTS" AND TO FIX FOR EACH AND FOR THE PURPOSES RATIFIED THE SIXTH DAY OF MARCH, 1913.

The General Assembly of North Carolina do enact:

Civil business only.

SECTION 1. That the term of court for Perquimans County on the third Monday before the first Monday in September be held for the transaction of civil business only.

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

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

In the General Assembly read three times and ratified, this the 12th day of March, 1913.

CHAPTER 187.

AN ACT TO AMEND SECTION 4993, REVISAL OF 1905, SO AS TO PLACE ALL CONFEDERATE VETERANS WHO HAVE BEEN TOTALLY PARALYZED IN THE SECOND CLASS ON THE PENSION ROLL.

The General Assembly of North Carolina do enact:

Proviso: classification.

SECTION 1. That section four thousand nine hundred and ninety-three of The Revisal of one thousand nine hundred and five be amended by adding at the end thereof the following: "*Provided*, that any soldier or sailor who served ninety days in the Confederate army and was honorably discharged and who has been totally paralyzed so as to become unable to perform manual labor of any kind, shall be placed on the pension roll in the second class: *Provided, further*, that said total incapacity shall be ascertained upon the examination of the applicant by and the written certificate of two reputable physicians practicing in the county in which the applicant resides."

Proviso: ascertainment of total incapacity.

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

In the General Assembly read three times and ratified, this the 12th day of March, 1913.

CHAPTER 188.

AN ACT TO AMEND SECTION 800 OF THE REVISAL OF 1905,
RELATIVE TO INTERPLEADING IN COURTS OF JUSTICES
OF THE PEACE.

The General Assembly of North Carolina do enact:

SECTION 1. That section eight hundred of The Revisal of one thousand nine hundred and five be and the same is hereby amended by adding at the end of said section the following: "Provided, further, that in a court of a justice of the peace an interpleader shall not be required to serve on the plaintiff and defendant the affidavits and bonds required by this section, ten days before return day, but if said bond and affidavit is filed by any person owning the property when such case is called for trial, he shall be allowed to interplead."

Proviso: time of
filing interpleader.

SEC. 2. That this act shall not apply to pending legislation.

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

In the General Assembly read three times and ratified, this the 12th day of March, 1913.

CHAPTER 189.

AN ACT TO AMEND SECTION 1251, REVISAL OF 1905, AS TO
PROSECUTION BONDS IN CIVIL ACTIONS.

The General Assembly of North Carolina do enact:

SECTION 1. That section one thousand two hundred and fifty-one, Revisal of one thousand nine hundred and five, be, and the same is, hereby amended by striking out the words "upon motion of the defendant."

Judgment against
sureties.

In the General Assembly read three times and ratified this the 12th day of March, 1913.

CHAPTER 190.

AN ACT TO PROHIBIT INFLUENCING AGENTS, EMPLOYEES
AND SERVANTS.

The General Assembly of North Carolina do enact:

SECTION 1. That whoever gives, offers or promises to an agent, employee, or servant any gift or gratuity whatever with intent to influence his action in relation to his principal's, employer's or master's business; that any agent, employee or servant who

Gift, offer or
promise of gra-
tuity forbidden.

Request or acceptance of gratuity forbidden.

Acceptance and offer of commission, discount or bonus forbidden.

Punishment.

No person excused from furnishing evidence.

Indemnity to persons furnishing evidence.

Proviso: no exemption in case of perjury.

requests or accepts a gift or gratuity or a promise to make a gift or to do an act beneficial to himself, under an agreement or with an understanding that he shall act in any particular manner in relation to his principal's, employer's or master's business; that any agent, employee or servant who, being authorized to procure materials, supplies or other articles either by purchase or contract for his principal, employer or master, or to employ service or labor for his principal, employer or master, receives, directly or indirectly, for himself or for another, a commission, discount or bonus from the person who makes such sale or contract, or furnishes such materials, supplies or other articles, or from a person who renders such service or labor; and any person who gives or offers such an agent, employee or servant such commission, discount or bonus shall be punished in the discretion of the court.

SEC. 2. That no person shall be excused from attending, testifying or producing books, papers, contracts, agreements and documents before any court or in obedience to the subpoena of any court having jurisdiction of the crime herein denounced on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or to subject him to a penalty or to a forfeiture; but no person shall be liable to any suit or prosecution, civil or criminal, for or on account of any transaction, matter or thing concerning which he may testify or produce evidence, documentary or otherwise, before said court or in obedience to its subpoena or in any such case or proceeding: *Provided*, that no person so testifying or producing any such books, papers, contracts, agreements or documents shall be exempted from such prosecution and punishment for perjury committed in so testifying.

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

In the General Assembly read three times and ratified this the 12th day of March, 1913.

CHAPTER 191.

AN ACT TO AMEND CHAPTER 87 OF THE PUBLIC LAWS OF 1911 ENTITLED, AN ACT TO ESTABLISH THE NORTH CAROLINA SCHOOL FOR THE FEEBLE-MINDED.

The General Assembly of North Carolina do enact:

Time of making reports.

SECTION 1. That chapter eighty-seven of the Public Laws of one thousand nine hundred and eleven be, and the same is, hereby amended by striking out the word "December," in section two thereof, and inserting in lieu thereof the word "November."

SEC. 2. That said chapter be, and the same is, hereby further amended by striking out so much of section eight of said chapter as follows the word "State," in line five thereof, and inserting in lieu thereof the following:

The State Treasurer shall keep full accounts of said school and shall pay out all moneys upon the warrant of the superintendent thereof, countersigned by two members of the board of trustees under such rules and regulations as the board of trustees may establish. State Treasurer to act as treasurer.

SEC. 3. That said chapter be and is hereby amended by striking out the words "two dollars per day," in line one of section thirteen, and the word "and" in line two of section thirteen. Pay of trustees

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

In the General Assembly read three times and ratified this the 12th day of March, 1913.

CHAPTER 192.

AN ACT TO CREATE A LIEN UPON CERTAIN GOODS FOR STORAGE CHARGES.

The General Assembly of North Carolina do enact:

SECTION 1. Every person, firm or corporation who shall furnish storage room for furniture, goods, wares or merchandise and make a charge for storing the same, shall have the right to retain possession of and a lien upon all furniture, goods, wares or merchandise until such storage charges are paid. Lien for storage charges.

SEC. 2. If such charges are not paid within ten days after they become due then such person, firm or corporation is authorized to sell said furniture, goods, wares or merchandise at the county courthouse door, after first advertising such sale for ten days at said courthouse door and three other public places in said county, or in some newspaper published in said county where the goods are stored, and out of the proceeds of such sale to pay the costs and expenses of sale and all costs and charges due for storage, and the surplus, if any, pay to the owner of such furniture, goods, wares or merchandise. Sale for charges.

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

In the General Assembly read three times and ratified this the 12th day of March, 1913.

CHAPTER 193.

AN ACT TO PROVIDE FOR THE EQUIPPING OF THE NEW ADMINISTRATION BUILDING, THE FURNISHING AND REMODELING OF THE SUPREME COURT BUILDING, AND THE ESTABLISHMENT OF A CENTRAL HEATING PLANT.

The General Assembly of North Carolina do enact:

Building commission continued in office.

Equipment, furnishing and decoration of building.

Appropriation.

Central heating plant.

Location.

Sale of present plant.

Appropriation.

Repair, remodeling and refurnishing of Supreme Court building. Elevator and vaults.

Second floor extended.

Committee rooms.

Furniture for State Treasurer.

SECTION 1. That the building commission appointed by virtue of chapter sixty-six of the Public Laws of one thousand nine hundred and eleven, under whose supervision the new administration building was erected, be continued in office, and the said building commission is hereby authorized and directed to expend not exceeding seventy-five thousand dollars for the purpose of equipping, furnishing and painting or decorating said administration building, the said seventy-five thousand dollars being appropriated for this purpose in the general appropriation bill, and provided for in a bond bill enacted at this session of the General Assembly.

SEC. 2. That the board of public buildings and grounds be authorized to purchase and install a central heating plant to be placed wherever their best judgment may dictate, on property now owned by or which the board may purchase for the State, the said central heating plant to be used for the purpose of heating the capitol building, the new administration building, the Supreme Court building, and the agricultural building. The said board of public buildings and grounds is authorized to dispose of, to the best advantage, the heating plant on the lot on which is situated the Supreme Court building, and also to dispose of the temporary heating plant now in use in the new administration building, and to use the proceeds from the sale of said heating plants in the purchase and installation of a central heating plant, and it is further authorized and directed to expend in the purchase and installation of said heating plant a sum not exceeding forty thousand dollars, appropriated for this purpose in the general appropriation bill and provided for in a bond bill enacted at this session of the General Assembly.

SEC. 3. The board of public buildings and grounds is authorized and directed to repair, remodel and refurnish the state building known as the Supreme Court building for the convenient use of the departments hereinafter mentioned. An elevator shall be installed, fireproof vaults provided if the same can be installed for a reasonable sum, and the floor of the second story shall be extended so as to cover the present courtroom of the Supreme Court. The arrangements shall be made with reference to the use of two or more rooms on each floor for committee rooms during the sessions of the General Assembly. The said board of public buildings and grounds is further authorized to refurnish the office of the State Treasurer.

For the purpose of carrying out the provisions of this section the said board is authorized to expend a sum not exceeding forty thousand dollars, appropriated for this purpose in the general appropriation bill and provided for in a bond bill enacted at this session of the General Assembly.

SEC. 4. That the following shall be the allotment of space in the building: The Corporation Commission shall be allotted the space on the first floor; the department of the Superintendent of Public Instruction and the department of the Commissioner of Labor and Printing shall be allotted the space on the second floor; the department of Insurance Commissioner shall be allotted the space on the third floor, and the State Board of Health shall be allotted the space on the fourth floor; the basement space to be divided between and used exclusively by the departments occupying said building.

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

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

In the General Assembly read three times and ratified this the 12th day of March, 1913.

CHAPTER 194.

AN ACT IN RELATION TO THE SALARIES OF CERTAIN EMPLOYEES OF THE INSURANCE DEPARTMENT AND TO EQUALIZE THE SAME.

The General Assembly of North Carolina do enact:

SECTION 1. That the person employed in the Insurance Department as actuary and deputy shall receive a salary of two thousand two hundred dollars (\$2,200). That the person employed in said department as chief deputy shall receive a salary of two thousand dollars (\$2,000). That the person employed in said department as chief clerk and accountant shall receive a salary of one thousand seven hundred dollars (\$1,700). And the person employed in said department as cashier and stenographer shall receive an annual salary of one thousand one hundred dollars (\$1,100).

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

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

In the General Assembly read three times and ratified this the 12th day of March, 1913.

Appropriation.
Allotment of space.
Corporation Commission.
Department of Public Instruction and Commissioner of Labor and Printing.
Insurance Commissioner.
State Board of Health.
Basement.

Actuary and deputy.
Chief deputy.
Chief clerk and accountant.
Cashier and stenographer.

CHAPTER 195.

AN ACT TO PROVIDE FOR THE REGISTRATION OF THE FIELD NOTES OF J. W. C. PIERCY, A FORMER SURVEYOR OF CHEROKEE COUNTY, AND TO MAKE SUCH FIELD NOTES COMPETENT AS EVIDENCE.

Preamble: opening of Cherokee lands to entry.

WHEREAS, J. W. C. Piercy was the county surveyor of Cherokee County at the time the Cherokee lands were opened to entry by the Legislature of one thousand eight hundred and fifty-two, and many hundreds of tracts of land were thereafter entered, and warrants of survey issued therein; and, whereas, said Piercy, who is now dead, surveyed said lands upon said warrants, and the notes of his surveys of the same are in existence in what purports to be his original handwriting; and, whereas, at the time of said surveys said lands were wild and unoccupied, and are still to a very large extent wild and unoccupied lands; and, whereas, because of the long lapse of time since said surveys were made and because of the death of said Piercy and other witnesses to the location of the said tracts of land so surveyed, it is often difficult to locate the lines and corners as established by said original surveys, and said field notes of said Piercy are of great value in locating the same; now, therefore,

Preamble: surveys by Piercy.

Preamble: location of lines and corners.

The General Assembly of North Carolina do enact:

Examination as to validity and identity of field notes.

SECTION 1. That the clerk of the Superior Court of Cherokee County is hereby fully authorized and empowered, when the application of any person or persons interested in said lands or any of them, to issue a commission under the hand and seal of said court, to any competent and discreet person to act as a commissioner to take the examination of any witness or witnesses who may be brought before him as to the validity and genuineness of the said field notes of J. W. C. Piercy, and their evidence to reduce to writing and transmit forthwith to said clerk, the said evidence to be duly signed by the said commissioner and certified by him to be the evidence of such witness or witnesses as to the genuineness of said field notes, and said commissioner shall also transmit therewith the original commission issued to him by said clerk, together with said field notes of said Piercy.

Clerk to examine report.

SEC. 2. That upon receipt of said examination of any witness or witnesses so made by such commissioner, together with said field notes of the said Piercy, it shall be the duty of the said clerk of the Superior Court of Cherokee County to examine the evidence of such witness or witnesses so taken and transmitted by said commissioner, and if it shall appear from such evidence that the field notes transmitted therewith are in the true and genuine handwriting of said Piercy, and are in fact and in truth the genuine field notes of said Piercy, it shall be the duty of said

Matters for determination.

clerk to certify that such commission had been duly issued by him to said commissioner; that the evidence of witness or witnesses (naming him or them) had been duly taken by said commissioner and reduced by him to writing and transmitted to said clerk, together with the original field notes of said Piercy, and if said clerk shall be so satisfied from such evidence, adjudge said field notes to be in the genuine handwriting of said Piercy and to be the true and genuine field notes of said Piercy; and said clerk shall therefore further order that the same shall be recorded, as in case of deeds for land, in the office of the register of deeds of said Cherokee County, and in any other county afterwards formed from the territory included in Cherokee County in the year one thousand eight hundred and fifty-three. Order for record.

SEC. 3. That when such field notes shall have been so registered in said county or counties, the record thereof shall be competent evidence in any of the courts of this State, or in the courts of the United States for the purpose of establishing the boundary line or lines of any tract or tracts of land so surveyed by said Piercy, or of any adjoining or contiguous tract or tracts of land whatsoever, and for any and all purposes that may be pertinent on questions of location of the same; and a copy of said record of said field notes as a whole or as to any particular tract or tracts contained therein may be made by said register of deeds of any such county, and when duly certified by him as provided by law for certifying the record of a deed or other conveyance shall be competent and admissible in evidence in any of the courts of this State and of any other state, and of the United States, as fully and for all the purposes above set out as to the original record of such field notes in said county or counties. Record competent evidence.
Certified copy admissible.

SEC. 4. That said clerk, for issuing said commission and for examining the evidence taken thereunder and adjudging the genuineness thereof, as provided herein, shall be entitled to a fee of five dollars; and the register of deeds of any county where the said field notes may be registered shall be entitled to be paid the same fee as for registering deeds. Fees for examination and registration.

SEC. 6. That this act shall not affect any litigation now pending in any state or federal court.

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

In the General Assembly read three times and ratified this the 12th day of March, 1913.

CHAPTER 196.

AN ACT TO PROVIDE FOR THE DIVISION OF THE STATE INTO JUDICIAL DISTRICTS AND FOR HOLDING THE COURTS THEREIN.

The General Assembly of North Carolina do enact:

Place for holding courts.
Judicial districts.

Time, length of session and jurisdiction.

SECTION 1. A superior court shall be held by a judge thereof at the courthouse in each county. The State shall be divided into twenty judicial districts, composed of counties as hereinafter set out, and the superior courts in the several counties shall be opened and held in each year at the times hereinafter set forth, and each court shall continue in session one week, and be for the trial of criminal and civil cases, except as hereinafter provided, unless the business thereof shall be sooner disposed of, namely:

First district.

The first district shall be composed of the following counties, and the superior courts thereof shall be held at the following times, to wit:

Currituck county.

Currituck County—First Monday in March, and first Monday in September.

Camden county.

Camden County—First Monday after the first Monday in March; seventh Monday before the first Monday in September; said term for the trial of civil cases exclusively; and ninth Monday after the first Monday in September.

Pasquotank county.

Pasquotank County—Sixth Monday before the first Monday in March, to continue for two weeks, the second week for civil cases only; second Monday after the first Monday in March, for civil cases only. Ninth Monday before the first Monday in September; second Monday after the first Monday in September, for two weeks, the second week for civil cases exclusively; tenth Monday after the first Monday in September.

Perquimans county.

Perquimans County—Seventh Monday before the first Monday in March; sixth Monday after the first Monday in March; third Monday before the first Monday in September, for the trial of civil cases exclusively; eighth Monday after the first Monday in September.

Chowan county.

Chowan County—Fourth Monday after the first Monday in March; first Monday after the first Monday in September; thirteenth Monday after the first Monday in September.

Gates county.

Gates County—Third Monday after the first Monday in March; fifth Monday before the first Monday in September; fourteenth Monday after the first Monday in September.

Dare county.

Dare County—Third Monday before the first Monday in March; sixth Monday before the first Monday in September.

Tyrrell county.

Tyrrell County—Seventh Monday after the first Monday in March, to continue for two weeks, the second week for the trial of civil cases exclusively; twelfth Monday after the first Monday in September.

Hyde County—Eleventh Monday after the first Monday in Hyde county. March; sixth Monday after the first Monday in September.

Beaufort County—Second Monday before the first Monday in Beaufort county. March, to continue for two weeks for the trial of civil cases exclusively; fifth Monday after the first Monday in March, for the trial of civil cases exclusively; ninth Monday after the first Monday in March, to continue for two weeks, the second week for the trial of civil cases exclusively; thirteenth Monday after the first Monday in March, for the trial of civil cases exclusively; fourth Monday before the first Monday in September; fourth Monday after the first Monday in September, to continue for two weeks for the trial of civil cases exclusively; eleventh Monday after the first Monday in September; fifteenth Monday after the first Monday in September, for the trial of civil cases exclusively.

The second district shall be composed of the following counties, and the superior courts thereof shall be held at the following times, to wit: Second district.

Washington County—Second Monday before the first Monday in March; sixth Monday after the first Monday in March; seventh Monday after the first Monday in September; eighth Monday before the first Monday in September. Washington county.

Martin County—Second Monday after the first Monday in March, to continue for two weeks; fifteenth Monday after the first Monday in March; second Monday after the first Monday in September, to continue for two weeks; fourteenth Monday after the first Monday in September. Martin county.

Edgecombe County—First Monday in March; first Monday after the first Monday in September; each for the trial of criminal cases exclusively. Thirteenth Monday after the first Monday in March, to continue for two weeks; fourth Monday after the first Monday in March; eighth Monday after the first Monday in September; each to continue for two weeks, and each for the trial of civil cases exclusively. Edgecombe county.

Nash County—Sixth Monday before the first Monday in March; first Monday before the first Monday in March, for the trial of civil cases exclusively. First Monday after the first Monday in March; eighth Monday after the first Monday in March, to continue for two weeks, the first week for the trial of criminal cases exclusively, and the second week for the trial of civil cases exclusively. First Monday before the first Monday in September; fifth Monday after the first Monday in September; twelfth Monday after the first Monday in September to continue for two weeks. Nash county.

Wilson County—Eighth Monday before the first Monday in March; fourth Monday before the first Monday in March, to continue for two weeks, the second week to be for the trial of civil cases exclusively. Tenth Monday after the first Monday in March; sixteenth Monday after the first Monday in March, for the trial of civil cases exclusively. First Monday in September; Wilson county.

fourth Monday after the first Monday in September; tenth Monday after the first Monday in September, to continue for two weeks for the trial of civil cases exclusively; fifteenth Monday after the first Monday in September, for the trial of criminal cases, exclusively.

Third district.

The third district shall be composed of the following counties, and the superior courts thereof shall be held at the following times, to wit:

Hertford county.

Hertford County—First Monday before the first Monday in March; seventh Monday after the first Monday in March, each to continue one week; sixth Monday after the first Monday in September, to continue two weeks.

Bertie county.

Bertie County—Second Monday before the first Monday in March; first Monday after the first Monday in September, each to continue one week; eighth Monday after the first Monday in March; tenth Monday after the first Monday in September, each of the last named to continue two weeks.

Northampton county.

Northampton County—Fourth Monday after the first Monday in March; eighth Monday after the first Monday in September, each to continue two weeks; first Monday in August, to continue one week for the trial of civil actions exclusively, except jail cases on the criminal docket.

Halifax county.

Halifax County—Fifth Monday before the first Monday in March, for the trial of civil actions exclusively, except jail cases on the criminal docket; second Monday after the first Monday in March; thirteenth Monday after the first Monday in March; second Monday before the first Monday in September, for the trial of civil actions exclusively, except jail cases; twelfth Monday after the first Monday in September, each to continue for two weeks.

Warren county.

Warren County—Seventh Monday before the first Monday in March; fifteenth Monday after the first Monday in March; second Monday after the first Monday in September, each to continue for two weeks.

Vance county.

Vance County—First Monday in March; eleventh Monday after the first Monday in March; fourth Monday after the first Monday in September, each to continue two weeks.

Fourth district.

The fourth district shall be composed of the following counties, and the superior courts thereof shall be held at the following times, to wit:

Wayne county.

Wayne County—Sixth Monday before the first Monday in March; twelfth Monday after the first Monday in March; second Monday before the first Monday in September; twelfth Monday after the first Monday in September, each to continue for two weeks; fifth Monday after the first Monday in March, and fifth Monday after the first Monday in September, each to continue for two weeks for the trial of civil cases exclusively.

Johnston county

Johnston County—First Monday after the first Monday in March; third Monday before the first Monday in September, for

the trial of criminal cases exclusively; fourteenth Monday after the first Monday in September, to continue for two weeks; second Monday before the first Monday in March; seventh Monday after the first Monday in March, and third Monday after the first Monday in September, each to continue for two weeks; and the last three terms for the trial of civil cases exclusively.

Harnett County—Eighth Monday before the first Monday in Harnett county. March; fourth Monday before the first Monday in March, to continue for two weeks for the trial of civil cases exclusively. Eleventh Monday after the first Monday in March; first Monday in September, to continue for two weeks, the second week for the trial of civil cases exclusively. Tenth Monday after the first Monday in September, to continue for two weeks for the trial of civil cases exclusively.

Chatham County—Seventh Monday before the first Monday in Chatham county. March; tenth Monday after the first Monday in March; eighth Monday after the first Monday in September; second Monday after the first Monday in March, and fourth Monday before the first Monday in September, the two last terms for the trial of civil cases exclusively.

Lee County—Third Monday after the first Monday in March, Lee county. to continue for two weeks; ninth Monday after the first Monday in March; second Monday after the first Monday in September; ninth Monday after the first Monday in September, each to continue for one week. Seventh Monday before the first Monday in September, to continue for two weeks.

The fifth district shall be composed of the following counties, Fifth district. and the superior courts thereof shall be held at the following times, to wit:

Pitt County—Sixth Monday before the first Monday in March; Pitt county. seventh Monday after the first Monday in March; first Monday before the first Monday in September, and tenth Monday after the first Monday in September, each for the trial of criminal cases exclusively. Second Monday after the first Monday in March; second Monday after the first Monday in September, each to continue for two weeks; seventh Monday before the first Monday in March; sixth Monday after the first Monday in March; eleventh Monday after the first Monday in March; second Monday before the first Monday in September; ninth Monday after the first Monday in September, and fourteenth Monday after the first Monday in September, the last seven terms for the trial of civil cases exclusively.

Craven County—Eighth Monday before the first Monday in Craven county. March, and fifth Monday after the first Monday in March, each for the trial of civil cases and jail cases on the criminal docket; fifth Monday after the first Monday in September, for the trial of criminal cases exclusively; fourth Monday before the first Monday in March, and twelfth Monday after the first Monday in March, each to continue for two weeks, the first week of each for

the trial of civil cases exclusively; first Monday in September, to continue for two weeks, for the trial of civil cases and jail cases on the criminal docket; tenth Monday after the first Monday in March; eleventh Monday after the first Monday in September, to continue for two weeks for the trial of civil cases exclusively.

Pamlico county. Pamlico County—Eighth Monday after the first Monday in March, and seventh Monday after the first Monday in September, each to continue for two weeks.

Jones county. Jones County—Fourth Monday after the first Monday in March, and thirteenth Monday after the first Monday in September.

Carteret county. Carteret County—Fourteenth Monday after the first Monday in March, to continue for two weeks; first Monday after the first Monday in March, and sixth Monday after the first Monday in September.

Greene county. Greene County—First Monday before the first Monday in March, and fourth Monday before the first Monday in September, each to continue for two weeks; sixteenth Monday after the first Monday in March.

Sixth district. The sixth district shall be composed of the following counties, and the superior courts thereof shall be held at the following times, to wit:

Lenoir county. Lenoir County—Fifth Monday before the first Monday in March; eleventh Monday after the first Monday in March; second Monday before the first Monday in September, and fourteenth Monday after the first Monday in September, each for the trial of criminal cases exclusively; third Monday after the first Monday in March; fourteenth Monday after the first Monday in March, and ninth Monday after the first Monday in November, each for two weeks each for the trial of civil cases exclusively; eighth Monday before the first Monday in March for civil cases exclusively; and sixth Monday after the first Monday in September for the trial of civil cases and jail cases on the criminal docket.

Duplin county. Duplin County—Seventh Monday before the first Monday in March, and second Monday before the first Monday in March; first Monday before the first Monday in September; eleventh Monday after the first Monday in September, each to continue for two weeks; sixth Monday before the first Monday in September, and fifteenth Monday after the first Monday in September.

Sampson county. Sampson County—Fourth Monday before the first Monday in March; first Monday after the first Monday in March; fourth Monday before the first Monday in September; third Monday after the first Monday in September; seventh Monday after the first Monday in September; eighth Monday after the first Monday in March, each to continue for two weeks; the September and March terms to be for trial of civil cases exclusively.

Onslow county. Onslow County—Sixth Monday after the first Monday in March, to continue for two weeks for the trial of civil cases exclusively; seventh Monday before the first Monday in September, for the

trial of civil cases exclusively; fourth Monday after the first Monday in September, for two weeks; the first week for the trial of civil cases exclusively, and the second week for the trial of civil and criminal cases; first Monday in March.

The seventh district shall be composed of the following counties, Seventh district. and the superior courts thereof shall be held at the following times, to wit:

Wake County—Eighth Monday before the first Monday in March, Wake county. to continue for one week for the trial of criminal cases exclusively; fifth Monday before the first Monday in March, to continue for one week for the trial of civil cases exclusively; fourth Monday before the first Monday in March, to continue for one week for the trial of criminal cases exclusively; first Monday in March, to continue for five weeks, the first week for the trial of criminal cases exclusively, and the remaining weeks for the trial of civil cases exclusively; fifth Monday after the first Monday in March, to continue for four weeks, the first week for the trial of criminal cases exclusively, and the remaining weeks for the trial of civil cases exclusively; ninth Monday after the first Monday in March, to continue for one week, for the trial of criminal cases exclusively; eleventh Monday after the first Monday in March, to continue for one week for the trial of civil cases exclusively; thirteenth Monday after the first Monday in March, to continue for four weeks, the first week for the trial of criminal cases exclusively, and the remaining weeks for the trial of civil cases exclusively. Eighth Monday before the first Monday in September, to continue for one week, for the trial of criminal cases exclusively; first Monday after the first Monday in September, to continue for four weeks, the first week for the trial of criminal cases exclusively, and the remaining weeks for the trial of civil cases exclusively; fifth Monday after the first Monday in September, to continue for one week for the trial of criminal cases exclusively; seventh Monday after the first Monday in September, to continue for two weeks for the trial of civil cases exclusively; ninth Monday after the first Monday in September, to continue for one week for the trial of criminal cases exclusively; twelfth Monday after the first Monday in September, to continue for one week for the trial of civil cases exclusively; thirteenth Monday after the first Monday in September, to continue for two weeks, the first week for the trial of criminal cases exclusively, and the second week for the trial of civil cases exclusively.

The judge presiding may set criminal cases for trial at any of the civil weeks immediately following a criminal term, and civil cases may, under the direction of the judge, be set for trial at any of the criminal weeks of court. At the first fall and spring terms of the criminal courts held for each year grand juries shall be drawn and the presiding judge shall charge them as provided by law, and such grand juries shall serve during the remaining fall and spring terms respectively.

Franklin county.

Franklin County—Seventh Monday before the first Monday in March, to continue for two weeks for the trial of criminal cases exclusively; second Monday before the first Monday in March, to continue for two weeks for the trial of civil cases exclusively; tenth Monday after the first Monday in March, to continue for one week; first Monday before the first Monday in September, to continue for two weeks for the trial of civil cases exclusively; sixth Monday after the first Monday in September, to continue for one week for the trial of criminal cases exclusively; tenth Monday after the first Monday in September, to continue for two weeks for the trial of civil cases exclusively.

New Hanover county.

New Hanover County—Eighth Monday before the first Monday in March, to continue two weeks; ninth Monday after the first Monday in March, to continue one week; first Monday after the first Monday in September, to continue two weeks, each for the trial of criminal and civil cases; fourth Monday after the first Monday in March, to continue three weeks, the first week for criminal cases, and the second and third for civil cases exclusively; fifteenth Monday after the first Monday in March, to continue two weeks, the first week for criminal cases, and the second for civil and criminal cases; tenth Monday after the first Monday in September, for the trial of criminal and civil cases; fourth Monday before the first Monday in March; eleventh Monday after the first Monday in March; seventh Monday after the first Monday in September; thirteenth Monday after the first Monday in September; the four last each to continue for two weeks for the trial of civil cases exclusively.

Brunswick county.

Brunswick County—Second Monday after the first Monday in March; tenth Monday after the first Monday in March; fifth Monday after the first Monday in September.

Columbus county.

Columbus County—Fifth Monday before the first Monday in March; second Monday before the first Monday in March, to continue two weeks for the trial of civil cases exclusively; seventh Monday after the first Monday in March, to continue two weeks; thirteenth Monday after the first Monday in March; first Monday before the first Monday in September, to continue two weeks; eleventh Monday after the first Monday in September, to continue two weeks, for the trial of civil cases exclusively; fifteenth Monday after the first Monday in September, for the trial of criminal cases exclusively.

Pender county.

Pender County—Sixth Monday before the first Monday in March; first Monday in March, to continue two weeks for the trial of civil cases exclusively; thirteenth Monday after the first Monday in March; third Monday after the first Monday in September, to continue two weeks for the trial of civil cases exclusively; ninth Monday after the first Monday in September.

The ninth district shall be composed of the following counties, Ninth district. and the superior courts thereof shall be held at the following times, to wit:

Bladen County—Eighth Monday before the first Monday in Bladen county. March; first Monday after the first Monday in March; fourth Monday before the first Monday in September, for the trial of civil cases only; sixth Monday after the first Monday in September; each to continue one week.

Cumberland County—Seventh Monday before the first Monday Cumberland county. in March; twelfth Monday after the first Monday in March; first Monday before the first Monday in September; eleventh Monday after the first Monday in September, each for the trial of criminal cases exclusively; third Monday before the first Monday in March; second Monday after the first Monday in March; eighth Monday after the first Monday in March; second Monday after the first Monday in September; seventh Monday after the first Monday in September, each to continue for two weeks for the trial of civil cases exclusively.

Hoke County—Sixth Monday before the first Monday in March; Hoke county. sixth Monday after the first Monday in March; third Monday before the first Monday in September, and twelfth Monday after the first Monday in September.

Robeson County—Fifth Monday before the first Monday in Robeson county. March; ninth Monday before the first Monday in September; ninth Monday after the first Monday in September, each to continue two weeks; first Monday in September, each for the trial of criminal cases exclusively. First Monday before the first Monday in March; fourth Monday after the first Monday in March; tenth Monday after the first Monday in March; fourteenth Monday after the first Monday in March; fourth Monday after the first Monday in September; thirteenth Monday after the first Monday in September; each to continue two weeks; first Monday after the first Monday in September. The seven last terms each to be for the trial of civil cases exclusively.

The tenth district shall be composed of the following counties, Tenth district. and the superior courts thereof shall be held in each year at the following times, to wit:

Alamance County—The first Monday in March, second Monday Alamance county. before the first Monday in September; twelfth Monday after the first Monday in September, each for the trial of criminal cases; the sixth Monday before the first Monday in March; the first Monday after the first Monday in September; the fifth Monday after the first Monday in September, each to continue for two weeks for the trial of civil cases exclusively, and the third Monday after the first Monday in March (for one week), for the trial of civil cases exclusively; the twelfth Monday after the first Monday in March, to continue for two weeks.

Durham County—First Monday before the first Monday in Durham county. March; eleventh Monday after the first Monday in March; first

Monday before first Monday in September, and the fourteenth Monday after the first Monday in September, each for the trial of criminal cases; eighth Monday before the first Monday in March; first Monday after the first Monday in March; third Monday after the first Monday in September, each to continue for two weeks for the trial of civil cases exclusively; eighth Monday after the first Monday in March; ninth Monday after the first Monday in September, each to continue for one week for the trial of civil cases exclusively.

Granville county. Granville County—Third Monday before the first Monday in March; ninth Monday after the first Monday in March; tenth Monday after the first Monday in September, each to continue for two weeks; fourth Monday before the first Monday in September, to continue for one week.

Orange county. Orange County—Fourteenth Monday after the first Monday in March, to continue one week for the trial of civil cases exclusively; fourth Monday after the first Monday in March; first Monday in September; thirteenth Monday after the first Monday in September.

Person county. Person County—Fourth Monday before the first Monday in March; seventh Monday after the first Monday in March; third Monday before the first Monday in September; seventh Monday after the first Monday in September.

Eleventh district. The eleventh district shall be composed of the following counties, and the superior courts thereof shall be held at the following times, to wit:

Ashe county. Ashe County—Fifth Monday after the first Monday in March, and eighth Monday before the first Monday in September, each to continue for two weeks; seventh Monday after the first Monday in September.

Alleghany county. Alleghany County—Ninth Monday after the first Monday in March, and third Monday after the first Monday in September.

Surry county. Surry County—Seventh Monday after the first Monday in March; first Monday before the first Monday in September, each to continue for two weeks; fourth Monday before the first Monday in March, and sixth Monday after the first Monday in September, and eighth Monday after the first Monday in September.

Forsyth county. Forsyth County—Eighth Monday before the first Monday in March, and sixth Monday before the first Monday in September, each to continue for two weeks; third Monday after the first Monday in March, and fourteenth Monday after the first Monday in September, the four terms just named for the trial of criminal cases exclusively; third Monday before the first Monday in March; first Monday after the first Monday in March; eleventh Monday after first Monday in March; first Monday after the first Monday in September, and ninth Monday after the first Monday in September, each to continue for two weeks, the last five terms to be for the trial of civil cases exclusively. Fourth Monday after the first Monday in September, to continue for two weeks.

Rockingham County—Sixth Monday before the first Monday in Rockingham county. March; fourth Monday before the first Monday in September, and fifteenth Monday after the first Monday in September, each for the trial of criminal cases exclusively; first Monday before the first Monday in March; fourteenth Monday after the first Monday in March, and eleventh Monday after the first Monday in September, each to continue for two weeks for the trial of civil cases exclusively; tenth Monday after the first Monday in March.

Caswell County—Fourth Monday after the first Monday in Caswell county. March; second Monday before the first Monday in September, and thirteenth Monday after the first Monday in September.

The twelfth district shall be composed of the following coun- Twelfth district. ties, and the superior courts thereof shall be held at the following times, to wit:

Guilford County—Fifth Monday before the first Monday in Guilford county. March; eighth Monday after the first Monday in March; second Monday after the first Monday in September, and fourteenth Monday after the first Monday in September, each for the trial of criminal cases exclusively; seventh Monday before the first Monday in March; third Monday before the first Monday in March; first Monday after the first Monday in March; sixth Monday after the first Monday in March; tenth Monday after the first Monday in March; fourteenth Monday after the first Monday in March; third Monday before the first Monday in September; first Monday in September; fifth Monday after the first Monday in September; ninth Monday after the first Monday in September, each to continue for two weeks for the trial of civil cases exclusively. Third Monday after the first Monday in March; third Monday after the first Monday in September; thirteenth Monday after the first Monday in September, and fifteenth Monday after the first Monday in September, each for the trial of civil cases exclusively.

Davidson County—First Monday before the first Monday in Davidson county. March; twelfth Monday after the first Monday in March; fifth Monday before the first Monday in September; eleventh Monday after the first Monday in September, each to continue for two weeks; ninth Monday after the first Monday in March, for the trial of civil cases exclusively.

Stokes County—Fourth Monday after the first Monday in Stokes county. March, and seventh Monday after the first Monday in September, for the trial of criminal cases exclusively; fifth Monday after the first Monday in March, and eighth Monday after the first Monday in March, for the trial of civil cases exclusively.

The thirteenth district shall be composed of the following coun- Thirteenth district. ties, and the superior courts shall be held at the following times, to wit:

Union County—Fifth Monday before the first Monday in March; Union county. second Monday after the first Monday in March; fifth Monday before the first Monday in September, each for the trial of crim-

inal cases exclusively; eighth Monday after the first Monday in September, to continue for two weeks, the second week for the trial of civil cases exclusively; second Monday before the first Monday in March, and second Monday before the first Monday in September, each to continue for two weeks; ninth Monday after the first Monday in March; fifteenth Monday after the first Monday in March, and fifteenth Monday after the first Monday in September, the five last terms for the trial of civil cases exclusively.

Anson county.

Anson County—Seventh Monday before the first Monday in March, for the trial of criminal cases only; first Monday in March, for the trial of civil cases only; sixth Monday after the first Monday in March, to continue for two weeks, the second week to be for trial of civil cases exclusively; fourteenth Monday after the first Monday in March, for the trial of civil cases only; first Monday after the first Monday in September, for the trial of criminal cases only; fourth Monday after the first Monday in September, for the trial of civil cases only; tenth Monday after the first Monday in September, for the trial of civil cases only.

Scotland county.

Scotland County—First Monday after the first Monday in March, for the trial of civil cases only; eighth Monday after the first Monday in March, for the trial of criminal cases only; thirteenth Monday after the first Monday in March; seventh Monday after the first Monday in September, for the trial of civil cases only; twelfth Monday after the first Monday in September, for trial of criminal and civil cases.

Moore county.

Moore County—Sixth Monday before the first Monday in March, for the trial of civil cases exclusively; third Monday before the first Monday in March, for the trial of criminal cases exclusively; eleventh Monday after the first Monday in March, for the trial of civil cases exclusively; ninth Monday before the first Monday in September; third Monday before the first Monday in September, for the trial of criminal cases exclusively; second Monday after the first Monday in September, for the trial of civil cases exclusively; fourteenth Monday after the first Monday in September.

Richmond county.

Richmond County—Eighth Monday before the first Monday in March; fifth Monday after the first Monday in March; seventh Monday before the first Monday in September; third Monday after the first Monday in September, each for the trial of criminal cases exclusively; third Monday after the first Monday in March; twelfth Monday after the first Monday in March; first Monday in September; thirteenth Monday after the first Monday in September, each for the trial of civil cases exclusively.

Stanly county.

Stanly County—Fourth Monday before the first Monday in March, for the trial of civil cases exclusively; fourth Monday after the first Monday in March; tenth Monday after the first Monday in March, for the trial of civil cases exclusively; eighth Monday before the first Monday in September; fifth Monday after

the first Monday in September, for the trial of civil cases exclusively; eleventh Monday after the first Monday in September.

The fourteenth district shall be composed of the following counties, and the superior courts thereof shall be held at the following times, to wit: Fourteenth district.

Gaston County—Second Monday after the first Monday in March; eleventh Monday after the first Monday in March; second Monday before the first Monday in September; seventh Monday after the first Monday in September, each for the trial of criminal cases exclusively; sixth Monday after the first Monday in March; second Monday after the first Monday in September, each to continue for two weeks for the trial of civil cases exclusively; sixth Monday before the first Monday in March, to continue for two weeks. Gaston county.

Mecklenburg County—Eighth Monday before the first Monday in March; second Monday before the first Monday in March, each to continue two weeks; third Monday after the first Monday in March; tenth Monday after the first Monday in March; fourteenth Monday after the first Monday in March; eighth Monday before the first Monday in September; first Monday before the first Monday in September; fourth Monday after the first Monday in September, and tenth Monday after the first Monday in September, which nine terms are for the trial of criminal cases exclusively; fourth Monday before the first Monday in March; first Monday in March; fourth Monday after the first Monday in March; eighth Monday after the first Monday in March; twelfth Monday after the first Monday in March; first Monday in September; fifth Monday after the first Monday in September; eighth Monday after the first Monday in September; eleventh Monday after the first Monday in September, each to continue for two weeks; fifteenth Monday after the first Monday in March, which ten terms are for the trial of civil cases exclusively. Mecklenburg county.

No process nor other writ of any kind, pertaining to civil actions, shall be made returnable to any of the criminal terms, and no business pertaining to civil actions shall be transacted at the criminal terms for Mecklenburg County. At the first fall and spring terms of the criminal courts for Mecklenburg and Gaston held for each year grand juries shall be drawn, and the presiding judge shall charge them as provided by law, and such grand juries shall serve during the remaining fall and spring terms respectively.

The fifteenth district shall be composed of the following counties, and the superior courts thereof shall be held at the following times, to wit: Fifteenth district.

Iredell County—Fifth Monday before the first Monday in March; eleventh Monday after the first Monday in March; fifth Monday before the first Monday in September; sixth Monday after the first Monday in September, each to continue for two weeks. Iredell county.

- Randolph county. Randolph County—Second Monday after the first Monday in March, to continue for three weeks; seventh Monday after the first Monday in September, to continue for two weeks; thirteenth Monday after the first Monday in September, to continue for three weeks.
- Rowan county. Rowan County—Third Monday before the first Monday in March, to continue for two weeks; first Monday after the first Monday in March, for the trial of criminal cases exclusively; ninth Monday after the first Monday in March, to continue for two weeks; first Monday after the first Monday in September, to continue for two weeks; fifth Monday after the first Monday in September, for the trial of civil cases exclusively; eleventh Monday after the first Monday in September, to continue for two weeks.
- Cabarrus county. Cabarrus County—Eighth Monday before the first Monday in March; seventh Monday after the first Monday in March; third Monday before the first Monday in September; eighth Monday after the first Monday in September, each to continue for two weeks.
- Montgomery county. Montgomery County—Sixth Monday before the first Monday in March, and eighth Monday before the first Monday in September, each to continue for two weeks for the trial of criminal cases exclusively; sixth Monday after the first Monday in March, for the trial of civil cases exclusively; third Monday after the first Monday in September, to continue for two weeks.
- Davie county. Davie County—First Monday before the first Monday in March, to continue for two weeks; first Monday before the first Monday in September; tenth Monday after the first Monday in September.
- Sixteenth district. The sixteenth district shall be composed of the following counties, and the superior courts thereof shall be held at the following times, to wit:
- Polk county. Polk County—Sixth Monday after the first Monday in March, and second Monday after the first Monday in September, each to continue for two weeks.
- Cleveland county. Cleveland County—Eighth Monday before the first Monday in March; third Monday after the first Monday in March; sixth Monday before the first Monday in September; eighth Monday after the first Monday in September; each to continue for two weeks.
- Lincoln county. Lincoln County—Fourth Monday before the first Monday in March; fifth Monday after the first Monday in March; seventh Monday before the first Monday in September; first Monday in September, and fifteenth Monday after the first Monday in September.
- Burke county. Burke County—First Monday after the first Monday in March, and fourth Monday before the first Monday in September, each to continue for two weeks; thirteenth Monday after the first Monday in March; fourth Monday after the first Monday in September, and thirteenth Monday after the first Monday in September,

each to continue for two weeks, the three last terms for the trial of civil cases exclusively.

Caldwell County—First Monday before the first Monday in Caldwell county. March; second Monday before the first Monday in September, each to continue for two weeks; tenth Monday after the first Monday in March, and tenth Monday after the first Monday in September, each to continue for three weeks, the last two terms for the trial of civil cases exclusively.

The seventeenth district shall be composed of the following Seventeenth district. counties, and the superior courts thereof shall be held at the following times, to wit:

Mitchell County—Fifth Monday after the first Monday in Mitchell county. March, to continue for two weeks; sixth Monday before the first Monday in September, to continue for two weeks for the trial of civil cases exclusively; tenth Monday after the first Monday in September, to continue for two weeks.

Watauga County—Third Monday after the first Monday in Watauga county. March; first Monday in September, each to continue for two weeks.

Wilkes County—First Monday after the first Monday in Wilkes county. March, and fourth Monday before the first Monday in September, each to continue for two weeks; sixth Monday before the first Monday in March, and fourth Monday after the first Monday in September, each to continue for two weeks, the last two terms for the trial of civil cases exclusively.

Alexander County—Second Monday before the first Monday in Alexander county. March; second Monday after the first Monday in September, to continue for two weeks.

Yadkin County—First Monday in March; second Monday before Yadkin county. the first Monday in September, and twelfth Monday after the first Monday in September.

Catawba County—Fourth Monday before the first Monday in Catawba county. March; ninth Monday after the first Monday in March; eighth Monday before the first Monday in September; eighth Monday after the first Monday in September, each to continue for two weeks.

Avery County—Seventh Monday after the first Monday in Avery county. March; sixth Monday after the first Monday in September, each to continue for two weeks.

The eighteenth district shall be composed of the following coun- Eighteenth district. ties, and the superior courts thereof shall be held at the following times, to wit:

Transylvania County—Sixth Monday after the first Monday in Transylvania county. March; first Monday in September, each to continue for two weeks.

Henderson County—First Monday in March, and fourth Monday Henderson county. after the first Monday in September, each to continue for two weeks for the trial of criminal cases exclusively; twelfth Monday after the first Monday in March, to continue for two weeks, and

tenth Monday after the first Monday in September, each for the trial of civil cases exclusively; eighth Monday before the first Monday in March, to continue for two weeks.

Rutherford county. Rutherford County—Eighth Monday after the first Monday in March, and sixth Monday after the first Monday in September, each to continue for two weeks; fourth Monday before the first Monday in March; second Monday before the first Monday in September, each to continue for two weeks; fourteenth Monday after the first Monday in September, the last three terms for trial of civil cases exclusively.

McDowell county. McDowell County—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 the trial of civil cases exclusively.

Yancey county. Yancey County—Third Monday after the first Monday in March, and fourth Monday before the first Monday in September, each to continue for two weeks; fifteenth Monday after the first Monday in March.

Nineteenth district. The nineteenth district shall be composed of the following counties, and the superior courts thereof shall be held at the following times, to wit:

Buncombe county. Buncombe County—Eighth Monday before the first Monday in March; eleventh Monday after 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; second Monday after the first Monday in March, to continue for three weeks; ninth Monday after the first Monday in September, each for the trial of criminal cases exclusively; sixth Monday before the first Monday in March; third Monday before the first Monday in March; fifth Monday after the first Monday in March; eighth Monday after the first Monday in March; third Monday before the first Monday in September; fourth Monday after the first Monday in September; twelfth Monday after the first Monday in September; each to continue for three weeks; seventh Monday after the first Monday in September, to continue for two weeks, the last eight terms to be for the trial of civil cases exclusively.

Madison county. Madison County—First Monday in March; thirteenth Monday after the first Monday in March; first Monday in September; tenth Monday after the first Monday in September, each to continue for two weeks, the second and the last named terms to be for the trial of civil cases exclusively.

Twentieth district. The twentieth district shall be composed of the following counties, and the superior courts thereof shall be held at the following times, to wit:

Cherokee county. Cherokee County—Fourth Monday after the first Monday in March; fourth Monday before the first Monday in September;

ninth Monday after the first Monday in September, each to continue two weeks.

Graham County—Second Monday after the first Monday in March; first Monday in September, each to continue for two weeks. Graham county.

Swain County—First Monday in March; sixth Monday before the first Monday in September; seventh Monday after the first Monday in September, each to continue for two weeks: *Provided*, that the Board of Commissioners of Swain County may, when the public interest requires it, decline to draw a grand jury for the July term. Swain county.

Haywood County—Sixth Monday before the first Monday in March, to continue for three weeks; ninth Monday after the first Monday in March, to continue for two weeks for the trial of civil cases exclusively; eighth Monday before the first Monday in September, and second Monday after the first Monday in September, each to continue for two weeks. Haywood county.

Jackson County—Second Monday before the first Monday in March; eleventh Monday after the first Monday in March, for the trial of civil cases exclusively; fifth Monday after the first Monday in September, each to continue for two weeks. Jackson county.

Macon County—Seventh Monday after the first Monday in March; second Monday before the first Monday in September, and eleventh Monday after the first Monday in September, each to continue for two weeks. The Board of Commissioners of Macon County may, for good cause, decline to draw a jury for more than one week for any term of court provided for in this chapter. Macon county.

Clay County—Sixth Monday after the first Monday in March, and fourth Monday after the first Monday in September. Clay county.

SEC. 2. Civil process shall be returnable to, and pleadings filed at, all of the courts herein designated as exclusively criminal; motions in civil actions may be heard upon due notice at such criminal terms; and trials in civil actions may be heard at such criminal terms by consent. Return of civil process.
Motions in civil actions.
Trials in civil actions.

SEC. 3. That no grand juries shall be drawn for the terms of court herein designated as being for the trial of civil cases exclusively, and the solicitors shall not be required to attend nor entitled to their certificates for attendance upon any exclusively civil terms, unless there are cases on the civil docket in which they officially appear. No grand juries for civil terms.
Solicitors not required to attend.

SEC. 4. That the judges of the superior courts shall hold the courts of the twenty judicial districts of the State successively, commencing at the first district, according to the order and system prescribed by this act, viz.: The judge of the first district shall ride the fall circuit for the year one thousand nine hundred and thirteen, of the first judicial district, and successively thereafter he shall ride the circuits and hold the courts of the several districts in the order of their numbers in rotation. Order of judges to serve successively.
First district.

- Second district. The judge of the second district shall ride the fall circuit for the year one thousand nine hundred and thirteen, of the second judicial district, and successively thereafter he shall ride the circuits and hold the courts of the several districts in the order of their numbers in rotation.
- Third district. The judge of the third district shall ride the fall circuit for the year one thousand nine hundred and thirteen of the third judicial district, and successively thereafter he shall ride the circuits and hold the courts of the several districts in the order of their numbers in rotation.
- Fourth district. The judge of the fourth district shall ride the fall circuit for the year one thousand nine hundred and thirteen of the fourth judicial district, and successively thereafter he shall ride the circuits and hold the courts of the several districts in the order of their numbers in rotation.
- Fifth district. The judge of the fifth district shall ride the fall circuit for the year one thousand nine hundred and thirteen of the fifth judicial district, and successively thereafter he shall ride the circuits and hold the courts of the several districts in the order of their numbers in rotation.
- Sixth district. The judge of the sixth district shall ride the fall circuit for the year one thousand nine hundred and thirteen of the sixth judicial district, and successively thereafter he shall ride the circuits and hold the courts of the several districts in the order of their numbers in rotation.
- Seventh district. The judge of the seventh district shall ride the fall circuit for the year one thousand nine hundred and thirteen of the seventh judicial district, and successively thereafter he shall ride the circuits and hold the courts of the several districts in the order of their numbers in rotation.
- Eighth district. The judge of the eighth district shall ride the fall circuit for the year one thousand nine hundred and thirteen of the eighth judicial district, and successively thereafter he shall ride the circuits and hold the courts of the several districts in the order of their numbers in rotation.
- Ninth district. The judge of the ninth district shall ride the fall circuit for the year one thousand nine hundred and thirteen of the ninth judicial district, and successively thereafter he shall ride the circuits and hold the courts of the several districts in the order of their numbers in rotation.
- Tenth district. The judge of the tenth district shall ride the fall circuit for the year one thousand nine hundred and thirteen of the tenth judicial district, and successively thereafter he shall ride the circuits and hold the courts of the several districts in the order of their numbers in rotation.
- Eleventh district. The judge of the eleventh district shall ride the fall circuit for the year one thousand nine hundred and thirteen of the eleventh judicial district, and successively thereafter he shall ride the circuits and hold the courts of the several districts in the order of their numbers in rotation.

The judge of the twelfth district shall ride the fall circuit for the year one thousand nine hundred and thirteen of the twelfth judicial district, and successively thereafter he shall ride the circuits and hold the courts of the several districts in the order of their numbers in rotation. Twelfth district.

The judge of the thirteenth district shall ride the fall circuit for the year one thousand nine hundred and thirteen of the thirteenth judicial district, and successively thereafter he shall ride the circuits and hold the courts of the several districts in the order of their numbers in rotation. Thirteenth district.

The judge of the fourteenth district shall ride the fall circuit for the year one thousand nine hundred and thirteen of the fourteenth judicial district, and successively thereafter he shall ride the circuits and hold the courts of the several districts in the order of their numbers in rotation. Fourteenth district.

The judge of the fifteenth district shall ride the fall circuit for the year one thousand nine hundred and thirteen of the fifteenth judicial district, and successively thereafter he shall ride the circuits and hold the courts of the several districts in the order of their numbers in rotation. Fifteenth district.

The judge of the sixteenth district shall ride the fall circuit for the year one thousand nine hundred and thirteen of the sixteenth judicial district, and successively thereafter he shall ride the circuits and hold the courts of the several districts in the order of their numbers in rotation. Sixteenth district.

The judge of the seventeenth district shall ride the fall circuit for the year one thousand nine hundred and thirteen of the seventeenth judicial district, and successively thereafter he shall ride the circuits and hold the courts of the several districts in the order of their numbers in rotation. Seventeenth district.

The judge of the eighteenth district shall ride the fall circuit for the year one thousand nine hundred and thirteen of the eighteenth judicial district, and successively thereafter he shall ride the circuits and hold the courts of the several districts in the order of their numbers in rotation. Eighteenth district.

The judge of the nineteenth district shall ride the fall circuit for the year one thousand nine hundred and thirteen of the nineteenth judicial district, and successively thereafter he shall ride the circuits and hold the courts of the several districts in the order of their numbers in rotation. Nineteenth district.

The judge of the twentieth district shall ride the fall circuit for the year one thousand nine hundred and thirteen of the twentieth judicial district, and successively thereafter he shall ride the circuits and hold the courts of the several districts in the order of their numbers in rotation. Twentieth district.

SEC. 5. That of the districts created by this act, S. C. Bragaw and J. C. B. Eringhaus shall be respectively the judge and the solicitor of the first district; R. G. Allsbrook shall be the solicitor Judge and solicitor first district.
Solicitor second district.

Judge and solicitor of the second district; that R. B. Peebles and John H. Kerr, shall third district. be, respectively, the judge and the solicitor of the third district;

Judge fourth F. A. Daniels shall be the judge of the fourth district; H. W. district. Whedbee and Chas. L. Abernethy shall be, respectively, the judge and solicitor of the fifth district; O. H. Allen and H. E. Shaw shall

Judge and solicitor Judge and solicitor of the sixth district; Judge and solicitor of the sixth district. C. M. Cooke and H. E. Norris shall be, respectively, the judge and

Judge and solicitor seventh district. the solicitor of the seventh district; C. C. Lyon and N. A. Sinclair

Judge and solicitor shall be, respectively, the judge and the solicitor of the ninth ninth district. district; H. A. Foushee and S. M. Gattis shall be, respectively,

Judge and solicitor the judge and the solicitor of the tenth district; H. P. Lane and tenth district. S. P. Graves shall be, respectively, the judge and the solicitor of

Judge and solicitor the eleventh district; W. J. Adams and A. M. Stack shall be, re- thirteenth district. spectively, the judge and the solicitor of the thirteenth district;

Solicitor fourteenth G. W. Wilson shall be the solicitor of the fourteenth district; B. district. F. Long and W. C. Hammer shall be, respectively, the judge and

Judge and solicitor the solicitor of the fifteenth district; J. L. Webb shall be the judge fifteenth district. of the sixteenth district; E. B. Cline and F. A. Linney shall be,

Judge sixteenth respectively, the judge and the solicitor of the seventeenth dis- district. trict; M. H. Justice and A. H. Johnston shall be, respectively, the

Judge and solicitor judge and solicitor of the eighteenth district; Frank Carter and seventeenth district. R. R. Reynolds shall be, respectively the judge and the solicitor

Judge and solicitor of the nineteenth district; G. S. Ferguson and Felix E. Alley shall Judge and solicitor be, respectively, the judge and the solicitor of the twentieth twentieth district. district.

Appointments by governor.

SEC. 6. That in the districts created by this act in which there does not reside a judge and a solicitor, either or both, there shall be appointed by the Governor a judge and a solicitor, either or both, as the case may be, to fill the original vacancies created by this act, that is to say, in the second district a judge; in the fourth district a solicitor; in the eighth district a judge and a solicitor; in the twelfth district a judge and a solicitor; the fourteenth district a judge, and in the sixteenth district a solicitor; which said officers shall hold office until their successors are elected and qualified, and their successors shall be elected at the general election to be held in one thousand nine hundred and fourteen for state officers.

Election of successors.

Return of process.

SEC. 7. That all process, civil or criminal, original, mesne or final, returnable under the present law to any superior court after the first day of July, one thousand nine hundred and thirteen, shall be returnable to the first term of the superior courts as established by this act, except that no criminal process shall be returnable to any term designated in this act for the trial of civil actions alone.

Repealing clause.

SEC. 8. That all laws and clauses of laws in conflict with this act, and particularly all laws giving extra terms of the Superior Court to any county, be, and the same are, hereby repealed.

SEC. 9. The judge riding any spring circuit shall hold all the courts which fall between January and June, both inclusive, and the judge riding any fall circuit shall hold all the courts which fall between July and December, both inclusive.

SEC. 10. This act shall take effect and be in force from and after the thirtieth day of June, one thousand nine hundred and thirteen.

In the General Assembly read three times and ratified this the 12th day of March, 1913.

CHAPTER 197.

AN ACT TO AUTHORIZE THE SECRETARY OF STATE TO ISSUE A GRANT TO THE UNITED STATES FOR LANDS LYING ADJACENT TO WATERWAYS UNDER IMPROVEMENT.

WHEREAS, the United States purposes to construct an inland waterway from the city of Norfolk, in the Commonwealth of Virginia, to Beaufort Inlet, in the State of North Carolina, and has authorized the purchase of the Chesapeake and Albemarle Canal as a part of said route, lying partly in both of the aforesaid states; and

WHEREAS, the route of said waterway is prescribed in House document numbered three hundred and ninety-one, sixty-second Congress, second session, unless the same shall be hereafter modified; and

WHEREAS, in the construction of this waterway, and all other waterways in North Carolina, it will be necessary to deposit excavated material on either side of said waterways, causing the formation of banks or islands, which were theretofore submerged, and over which banks or islands it is necessary for the United States to exercise control and ownership; and

WHEREAS, the construction of said inland waterway and all other navigable waterways will be of great benefit to the people of North Carolina; now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the Secretary of State be, and he is, hereby authorized to issue to the United States of America a grant to the land located within a distance of one thousand feet on either side of the center of the said inland waterway, in so far as the said land is subject to grant by the State of North Carolina, the said

Certificate for issue of grant. grant to issue upon a certificate furnished to the Secretary of State by the Secretary of War, or by any authorized officer of the corps of engineers of the United States Army, or by any other authorized official, exercising control of the construction of the said waterway.

Land formed by deposit of material. SEC. 2. That wherever, in the construction of said inland waterway or in the improvement of any other waterway within this State, lands theretofore submerged shall be raised above the water by deposit of excavated material; that the said lands so formed shall become the property of the United States for a distance of one thousand feet on either side of the center of said canal or channel, and the Secretary of State is hereby authorized to issue to the United States of America a grant to the land so formed within said distance of one thousand feet on either side of the center of said canal or channel, said grant to issue upon a certificate furnished to the Secretary of State by some authorized official of the United States as above provided.

Grant to land formed.

Certificate for issue of grant.

SEC. 3. This act shall be in force from and after its ratification. In the General Assembly read three times and ratified this the 12th day of March, 1913.

CHAPTER 198.

AN ACT TO REDUCE THE NUMBER OF REPORTS REQUIRED OF CORPORATIONS.

Preamble: duplication confusing and vexatious.

WHEREAS, the several reports required from the corporations of this State by the different departments under the present law are confusing and vexatious to the officers of such corporations; and

Preamble: duplication unnecessary.

WHEREAS, these several reports are unnecessary for the reason that all the information required can be embodied in one report and thus save duplication in work as well as a considerable amount each year; now, therefore,

The General Assembly of North Carolina do enact:

Additional data to be given in reports to Corporation Commission.

SECTION 1. That in addition to the information required to be given in the annual report of corporations to the Corporation Commission under the provisions of the Revenue and Machinery Acts, spaces shall be provided in such manner as the Corporation Commission shall deem proper so that each corporation, whether stock or nonstock, shall report whether the stock issued by such corporation was issued for cash or for purchase of property, designating what property, the names of all the directors

and officers, with the date of the election or appointment, terms of office, residence and post office address of each, the character of its business, and the name of the agent therein and in charge thereof upon whom process against the corporation may be served; but this shall not prevent service of process on other agents authorized by law.

This information, together with the amount of stock issued and outstanding by such corporations shall be available to the public upon application to the Corporation Commission. Information available to public

SEC. 2. That after such reports have been made to the Corporation Commission and the excess tax thereon has been computed and determined, it shall be the duty of the Corporation Commission to certify a list of such corporations showing amount of stock issued by each, whether owing an excess tax or not, to the State Treasurer, who shall add to such excess tax, if any, the amount due by such corporation on account of franchise tax, and forward a statement of such indebtedness to the corporation for payment under the penalties provided by law. Lists and excess tax to be certified to treasurer.

SEC. 3. Every corporation failing to comply with the provisions of this act shall forfeit to the State one hundred dollars, to be collected by the sheriff of the county where the principal office of said corporation is situated, in a civil action to be brought before a justice of the peace, and when collected shall be remitted by the sheriff to the Corporation Commission, after deducting his cost as allowed by law, which he shall collect in addition to the penalty. Forfeit for failure.

SEC. 4. That section eleven hundred and fifty-two of The Revisal of one thousand nine hundred and five, and the amendments thereto, be, and the same are, hereby repealed. Revisal repealed.

SEC. 5. Amend section twelve hundred and forty-four of The Revisal of one thousand nine hundred and five by striking out, in line four, the words "of existing domestic corporations and." Publication by Secretary of State.

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

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

In the General Assembly read three times and ratified this the 12th day of March, 1913.

CHAPTER 199.

AN ACT TO PROVIDE FOR THE MAINTENANCE AND SUPPORT OF THE INDIAN NORMAL SCHOOL OF ROBESON COUNTY.

The General Assembly of North Carolina do enact:

Additional appropriation.

SECTION 1. That in addition to the sum of two thousand two hundred and fifty dollars (\$2,250), appropriated by the General Assembly of North Carolina, session of nineteen hundred and thirteen, for the maintenance of the Indian Normal School of Robeson County, the further sum of five hundred dollars is hereby annually appropriated for the years one thousand nine hundred and thirteen and one thousand nine hundred and fourteen for the support and maintenance of said school.

SEC. 2. That the appropriation herein made shall be drawn out by the Auditor upon his warrant, and thereupon shall be charged by the State Treasurer to the account of said school.

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

In the General Assembly read three times and ratified this the 12th day of March, 1913.

CHAPTER 200.

AN ACT TO AMEND CHAPTER 32, PUBLIC LAWS OF NORTH CAROLINA 1911, RELATING TO TITLE INSURANCE COMPANIES.

The General Assembly of North Carolina do enact:

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Proviso: investment in abstracts of titles.

SECTION 1. That section one of chapter thirty-two of the Public Laws of one thousand nine hundred and eleven be amended by adding thereto the following: "*Provided, however,* that if the capital stock of such company does not exceed fifty thousand dollars such company may, with the consent of the Insurance Commissioner, after having invested three-fourths of its capital stock as now provided by law, invest the balance thereof in abstracts of titles of property situated in one or more of the cities or counties of this State."

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

In the General Assembly read three times and ratified this the 12th day of March, 1913.

CHAPTER 201.

AN ACT TO RAISE REVENUE.

The General Assembly of North Carolina do enact:

SCHEDULE A.

SECTION 1. *Objects for which taxes are levied.*

That the taxes hereinafter designated are payable in the existing national currency, and shall be assessed and collected under the rules and regulations prescribed by law, and applied to the payment of the expenses of the State government, the appropriations to charitable and penal institutions, other specific appropriations made by law, and the interest on the four per centum consolidated debt of this State.

Payable in national currency.
Assessment and collection.
Application.

SEC. 2. *Poll tax.*

On each taxable poll or male between the ages of twenty-one and fifty years, except the poor and infirm whom the county commissioners may declare and record fit subjects for exemption, there shall be annually levied and collected a tax of one dollar and forty-three cents, the proceeds of such tax to be devoted to purposes of education and the support of the poor, as may be prescribed by law, not inconsistent with the apportionment established by section two of article five of the Constitution of this State.

Poll tax.

SEC. 3. *Rate.*

There shall be levied and collected annually an *ad valorem* tax of twenty-three and two-thirds cents for State purposes, four cents for pensions and twenty cents for public schools, making forty-seven and two-thirds cents on every one hundred dollars value of real and personal property in this State required to be listed in "An act to provide for the assessment of property and collection of taxes," subject to exemption made by law, and no city or other municipal corporation shall have power to impose, levy or collect any greater sum on real and personal property than one per centum of the value thereof, except by special authority from the General Assembly.

Ad valorem tax.
For State purposes.
For pensions.
For schools.

Limitation on municipal corporations.

SEC. 4. *Corporation taxes payable to State Treasurer.*

Every corporation, joint stock association, limited partnership or company whatsoever, except corporations specifically taxed by a different method elsewhere in this chapter, from which a report is required by law to be made to the State Auditor or State Treasurer or Corporation Commission, shall be subject to and pay to the State Treasurer annually a tax as prescribed in section three upon each one hundred dollars of the actual value of its whole capital stock of all kinds, including common, special and preferred, as ascertained in the manner prescribed by law; and it shall be the duty of the treasurer or other officer having charge

Corporations subject to tax.

Ad valorem of capital stock.

of any such corporation, joint stock association or limited partnership upon which a tax is imposed to transmit the amount of the tax to the State Treasurer within thirty days from the date of the settlement of the account by the Auditor and State Treasurer or Corporation Commission: *Provided*, that for the purposes of this act interests in limited partnerships or joint stock associations shall be deemed to be capital stock and taxed accordingly: *Provided, also*, that corporations, limited partnerships and joint stock associations liable to tax on capital stock under this section shall not be required to make any report or pay any further tax on mortgages, bonds, other securities and credits owned by them in their own rights; but corporations, limited partnerships and joint-stock associations holding such securities as trustees, executors, administrators, guardians, or in any other manner shall return and pay the tax imposed by this act upon the securities so held by them as in case of individuals. Individual stockholders in any corporation, joint-stock association, limited partnership or company paying a tax on its capital stock shall not be required to pay any tax on said stock or list the same, nor shall corporations legally holding capital stock in other corporations upon which the tax has been paid by the corporation issuing the same be required to pay any tax on said stock or list the same.

Payment direct to treasurer.

Proviso: limited partnerships and joint stock associations.

Proviso: securities and credits.

Securities held in trust.

Individual stockholders.

SEC. 5. *Tax exemption repealed.*

Limitations of exemptions repealed.

Excepted property.

Proviso: property held for speculation, investment or rent.

Whenever in any law or act of incorporation, granted either under the general law or by special act, there is any limitation or exemption of taxation, the same is hereby repealed, and all the property and effects of all such corporations shall be liable to taxation, except property belonging to the United States and to municipal corporations and property held for the benefit of churches, religious societies, charitable, educational, literary or benevolent institutions or orders, and also cemeteries: *Provided*, that no property whatever held or used for investment, speculation or rent shall be exempt, unless said rent shall be used exclusively for charitable or benevolent purposes or the interest upon the bonded indebtedness of said religious, charitable or benevolent purposes or the interest upon the bonded indebtedness of said religious, charitable or benevolent institutions.

INHERITANCE TAX.

SCHEDULE AA.

SEC. 6. *Rate of inheritance tax.*

Property subject to inheritance tax.

From and after the passage of this act all real and personal property of whatever kind and nature which shall pass by will or by the intestate laws of this State from any person who may die seized or possessed of the same while a resident of this State, whether the person or persons dying seized thereof be domiciled

within or out of the State, or if the decedent was not a resident of this State at the time of his death, such property or any part thereof within this State, or any interest therein or income therefrom which shall be transferred by deed, grant, sale, or gift, made in contemplation of the death of the grantor, bargainor, donor, or assignor, or intended to take effect, in possession or enjoyment after such death, to any person or persons or to bodies corporate or politic, in trust or otherwise, or by reason whereof any person or body corporate or politic shall become beneficially entitled in possession or expectancy to any property or the income thereof, shall be and hereby is made subject to a tax for the benefit of the State as follows, that is to say:

First. Where the person or persons entitled to any beneficial interest in such property shall be the lineal issue or lineal ancestor or husband or wife of the person who died possessed of such property aforesaid, or where the person to whom such property shall be devised or bequeathed stood in the relation of child to the person who died possessed of such property aforesaid, at the rate of one dollar for each and every hundred dollars of the clear value of such interest in such property; and this clause shall apply to all cases where the taxes have not been paid by the executor or administrator or other representative of the deceased person. The clerk of the Superior Court shall determine whether any person to whom property is so devised or bequeathed stands in the relation of child to the decedent. The persons mentioned in this class, except as is hereinafter otherwise provided, shall be entitled to an exemption of two thousand dollars (\$2,000) each: *Provided*, grandchildren shall be allowed only the single exemption of the child they represent: *Provided*, a widow shall be entitled to an exemption of ten thousand dollars and each child under twenty-one years of age to an exemption of five thousand dollars.

Rate if beneficiaries be lineal issue or ancestor or husband or wife or in relation of child to decedent.

Clerk of Superior Court to determine relationship. Exemption.

Proviso: exemption to grandchildren per stirpes. Proviso: exemption to widows and minor children.

Second. Where the person or persons entitled to any beneficial interest in such property shall be the brother or sister or the descendant of a brother or sister of the person who died possessed as aforesaid, at the rate, three dollars for each and every hundred dollars of the clear value of such interest.

If beneficiary be brother or sister.

Third. Where the person or persons entitled to any beneficial interest in such property shall be the brother or sister of the father or mother, or a descendant of the brother or sister of the father or mother of the person who died possessed as aforesaid, at the rate of five dollars for each and every hundred dollars of the clear value of such interest.

If beneficiary be uncle or aunt or descendant of uncle or aunt.

Fourth. Where the person or persons entitled to any beneficial interest in such property shall be the brother or sister of the grandfather or grandmother, or a descendant of the brother or sister of the grandfather or grandmother of the person who died possessed as aforesaid, at the rate of ten dollars for each and every hundred dollars of the clear value of such interest.

If beneficiary be great-uncle or great-aunt or descendant of such.

If beneficiary in any other degree of collateral consanguinity.

Or stranger in blood.
Or corporation.

Clerk of Superior Court to certify estates settled without administration.

Sworn report of value of estate.

Report to Corporation Commission.
Clerk of Superior Court to collect and transmit tax.

Allowance to clerk.

Collection by sheriff.

Payment of tax only discharge.

Interest on delayed payment.

Taxes deducted from legacies and shares.

Payment on estates other than money.

Payment or delivery on payment of tax.

Sale of article charged with tax.

Fifth. Where the person or persons entitled to any beneficial interest in such property shall be in any other degree of collateral consanguinity than is hereinbefore stated, or shall be a stranger in blood to the person who died possessed, as aforesaid, or shall be a body politic or corporate, the tax shall be at the rate of ten dollars for each and every hundred dollars of clear value of such interest.

Sixth. That whenever an estate subject to the tax under this act shall be settled or divided among the heirs at law, legatees or devisees, without the qualification and appointment of a personal representative, the clerk of the Superior Court of the county wherein the estate is situated shall certify the same to the Corporation Commission, and shall also require such heirs at law, legatees or devisees to report to him under oath the value of said personal estate, and he shall ascertain the value of the real estate from the tax returns as aforesaid, and shall report said valuation to the Corporation Commission. The clerk is authorized and required to cite all interested parties to appear before him and make the report herein required and pay to him the amount of the inheritance tax due upon said property, and the clerk shall be allowed three per cent of the tax collected by him from the parties liable for the inheritance tax collected from an estate upon which there is no administration. In case payment is not made as required herein, the clerk shall certify to the sheriff the amount of tax due upon such inheritance, and the sheriff shall collect the same as other taxes.

SEC. 7. *When all heirs, legatees, etc., are discharged from liability.*

All heirs, legatees, devisees, administrators, executors and trustees shall only be discharged from liability for the amount of such taxes, the settlement of which they may be charged with, by paying the same for the use aforesaid as hereinafter provided.

SEC. 8. That if said tax is not paid at the end of two years after the death of the decedent six per cent per annum shall be charged thereon until same is paid.

SEC. 9. *Executor, etc., shall deduct tax.*

The executor or administrator or other trustee⁶ paying any legacy or share in the distribution of any estate subject to said tax shall deduct therefrom at the rate prescribed, or if the legacy or share in the estate be not money he shall demand payment of a sum to be computed at the same rates upon the appraised value thereof for the use of the State; and no executor or administrator shall be compelled to pay or deliver any specific legacy or article to be distributed, subject to tax, except on the payment into his hands of a sum computed on its value as aforesaid; and in case of neglect or refusal on the part of said legatee to pay the same such specific legacy or article or so much thereof as shall be necessary shall be sold by such executor or administrator at public

sale, after notice to such legatee, and the balance that may be left in the hands of the executor or administrator shall be distributed as is or may be directed by law; and every sum of money retained by any executor or administrator or paid into his hands on account of any legacy or distributive share for the use of the State shall be paid by him to the proper officer without delay.

Distribution of surplus.

SEC. 10. *Legacy for life, etc., tax to be retained upon the whole amount.*

If the legacy subject to said tax be given to any person for life or for a term of years or for any other limited period, upon a condition or contingency, if the same be money, the tax thereon shall be retained upon the whole amount; but if not money, application shall be made to the court having jurisdiction of the accounts of executors and administrators to make apportionment, if the case requires it, of the sum to be paid by such legatee, and for such further order relative thereto as equity shall require.

Tax retained if estate be in money.

Apportionment if estate be in kind.

SEC. 11. *Legacy charged upon real estate, heir or devisee to deduct and pay to executor, etc.*

Whenever such legacy shall be charged upon or payable out of real estate the heir or devisee of such real estate, before paying the same to such legatee, shall deduct therefrom at the rates aforesaid, and pay the amount so deducted to the executor or administrator, and the same shall remain a charge upon such real estate until paid, and in default thereof the same shall be enforced by the decree of the court in the same manner as the payment of such legacy may be enforced: *Provided*, that all taxes imposed by this act shall be a lien upon the personal property of the estate on which the tax is imposed or upon the proceeds arising from the sale of such property, from the time said tax is due and payable, and shall continue a lien until said tax is paid and received for by the proper officer of the State.

Heir to deduct tax from legacy charged on real estate.

Tax a charge on real estate. Enforcement of collection.

Proviso: lien on personal property of estate.

SEC. 12. *Executor or administrator to take duplicate receipts from the clerk of the court.*

It shall be the duty of any executor or administrator, on the payment of said tax, to take duplicate receipts from the clerk of the court, one of which shall be forwarded forthwith to the Auditor of the State, whose duty it shall be to charge the clerk receiving the money with the amount, and sealed with the seal of his office and countersign the receipt and transmit it to the executor or administrator, whereupon it shall be a proper voucher in the settlement of the estate, but in no event shall an executor or administrator be entitled to a credit in his account by the clerk unless the receipt is so sealed and countersigned by the Auditor of the State.

Duplicate receipts.

Copy forwarded to auditor. Clerk charged with amount.

Return of receipt countersigned.

SEC. 13. *Foreign executor or administrator transferring stock shall pay the tax on such transfer.*

Foreign fiduciaries to pay tax on transfers of stock.

Whenever any foreign executor or administrator or trustee shall assign or transfer any stocks or bonds in this State standing in the name of the decedent or in trust for a decedent, which shall be liable for the said tax, such tax shall be paid on the transfer thereof to the clerk of the court of the county where such transfer is made; otherwise the corporation permitting such transfer shall become liable to pay such tax.

Liability of corporation.

SEC. 14. *Proportion of tax to be repaid upon certain conditions.*

Return of tax on legacies subjected to contribution.

Whenever debts shall be proven against the estate of a decedent, after the distribution of legacies from which the inheritance tax has been deducted in compliance with this act, and the legatee is required to refund any portion of the legacy, a proportion of the said tax shall be repaid to him by the executor or administrator if the said tax has not been paid into the State Treasury, or shall be refunded by the State Treasurer if it has been so paid in.

SEC. 15. *Appraiser to be appointed by the clerk, etc.*

Clerk to appoint appraisers.

It shall be the duty of the clerk of the court of the county in which letters testamentary or of administration are granted to appoint an appraiser, as often as and whenever occasion may require, to fix the valuation of estates which are or shall be subject to inheritance tax, and it shall be the duty of said appraiser to make a fair and conscionable appraisement of such estates; and it shall further be the duty of such appraiser to assess and fix the cash value of all annuities and life estates growing out of said estates, upon which annuities and life estates the inheritance tax shall be immediately payable out of the estate at the rate of such valuation: *Provided*, that any person or persons not satisfied with said appraisement shall have the right to appeal within sixty days to the court of the proper county on paying or giving security to pay all costs, together with whatever tax shall be fixed by said court, and upon such appeal said court shall have jurisdiction to determine all questions of valuation and of the liability of the appraised estate for such tax subject to the right of appeal to the Supreme Court as in other cases. The compensation of appraisers appointed under this act shall be at the rate of three dollars per day for each day necessarily employed in making the appraisement, together with such necessary traveling expenses as may be incurred, a statement of which shall be properly itemized and sworn to, subject to the final approval of the Auditor of State before payment is made by the clerk of the court.

Appraisal of estate.

Annuities and life estates.

Proviso: right of appeal.

Bond on appeal.

Jurisdiction on appeal. Appeal to Supreme Court.

Compensation of appraisers.

Sworn itemized accounts.

SEC. 16. *Misdemeanor for appraiser to take fee or reward from executor or administrator.*

Reception of fee or reward by appraiser misdemeanor.

It shall be a misdemeanor for any appraiser appointed by the clerk to make any appraisement in behalf of the State to take any fee or reward from any executor or administrator, legatee, next

of kin or heir of any decedent, and for any such offense the clerk of the court shall dismiss him from such service, and upon conviction in the Superior Court he shall be fined not exceeding five hundred dollars and imprisoned not exceeding one year, or both, or either, at the discretion of the court.

SEC. 17. *Clerk to enter returns made by appraisers, etc.*

It shall be the duty of the clerk of the court to enter in a book to be provided at the expense of the State, to be kept for that purpose, and which shall be a public record, the returns made by all appraisers, under this act, opening an account in favor of the State against the decedent's estate; and the clerk may give certificates of payment of such tax from such record; and it shall be the duty of the clerk of the court to transmit to the Auditor of the State on the first Monday of each month a statement of all returns made by appraisers during the preceding month, giving the name of the estate and the clear valuation thereof, subject to the foregoing tax, and the amount of the tax, which statement shall be entered by the Auditor in a book to be kept by him for that purpose; and whenever any such tax shall have remained due and unpaid for one year it shall be lawful for the clerk of the court to apply to the court by bill or petition to enforce the payment of the same; whereupon said court, having caused due notice to be given to the owner or owners of the estate charged with the tax and to such other person or persons as may be interested, shall proceed according to equity to make such decrees or orders for the payment of the said tax out of such estates as shall be just and proper.

SEC. 18. *Court may order executor, etc., to file account, etc.*

If the clerk of the court shall discover that said tax has not been paid according to law, the court shall be authorized to cite the executors or administrators of the decedent whose estate is subject to the tax to file an account or to issue a citation to the executors, administrators, legatees or heirs, citing them to appear on a day certain and show cause why the said tax should not be paid, and when personal service can not be had, notice shall be given for four weeks, once a week, in at least one newspaper published in said county; and if the said tax shall be found to be due and unpaid the said delinquent shall pay said tax, interest and costs; and it shall be the duty of the solicitor of the district in which the said delinquent resides to sue for the recovery and amount of such tax, and for such services he shall be allowed a fee, to be fixed by the judge, not to exceed five per cent of the amount recovered. The Auditor of the State is authorized and empowered, in settlement of accounts of any clerk, to allow him costs of advertising and other reasonable fees and expenses incurred in the collection of said tax.

Dismissal from service.
Punishments.

Clerk to enter returns.

Public record.

Accounts against estates.
Certificates of payment.

Monthly statements to Auditor.

Statements recorded by Auditor.

Petition for enforcement of payment.

Proceedings on petition.

Citation to file account.

Citation to appear and show cause.

Notice by publication.

Delinquent to pay tax, interest and costs.

Solicitor to sue.

Fee of solicitor.

Allowance to clerks on settlements.

SEC. 19. *Clerk to be agent of the State for collection of said tax.*

Clerks agents for State.

Percentage allowed clerks.

Fiduciaries liable on bonds.

Suit on bonds.

Clerk liable on bond.

Clerk to make returns and payments monthly.

Interest on deferred payments.

Report of clerk to State Tax Commission.

Specifications of report.

Report made annually.

Proviso: fee of clerk.

Tax Commission to keep records of fiduciaries, wills and estates. Lists to be furnished county assessors. Inquiry by county assessor.

The clerks of the courts of the several counties of this State shall be the agents of the State for the collection of the said tax, and for services rendered in collecting and paying over the same the said agents shall be allowed to retain for their own use such percentage as may be allowed by the Auditor, not exceeding three per centum on all taxes paid and accounted for.

SEC. 20. Any administrator, executor or trustee who shall fail to pay the lawful inheritance taxes due upon any estate in his hands or under his control within two years from the time of his qualification shall be liable for the amount of said taxes, and the same may be recovered in an action against such administrator, executor or trustee and the sureties on his official bond. Any clerk of the court who shall allow any administrator, executor or trustee to make a final settlement of his estate without collecting the inheritance taxes due by law shall be liable upon his official bond for the amount of such taxes.

SEC. 21. It shall be the duty of the clerk of the court of each county to make returns and payments to the State Treasurer of the taxes under this act which he shall have received, stating for what estate paid, on the first Monday of each month; and for all taxes collected by him and not paid over to the State Treasurer within ten days after said monthly return of the same, he shall pay interest at the rate of twelve per centum per annum until paid.

(a) The clerk of the Superior Court of each county shall, on the first Monday in December, one thousand nine hundred and thirteen, make a report under oath to the State Tax Commission, showing the names and addresses of all executors, administrators, or trustees of estates who have qualified in his county during the preceding five years, the estimated value of each estate, and which of them have been settled, together with the value of the property and assets paid over to legatees or distributees, the name of the heirs at law, legatees, or devisees, and their relation to the deceased. Said clerk shall also embrace in said report the names of all persons who have died leaving wills, whether any one has qualified as executor thereof or not, together with the estimated value of the estate devised. The said clerk shall annually thereafter, on the first Monday in December, make like reports to the State Tax Commission for the preceding year: *Provided*, that for making such report the said clerk of the Superior Court shall be allowed by the board of county commissioners a fee of ten cents for each copy sheet thereof.

(b) The State Tax Commission shall keep a record of executors, administrators, trustees, and wills, or other estates reported to them as above required, and on or before the first day of May of each year shall furnish to each county assessor a list of all such in his county. It shall be the duty of said county assessor to take the said list to the office of the clerk and ascertain from the clerk

and the records of his office which of them have settled the estates committed to them, the value of the property turned over to the legatees and distributees, and report the same to the State Tax Commission, together with such other information as the Commission may require, upon blanks furnished by it. It shall also be the duty of the county assessor to report to the State Tax Commission all estates which he may discover left by persons who die intestate, and of whom no administrator qualifies, together with the names of the persons who inherit the same, and their relation to the deceased.

Report to Tax Commission.

Report of estates not administered.

(c) The State Tax Commission shall, after the receipt of said reports, certify to the State Treasurer all inheritance taxes which should have been collected on or before the first day of the preceding May by the clerk of the court in each county in the State.

Report of Tax Commission to Treasurer.

(d) If the State Treasurer shall ascertain from said certificate that any clerk has failed to collect or pay over any inheritance tax which he should have collected, he shall demand payment of the same by said clerk at once, and if such clerk shall fail to account for or pay over such tax within sixty days from such demand he shall be liable on his official bond for double the said tax, to be recovered by the State Treasurer in an action in the Superior Court of Wake County: *Provided*, that this section shall not apply to clerks, where the estates have been settled, and final account of the estate approved prior to the adoption hereof.

Treasurer to demand payment.

Clerk liable on bond for double tax.

Action for recovery.

proviso: estates heretofore settled.

INCOME TAX.

SEC. 22. *Taxpayer to show his income on list.*

The taxpayer shall list his income for the year ending May first from any and all sources in excess of one thousand two hundred and fifty dollars.

Taxpayers to list incomes.

SEC. 23. *What question blank shall contain in regard to income.*

The blanks for listing taxes shall contain the following questions:

(1) "Was your gross income from salaries, fees, trades, professions and property not taxed, any and all of them, for the year ending May first, in excess of one thousand two hundred and fifty dollars?"

Questions as to income.

(2) "If so, what was the amount of said excess?"

SEC. 24. *Rate of income tax.*

On all gross incomes as provided in the preceding section hereof, a tax to be collected as other taxes for that year shall be levied as follows: On the excess over the amount legally exempted up to twenty-five hundred dollars, one per cent; on the excess above twenty-five hundred dollars and up to five thousand dollars, one and one-half per cent; on the excess above five thousand dollars and up to ten thousand dollars, two per cent; on the excess over ten thousand dollars, two and one-half per cent. The

Tax rate.

On excess up to \$2,500.
On excess above \$2,500 up to \$5,000.

Excess above \$5,000 up to \$10,000.
Excess above \$10,000.

Incomes exempted. above tax shall not be levied upon the income derived from property already taxed nor upon income less than one thousand two hundred and fifty dollars. The incomes subject to the above tax are those derived from property not taxed, from salaries, fees and commissions, public or private; from annuities; from trades or professions, and from any other sources the incomes from which are not specifically exempted from taxation by law.

Incomes subject to tax.

State tax exclusive. SEC. 25. No city, town, township or county shall levy any inheritance tax or income tax.

SCHEDULE B.

SEC. 26. *Defining taxes under this schedule.*

License taxes. Taxes in this schedule shall be imposed as license tax for the privilege of carrying on the business or doing the act named, and nothing in this act contained shall be construed to relieve any person or corporation from the payment of tax as required in the preceding schedule. The license issued under this schedule shall be for twelve months and shall expire on the thirty-first day of May of each year. Such license thus obtained shall be a personal privilege and shall not be transferable nor any abatement in the tax allowed; and unless otherwise provided in the section levying the tax, the tax levied for the use and benefit of the State shall be collected in the county in which the business is conducted.

Term of license.

License not transferable. Abatement not allowed. Collected in county.

SEC. 27. *Theaters.*

Theatres and opera houses. On each room or hall used as a theater or opera house, where public exhibitions or performances are given for profit, the license tax shall be as follows: In cities or towns of one thousand inhabitants or less, ten dollars per annum; over one thousand to three thousand, fifteen dollars per annum; three thousand to five thousand, fifty dollars per annum; over five thousand to ten thousand, seventy-five dollars per annum; over ten thousand to fifteen thousand, one hundred dollars; over fifteen thousand, one hundred and fifty dollars. The license under this section shall be issued by the sheriff and shall be conspicuously posted in the entrance of the vestibule of the room or hall, and said room or hall shall not be liable for any other license tax by the county, but the said tax shall be divided and one-half paid to the State and one-half to the county. Companies or individuals when performing or exhibiting in rooms or halls licensed under this section shall not be required to pay any other county or state license tax: *Provided*, that no city shall levy a tax greater than the amount levied by the State.

Towns 1,000 or less.
Towns 1,000 to 3,000.
Towns 3,000 to 5,000.
Towns 5,000 to 10,000.
Towns 10,000 to 15,000.
Over 15,000.
License issued by sheriff and posted at entrance.

Division of tax.

Companies performing in licensed halls exempt.

Proviso: city tax.

SEC. 28. *Traveling theatrical companies.*

Companies in other than licensed halls. On every traveling theatrical company giving exhibitions or performances in any hall, tent or other place, whether on account of municipal ownership or for any other reason, five dollars on each day's or part of a day's exhibitions or performances; that

two or more exhibitions at different times on the same day and place shall only be liable for one day's tax, and the owner of the hall, tent, or other place shall be responsible for the tax; but artists exhibiting paintings or statuary, work of their own hands, shall only pay two dollars: *Provided*, all such places of amusement as do not charge more than ten cents admission and shall perform in any given place as much as one week at a time shall only be required to pay five dollars for the first day and one dollar per day for each succeeding day. Counties, cities, or towns shall not collect a greater amount than that of the state tax, and the proprietor of any such show shall apply in advance to the sheriff of any county in which a performance is to be given for a license. Failing to do this, the show shall be subject to the actual expenses incurred by the sheriff or tax collector in enforcing payment of the license levied under this section. On each room, hall or tent used as a moving picture or vaudeville show, a tax as follows: In towns of less than two thousand five hundred inhabitants, ten dollars per annum; less than five thousand inhabitants and more than two thousand five hundred, twenty dollars per annum; less than ten thousand inhabitants and more than five thousand, forty dollars per annum; in towns or cities with more than ten thousand inhabitants and less than fifteen thousand, fifty dollars per annum; more than fifteen thousand inhabitants, one hundred dollars per annum. Counties, cities, or towns shall not levy a greater amount of license tax than that of the State.

Owner of place liable for tax. Artists exhibiting their own work.

Proviso: tax for week's exhibition.

County, city and town tax.

Application for license.

Expense of collection.

Rooms, halls or tents for moving picture or vaudeville shows.

Towns less than 2,500.

Less than 5,000 and more than 2,500.

Less than 10,000 and more than 5,000.

More than 10,000; less than 15,000.

More than 15,000. County, city and town tax.

SEC. 29. *Circuses, menageries, wild west, dog and pony shows, etc.*

On every exhibition of a circus, menagerie, wild west show, dog and pony show, and every other show not licensed in the preceding sections, a tax as follows, for each day or part of a day: Shows requiring transportation of

Exhibitions of circus, menagerie, wild-west, dog and pony and other shows.

12-car trains and less.....	\$35.00	12-car and less trains.
13 to 25-car trains.....	75.00	13 to 25-car trains.
25 to 40-car trains.....	100.00	25 to 40-car trains.
40 to 50-car trains.....	150.00	40 to 50-car trains.
50 to 60-car trains.....	200.00	50 to 60-car trains.
Over 60-car trains.....	250.00	Over 60-car trains.

Provided, that no county, city or town shall levy more than one-half of the amount levied by the State. On each side show with shows requiring less than thirty cars for transportation, ten dollars; on all other shows, twenty-five dollars. On every exhibition of a show enumerated in this section that charges more than fifty cents general admission, the tax shall be three hundred dollars. Every county shall have the power to fix the county tax on all shows enumerated in this section at such amount as the county commissioners shall deem proper, not to exceed one-half the amount levied by the State. The person, firm or corporation by whom any show taxed under this section is owned or

Proviso: county, city and town tax. Side shows.

All other shows. Shows charging more than 50 cents admission.

County tax.

Statement to be filed with treasurer

controlled shall file with the State Treasurer, not less than five days before the same shall enter the State for the purpose of exhibiting therein a statement, duly subscribed, setting out in detail such information as the State Treasurer may deem necessary to cover the places within the State where exhibitions are to be given, the character of the exhibition, etc. Upon receipt of such statement the State Treasurer shall fix and determine the amount of the license tax with which such show is chargeable, and shall endorse his findings upon such report, and transmit a copy thereof to the sheriff or tax collector of each and every county in which such show is to exhibit, with full and particular instructions as to the license tax to be collected therefrom, which instructions may be modified from time to time when deemed necessary for the purpose of the proper enforcement of this section. It shall be the duty of the sheriff of each and every county in which such circuses or shows are advertised or exhibited to promptly communicate such information to the State Treasurer; and in case the statement respecting any such shows as herein enumerated shall not be filed in time for certified copies thereof, with proper instructions, to be transmitted to the sheriffs of the several counties, it shall be the duty of the State Treasurer to cause his duly authorized representative to attend at one or more points in the State where such circus or show is advertised or expected to exhibit, for the purpose of securing such statement, or fixing and determining the amount of the license tax with which such show is chargeable and of giving proper instructions for the collection of such tax. Any circus or show which shall exhibit in the State before said statement shall have been filed, or which shall after the filing of such statement give any exhibition taxable at a higher rate than the exhibition authorized by the State Treasurer upon the basis of the statement filed, shall be chargeable with a license tax of fifty per cent greater than that hereinbefore prescribed, and the sheriff of any county in which such circus or show shall exhibit shall in all cases collect such excess tax and shall be charged with and make settlement therefor as for other taxes: *Provided*, that the State Treasurer in his discretion may remit such excess tax, wholly or in part.

On every carnival company, or combination of traveling circuses and shows of like character, moving picture and vaudeville shows, museums and menageries, merry-go-rounds and Ferris wheels, and other like amusement enterprises, conducted for profit under the same general management and filling week-stand engagements, or in giving week-stand exhibitions, whether under canvas or not, the following taxes shall be paid for each week or part of week, to wit: On all such carnival companies and combinations, consisting of not more than six distinct attractions, conducted for profit, fifty dollars for the State and a like amount for the county; and, when consisting of more than six distinct attractions, conducted for profit, seventy-five dollars for the State

Treasurer to fix amount of tax.

Copy to sheriff or tax collector.

Sheriff to report advertisement and exhibitions to Treasurer.

Treasurer to investigate by representative.

Increase of tax for failure to file statement or exhibition taxable at higher rate.

Sheriff charged with and to collect tax.

Proviso: Treasurer may remit excess.

Carnival companies.

Companies of not more than six attractions.

More than six attractions.

and a like amount for the county: *Provided*, that the towns and cities of less than ten thousand inhabitants may levy a like tax, in an amount not greater than that levied for both State and county purposes; and cities of more than ten thousand inhabitants may levy a like tax, in an amount not greater than twice that levied for both State and county purposes: *Provided, further*, that the provisions of this section shall not apply to such carnival companies, or combinations of shows and other amusement enterprises making a charge of more than twenty-five cents for admission to, or participation in, any one attraction: *Provided, further*, that no such carnival company or combination shall be relieved from the payment of the tax hereinbefore provided for, or of any part thereof, whether State, county, or municipal, by reason of the donation or appropriation of the whole or any part of the proceeds arising from the carrying on of the same to any religious, charitable or educational cause whatsoever.

Proviso: cities and towns of less than 10,000.

Cities of more than 10,000.

Proviso: companies not embraced.

Proviso: no rebate for donations.

SEC. 30. *Certain entertainments exempt from license tax.*

All exhibitions or entertainments given for the sole benefit of religious, charitable or educational objects shall be exempt from taxation: *Provided*, that when operas, star courses, or theatrical troupes are employed, such as usually appear in licensed halls or theaters, then the tax shall be the same as that imposed on traveling theatrical companies performing in unlicensed halls: *Provided, further*, that no tax shall be charged for any exhibitions or entertainments for the sole benefit of religious, charitable or educational objects and given in halls used exclusively for such objects, nor for exhibitions given at city parks and other resorts, when no charges for admission are made.

Exhibitions for sole benefit of religious, charitable or educational objects exempt.

Proviso: operas, star courses or theatrical troupes.

Proviso: exhibitions for religious, charitable or educational objects in halls used exclusively for such objects.

Exhibitions at city parks and resorts.

SEC. 31. *Attorneys, physicians, dentists, etc.*

On each and every practicing lawyer, practicing physician, dentist, oculist, photographer, optician, osteopath, architect, optometrist, veterinary surgeon, accountant, fire insurance adjuster, electrical engineer, civil engineer, or any person practicing any professed art of healing, for fee or reward, the sum of five dollars. On traveling tintypists, twenty-five dollars: *Provided*, that no city, town or county shall levy an additional license tax under this section. Said license when paid in one county shall be good in every other county in the State.

Lawyers, physicians and other professions.

Traveling tintypists.

Proviso: no additional tax by city, town or county.

SEC. 32. *Real estate and rent-collecting agents.*

Every individual or firm or his or their agents who make a business of collecting rents or in acting as agent in buying and selling real estate of any and every description, for compensation, shall pay an annual license tax, in towns of less than two thousand five hundred inhabitants, ten dollars; in towns of more than two thousand five hundred and less than ten thousand inhabitants, twenty dollars; in towns of more than ten thousand, twenty-five dollars.

License good in all counties.

Rent collecting and real estate agents.

Towns less than 2,500.

Towns 2,500 to 10,000.

More than 10,000.

SEC. 33. *Coal dealers.*

Coal dealers.
Wholesale.
Retail.
Towns less than 2,500.
Towns 2,500 to 10,000.
Towns more than 10,000.
Collecting agencies.

On every individual, corporation, firm, or association of persons engaged in and conducting the business of selling coal, at wholesale, an annual license tax of twenty-five dollars; at retail, an annual license tax, in towns of less than two thousand five hundred inhabitants, five dollars; in towns of more than two thousand five hundred and less than ten thousand inhabitants, fifteen dollars; in towns of more than ten thousand, fifty dollars.

Dealers in second hand clothing.
Undertakers, embalmers, retail coffin dealers.
Towns over 15,000.
Towns 10,000 to 15,000.
Towns 5,000 to 10,000.
Towns less than 5,000.
Proviso: cabinet makers.

SEC. 34. On every collecting agency collecting accounts, bills, notes or other money from one person in favor of another, fifty dollars; on every dealer in second-hand clothing, forty dollars; on all undertakers and embalmers and retail dealers in coffins in towns and cities of over fifteen thousand inhabitants, an annual license tax of twenty-five dollars, and in towns and cities of more than ten thousand and less than fifteen thousand, fifteen dollars, and in towns and cities of more than five thousand and less than ten thousand, ten dollars, and in cities and towns or villages of less than five thousand inhabitants, five dollars: *Provided*, that this act shall not apply to the cabinetmaker (and who is not an undertaker) who makes coffins to order.

Dealers in horses and mules.

SEC. 35. On all persons, firms, or corporations who buy and sell horses and mules as a business or for profit, an annual license tax of twenty-five dollars; and all persons, firms, or corporations who purchase and ship horses or mules by the carload shall be denominated wholesale dealers, and such persons, firms or corporations shall pay an annual license tax of fifty dollars. The license for conducting the said business in either case shall be issued by the sheriff of any county in which horses and mules are bought or sold, and shall be good in any county in the State for twelve months from issuance; and the sheriffs shall furnish the Treasurer a complete list of all such persons, firms or corporations doing business in their county. No county, city or town shall levy or collect any tax under this section. Any person required to take out license under this section who shall sell or attempt to sell any horses or mules without having obtained such license shall be deemed guilty of a misdemeanor, and upon conviction shall be fined fifty dollars or imprisoned not exceeding thirty days, the fine to be paid into the State treasury for the general school fund. No persons shall feign or pretend to be partners when they are in fact not *bona fide* such, in order to evade the tax to which they would otherwise be liable under the provisions of this section, and a violation of this provision shall make the offender guilty of a misdemeanor. All persons, firms or corporations operating under a livery stable license who buy horses and mules for sale shall be classed as horse dealers and, in addition to their livery stable tax, shall be required to pay such tax as he or they shall be liable for under this section: *Provided*, that this section shall not apply to persons dealing solely in horses or mules of their own raising: *Provided*, any

Wholesale dealers.

License issued by sheriff.

Good in all counties.
Sheriff to furnish lists to treasurer.

No county, city or town tax.
Selling or attempting to sell without license misdemeanor.

Punishment.

Evasion of tax misdemeanor.

Livery stable keepers classed as dealers.

Dealer's license additional to stable license.

Proviso: dealers in stock owned by dealer.

person, firm or corporation who pays the tax in this section shall not be liable for the twenty-five dollars license tax mentioned in section forty-one: *Provided*, that any person, firm or corporation who shall pay the wholesaler's tax shall not be required to pay the retail tax in addition thereto.

Proviso: relief from tax under section 41.

Proviso: wholesale dealers not taxed as retailers.

SEC. 36. *Peddlers of clocks, stoves and ranges.*

On every itinerant person or company peddling clocks, stoves or ranges, or who sell by sample, one hundred dollars per annum for each county in which he or they may peddle the same, the license to be issued by the sheriff of the county, who shall collect said tax and pay the same to the State Treasurer.

Itinerant clock, stove or range dealers.

SEC. 37. *Bicycle dealers.*

On every individual, corporation, association or firm, or his or their agents, engaged in the business of buying and selling bicycles or bicycle and motorcycle supplies and fixtures, unless such business is conducted in connection with some other business paying a license tax, an annual license tax as follows: In cities or towns of twelve thousand inhabitants or over, ten dollars; in cities and towns of less than twelve thousand inhabitants, five dollars: *Provided*, that nothing in this section shall apply to any individual, corporation, association or firm conducting the exclusive business of repairing bicycles.

Dealers in bicycles and fixtures.

Towns of 12,000 or more.

Towns less than 12,000.

Proviso: bicycle repairers.

SEC. 38. *Merchandise and mining stock.*

On every commission merchant, broker or dealer buying or selling goods and merchandise on commission, ten dollars per annum; and on every person, individual, firm or corporation selling or offering for sale stock in foreign corporations, an annual tax of one hundred dollars.

Commission merchants and merchandise or stock brokers.

SEC. 39. *Ship brokers.*

On every person engaged in the business of managing the affairs occurring between the owners of vessels and the shippers or consignees of the freight which they carry, usually known as "ship brokers," an annual license tax of forty dollars; on every person owning or operating marine railways with a hauling capacity of less than eighty tons, fifteen dollars; on every marine railway with a hauling capacity of more than eighty tons and less than one hundred and fifty tons, fifty dollars; on every marine railway with a hauling capacity of more than one hundred and fifty tons, seventy-five dollars.

Shipbrokers.

Marine railways—less than 80 tons.

More than 80 and less than 150 tons.

More than 150 tons.

SEC. 40. *Pawnbrokers.*

No person shall without a license authorized by law engage in the business of lending money or other things for profit for or on account of specific articles of personal property, other than farm products, deposited with the lender in pledge. Any person who shall in any manner lend or advance money as aforesaid on the

Doing business without license forbidden.

Pawnbroker defined.

pledge and possession of such personal property shall be held to be a pawnbroker. After such person shall have forfeited his right to redeem the property the pawnbroker may cause said property to be sold at public auction. The expenses attending the sale shall be paid out of the proceeds of sale, and if any surplus arise from the sale, after satisfying the money advanced, with the interest and costs which have accrued, such surplus shall be paid over to the person depositing the property as aforesaid. Any person acting as pawnbroker without a license shall pay a fine of not less than fifty nor more than five hundred dollars. A pawnbroker shall pay for the privilege of transacting business an annual license tax of two hundred dollars.

SEC. 41. *Livery stables.*

On every person, firm or corporation who keeps horses or mules to hire or let, with or without vehicle, fifty cents for each six months for every horse or mule kept for that purpose. Such person shall, on the first day of January and July of each year furnish to the register of deeds a sworn statement of the number of horses or mules sold or so kept at any time during the preceding six months, the taxes to be collected by the sheriff or tax collector. Every person, firm or corporation operating under a livery stable license who sells more than five horses or mules within six months shall be classed as a horse dealer and shall pay an additional tax of twenty-five dollars, and shall exhibit license from a sheriff on all occasions whenever required.

SEC. 42. *Sewing machines.*

Every person, firm or corporation selling machines in this State shall pay an annual license tax to the Treasurer of two hundred and fifty dollars, and the Treasurer shall issue a license to said person, firm or corporation to sell sewing machines until July first next thereafter. In addition to the license tax above required, every person, firm or corporation selling sewing machines shall pay a tax of forty cents on every hundred dollars received from the sale thereof, which tax shall be paid to the Treasurer before securing an annual license on July first in each year. Any person, firm or corporation selling sewing machines without having paid the license tax required by this section shall pay a penalty of two hundred and fifty dollars, to be recovered by the Treasurer in a civil action in the Superior Court of Wake County, and shall also double the license and sales taxes required by this section for the year then current. When a person, firm or corporation makes application for the license required by this section, the Treasurer shall require a sworn statement showing the amount of sales of sewing machines made by the applicant in this State for the year preceding the first day of July then last past. The Treasurer may require an itemized statement and may require the production of books and papers and may make such investigation as he may deem proper; and after making said

Sale of unredeemed pledges.
Expense of sale.
Disposition of surplus.

Penalty for doing business without license.
License tax.

Tax on livery stables.

Semi-annual statements.

Tax as dealer.

License tax for selling machines.

Tax on sales.

Time for payment.

Penalty for selling without license.

Action for recovery.

Sworn statement of sales.

Investigation by Treasurer.

investigation the Treasurer shall find what the amount was received from said sales for said year, and shall collect tax upon said amount at the rate aforesaid. If the applicant be a natural person he shall sign the application and statement of sales and swear to the correctness of the latter. If the application be made by a firm, one of the partners shall verify the application. If it be made by a corporation, the verification of the statement shall be made by one of the managing officers. Any person, firm or corporation making a false statement for the purpose of defrauding the State out of taxes due under this section shall be guilty of a misdemeanor and shall be liable to a penalty of one thousand dollars, to be recovered by the Treasurer in a civil action to be instituted in the Superior Court of Wake County. Any person, firm or corporation taking out license under this section may employ an unlimited number of agents and secure a duplicate copy of said license for each agent by paying a fee of one dollar to the Treasurer, and the county in which the applicant does business may charge a tax of five dollars; each duplicate license so issued to contain the name of the agent to whom it is issued, and the same to be nontransferable. An agent holding such duplicate copy of license is licensed thereby to sell only the sewing machines sold by the holder of the original license. No person, firm or corporation licensed under this section shall be required to pay any other license or privilege tax; and no county shall have the right to impose any license or privilege tax. No city or town shall levy a license or privilege tax exceeding twenty dollars on any dealer having an office or selling from any receiving point. No person, firm or corporation paying a tax upon gross sales under this section shall be required to pay a tax on the said sales under or by virtue of any other section of this act. Any merchant or dealer who shall buy sewing machines from a manufacturer or dealer paying the license and gross sales tax hereunder may sell such sewing machines without paying any gross sales tax thereon, and without paying any license tax except the cost of securing a duplicate license in the name of the person, firm or corporation taking out the license, and paying the gross sales tax; and such duplicate license shall protect any person, firm or corporation selling sewing machines upon which the license and gross sales taxes shall have been paid, from any additional tax. Such duplicate license issued to such dealer may be issued in the name of the person, firm or corporation taking out the original license and paying the gross sales tax, but may be marked for the benefit of the person, firm or corporation desiring to again sell in this State such sewing machines.

Verification of application and report.

False statement a misdemeanor.

Penalty.

Action for penalty.

Employment of agents.

Tax for duplicates of license. County license.

Duplicates not transferable.

Machines sold under duplicate.

No further license required.

No county to impose license tax. City or town tax.

Tax on sales full settlement.

Purchases and sales by merchants or dealers.

Duplicate in name of original purchaser of license.

SEC. 43. *Feather renovators.*

On every individual or firm or association of persons or his or their agents engaged in the business of renovating feathers, a license tax as follows: Ten dollars for each county in which such business may be solicited or conducted.

Feather renovators.

SEC. 44. *Peddlers.*

Peddler defined. Any person who shall carry from place to place any goods, wares or merchandise and offer to sell or barter the same or actually sells or barter the same shall be deemed to be a peddler

Peddlers on foot. and shall pay a license tax as follows: Each peddler on foot, twenty-five dollars for each county; each peddler with horse, ox or mule, with or without vehicle, or with a vehicle propelled by any other power, seventy-five dollars for each county; each and every peddler of medicinal and proprietary preparations, flavoring extracts, spices and toilet articles, whether on foot or with horse, mule or ox, with or without vehicle, or with a vehicle propelled by any other power, but having no free or paid attractions and no attractions upon the streets nor in a tent nor any other place for the purpose of receiving trade, one hundred dollars for each county; each and every peddler of medicines or drugs, whether on foot or with horse, mule or ox, with or without a vehicle, or with a vehicle propelled by any other power, and having any free or paid attractions or attractions upon the street or in a tent or in any other place for the purpose of receiving trade, one hundred and fifty dollars for each county. Every itinerant salesman who shall expose for sale, either on the street or in a house rented temporarily for that purpose, goods, wares or merchandise, shall pay a tax of one hundred dollars in each county in which he shall carry on such business, whether as principal or as agent for any other person. Every person mentioned in this section shall apply in advance for a license to the board of county commissioners of the county in which he proposes to peddle or sell, and the board of county commissioners may in their discretion issue the license upon the payment of the tax to the sheriff, which shall expire at the end of twelve months from its date. This section shall not apply to those who sell or offer for sale books, periodicals, printed music, ice, fuel, fish, vegetables, fruits or any articles of the farm or dairy or articles of their own individual manufacture except medicines or drugs. The board of county commissioners shall have power at their discretion to exempt from tax under this section any poor and infirm person, and shall exempt Confederate soldiers, and such license shall be good in any county in the State. Any person carrying a wagon, cart or buggy or traveling on foot for the purpose of exhibiting or delivering any wares or merchandise, shall be considered a peddler: *Provided*, that this section shall not apply to persons or their agents engaged in exchanging woolen goods for wool: *Provided, further*, that this section shall not apply to drummers selling by wholesale and *bona fide* residents who are blind: *Provided, further*, that each person other than a *bona fide* citizen of the county in which he shall undertake to do business, who shall expose for sale goods, wares or merchandise in any building rented for such purpose for a period of less than one year shall

Other peddlers.

Peddlers of specifics without advertising attractions.

Peddlers of specifics with advertising attractions.

Itinerant salesmen.

Application for license.

Issue of license discretionary.

Peddlers not subject to tax.

Power of county commissioners to exempt.

Exemption of Confederate soldiers.

Persons considered peddlers.

Proviso: exchanging woolen goods for wool.

Proviso: drummers selling by wholesale and blind persons.

Proviso: persons defined as itinerant merchants.

be liable to the tax herein imposed upon itinerant dealers:

Provided, further, that such tax shall be refunded to any such dealer who shall continue to do business in such county for a period of one year: *Provided, further*, that nothing in this section shall prevent counties having special acts applying thereto from collecting a higher tax in accordance with the provisions of said special act.

Proviso: tax refunded.

Proviso: county taxes under special acts.

SEC. 45. *Mercantile agencies.*

On every mercantile agency or association doing or soliciting business in this State which has for its object the rating of the commercial status of persons, firms or corporations, the sum of three hundred and fifty dollars, to be paid by the principal office in the State to the State Treasurer; and no city, town or county shall levy any additional license tax. Any person representing any mercantile agency which has failed to pay a license tax as above provided shall be guilty of a misdemeanor.

Mercantile agencies.

No additional city, town or county tax. Representing unlicensed mercantile agency a misdemeanor.

SEC. 46. *Gypsies or fortune tellers.*

Every company of gypsies or strolling bands of persons living in wagons or tents or otherwise who trade horses or mules, or receive reward for pretending to tell fortunes, two hundred dollars in each county in which they offer to trade horses or mules or practice any of their crafts, recoverable out of any property belonging to any of the company; but nothing herein contained shall be so construed as to exempt them from indictment or penalties imposed by law; and any other person or persons receiving reward for pretending to tell fortunes shall pay twenty-five dollars in each county in which they offer to practice their profession or craft.

Gypsies and strolling bands of horse dealers or fortune tellers.

Recovery.

Act not construed as exemption from indictment.

Fortune tellers.

SEC. 47. *Lightning rod agents.*

On every person or company who puts up lightning rods, fifty dollars annually for each county in which he carries on business or sells lightning rods.

Lightning rod agents.

SEC. 48. *Hotels.*

On each hotel charging for transit custom more than one dollar and less than two dollars per day, an annual tax of twenty-five cents for each and every room; hotels charging not less than two dollars nor more than three dollars per day, fifty cents per room; hotels charging in excess of three dollars per day, seventy-five cents. Each hotel run on the European plan shall pay an annual tax of fifty cents on each room for which the charge is one dollar and fifty cents or less; on rooms for which the charge is over one dollar and fifty cents and less than two dollars and fifty cents, one dollar; on all rooms over two dollars and fifty cents, one dollar and fifty cents. The office, dining room, one parlor, the kitchen, and two other rooms shall not be counted

Graduated room tax on hotels.

Graduated room tax on hotels on European plan.

Rooms not counted.

Proviso: resort hotels.

when calculating the number of rooms in the hotel: *Provided*, that one-half of the foregoing taxes shall be collected from resort hotels which are kept open for only six months or less in the year.

SEC. 49. *Cotton compresses.*

Cotton compresses. Every individual, firm, corporation or association of persons engaged in the business of compressing cotton shall pay an annual license tax of two hundred and fifty dollars on each and every compress.

Cotton oil mills. SEC. 49 (a). Each cotton oil mill doing business in this State shall pay an annual license tax of ten (10) dollars for each press.

SEC. 50. *Billiard and pool tables and bowling alleys.*

Billiard and pool tables and bowling alleys.

On each billiard or pool table, bowling alley or alley of like kind kept for public use, if in connection with any place where drinks of any kind are sold or allowed to be drunk, an annual license tax of fifty dollars, whether kept under the same roof or otherwise; and on all other billiard or pool tables, bowling alleys or alleys of like kind kept for public use, an annual license tax of twenty-five dollars.

SEC. 51. *Gift enterprises; prize photographs.*

Gift enterprises. On any gift enterprise or any person or establishment offering any article for sale and proposing to present purchasers with any gift or prize as an inducement to purchase, twenty-five dollars; on every itinerant dealer in prize photographs or prizes of any kind, one hundred dollars in each county in which the business is conducted. The taxes in this section shall be paid to the sheriff or tax collector of the county, but shall not be construed as giving license or relieving such person or establishment from any penalties incurred by violation of the law.

Itinerant dealers in prize photographs or prizes of any kind.

Tax paid to sheriff. Penalties for violation of law.

SEC. 52. *Slot machines.*

Slot merchandise machines.

Upon every slot machine operated in this State wherein is kept any article to be purchased by depositing therein any coin or thing of value, and for which may be had any article of merchandise whatsoever, or anything that can be exchanged for any article of merchandise, the sum of one dollar and fifty cents for every machine for each county where set up or operated. Upon every such machine wherein may be seen any picture or any music may be heard by depositing in the machine any coin or thing of value, and each weighing machine and every machine for making stencils by the use of contrivances operated by slot, wherein money or other thing of value is to be deposited, the sum of one dollar and fifty cents for each machine in each county where set up or operated: *Provided*, that this section shall apply only to such slot machines where the return is in all cases fixed or certain: *Provided, further*, that no specific license tax shall be levied or collected on merchandise machines delivering mer-

Picture or music machines.

Weighing machines. Stencil machines.

Proviso: return fixed and certain.

Proviso: automatic clerks.

chandise of the market value of the coin deposited and used as an automatic clerk and kept by dealers in their storehouses and paying taxes as a merchant, or slot machines where drinking water is delivered at one cent a glass: *Provided, further*, that any person using, running or operating a slot machine of any description for any other purposes than above set forth, or machines exhibiting nude or obscene pictures, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than two hundred nor more than five hundred dollars, or imprisoned not less than three months nor more than one year, or both, at the discretion of the court.

Machines delivering drinking water.
 Proviso: operating other machines a misdemeanor.

Punishment.

SEC. 53. *Bagatelle tables, etc.*

On each bagatelle table, merry-go-round, hobbyhorse, switch back, railway, shooting gallery, or place for any other game or play, with or without name (unless used for private amusement or exercise alone), the following graduated tax shall be paid, to wit: In cities or towns of less than five thousand inhabitants, five dollars; from five thousand to ten thousand inhabitants, ten dollars; and all cities or towns of more than ten thousand inhabitants, twenty dollars. If kept in connection with any place where drinks of any kind are sold, fifty dollars. On skating rinks (unless used for private amusement or exercise alone) the following graduated tax, to wit: In cities or towns of less than five thousand inhabitants, five dollars; from five thousand to ten thousand inhabitants, ten dollars; and all cities or towns of more than ten thousand inhabitants, twenty dollars: *Provided*, that on each bagatelle table, merry-go-round, hobbyhorse, switchback railway or shooting gallery carried on outside of any incorporated city or town, the sum of five dollars.

Graduated tax on bagatelle tables and other games and play.

Towns of less than 5,000.

Towns of 5,000 to 10,000.

Towns more than 10,000.

In connection with place where drinks are sold.

Graduated tax on skating rinks.

Towns of less than 5,000.

Towns from 5,000 to 10,000.

Towns more than 10,000.

Proviso: tax outside towns.

SEC. 54. *Stockbrokers.*

Every dealer in stocks, bonds or other securities shall pay for the privilege of transacting business an annual license tax of one hundred dollars. No county, city or town shall levy or collect any tax under this section exceeding twenty-five dollars for the county and ten dollars for the city or town.

Stockbrokers.

County, city and town tax.

SEC. 55. *Bottling works.*

Each person, firm or corporation manufacturing or bottling soda water, coca-cola, pepsi-cola, ginger ale, and like preparations, shall pay an annual tax, in towns of two thousand five hundred inhabitants or less, twenty dollars; in towns of over two thousand five hundred and not exceeding five thousand inhabitants, forty dollars; in towns of over five thousand inhabitants and not exceeding ten thousand inhabitants, sixty dollars; in towns and cities of over ten thousand and not exceeding twenty thousand inhabitants, eighty dollars; in towns and cities of over twenty

Bottling works.

In towns of 2,500 or less.

Towns over 2,500 and not over 5,000.

Towns over 5,000 and not over 10,000.

Towns over 10,000 and not over 20,000.

Towns over 20,000.

Proviso: county tax. thousand inhabitants, one hundred dollars: *Provided*, that no county shall levy more than one-half of the amount levied by the State.

SEC. 56. *Packing houses.*

Packing houses or dealers with cold storage plant. Upon every meat packing house doing business in this State and upon every wholesale dealer in meat packing house products who owns and operates in this State a cold storage plant or cold storage warehouse in connection with said wholesale business, one hundred dollars for each county in which said business is carried on: *Provided*, that nothing in this act shall apply to packers packing less than twenty-five thousand pounds of meat in any one year.

Proviso: packers of less than 25,000 pounds. *Provided*, that nothing in this act shall apply to packers packing less than twenty-five thousand pounds of meat in any one year.

SEC. 57. *Newspaper contests.*

Newspaper prize contests. Every person, corporation or association that conducts contests and offers a prize or prizes to obtain subscriptions to newspapers, an annual license tax of ten dollars for weekly newspapers and twenty-five dollars for each daily newspaper in which said contest is advertised.

SEC. 58. *Persons, firms or corporations selling certain oils.*

Dealers in oils, benzine, naphtha and gasoline. Each person, firm or corporation selling illuminating oil, lubricating oil, benzine, naphtha, or gasoline in this State shall pay an annual license tax to the State Treasurer, on or before the first day of July in each year, for the twelve months preceding the first day of June, where the gross sales exceed twenty-five thousand dollars, one per centum upon such gross sales. The said amount of sales shall be returned to the State Treasurer by the general manager of said oil company, if a corporation, and if a natural person, by him, and duly sworn, upon forms to be prepared by the State Treasurer for that purpose. Any person, firm or corporation subject to this license tax and doing business in this State without having paid such license tax shall be liable to a penalty of one thousand dollars and in addition thereto to double the tax imposed by this section; and the State Treasurer is authorized to bring any suit for the collection of the same in the Superior Court of Wake County. No county shall impose any tax under this section upon the business of oil dealers. No city or town shall levy a license or privilege tax exceeding ten dollars, and only when there is located in such city or town an agency, station or warehouse for the distribution and sale of such oils; and the person, firm or corporation paying the tax upon the gross sales as aforesaid shall not be liable for any other tax except the *ad valorem* tax upon the property situate and being in this State: *Provided*, that no tax shall be collected under the provisions of this section while the inspection fees or charges are collected under and by virtue of chapter five hundred and fifty-four of the Public Laws of one thousand nine hundred and nine, entitled, "An act to provide for the inspection of illuminating oils and fluids."

Tax on sales. Return of sales. Penalty for doing business without license.

Suit for collection. No county tax. City or town tax.

Ad valorem tax.

Proviso: payment of inspection fees.

SEC. 59. *Automobiles for hire.*

On every person, firm or corporation who keeps automobiles or other motor vehicles for hire, an annual tax of five dollars for each automobile or other motor vehicle kept for that purpose.

Motor vehicles for hire.

SEC. 60. On every itinerant person peddling agricultural and mechanical instruments or devices, fertilizer distributors, washing machines, churns, two-horse cultivators or harrows, a license tax of twenty-five dollars, to be collected by the sheriff of each and every county in which he may peddle the same, said tax to be paid to the State Treasurer.

Peddlers of implements and machines.

SEC. 61. *Malt dealers.*

Every person, firm or corporation engaged in or conducting the business of manufacturing, buying or selling malt shall pay an annual tax of ten dollars.

Manufacturers and dealers in malt.

SEC. 62. *Druggists selling liquors.*

Each medical depository and each licensed and registered pharmacist and druggist who sells spirituous, vinous or malt liquor as now allowed by law, upon the written prescription of a regularly licensed and practicing physician or surgeon, an annual tax to the sheriff or tax collector as follows: In towns less than one thousand inhabitants, twenty-five dollars; in towns more than one thousand and less than two thousand, fifty dollars; in towns more than two thousand and less than four thousand, seventy-five dollars; in towns more than four thousand and less than six thousand, one hundred dollars; in towns more than six thousand and less than ten thousand, one hundred and fifty dollars; in towns more than ten thousand and less than fifteen thousand, two hundred dollars; in towns of fifteen thousand inhabitants and more, three hundred dollars. Nothing in this section shall have the effect of modifying or repealing chapter seventy-one, Public Laws of special session, one thousand nine hundred and eight, or other laws forbidding the sale of spirituous, vinous or malt liquors.

Medical depositories and druggists selling liquor.

Towns less than 1,000.
Towns of 1,000 to 2,000.
Towns of 2,000 to 4,000.
Towns of 4,000 to 6,000.
Towns 6,000 to 10,000.
Towns 10,000 to 15,000.
Towns 15,000 or more.

Section not to modify or repeal prohibition law.

SEC. 63. Upon all persons, companies or corporations carrying on the business of selling books, magazines, papers, fruits, confections or other articles of merchandise on the railroad trains in this State, an annual license tax of two hundred dollars; and no county or municipality shall have authority to levy any tax for the privilege of carrying on said business.

News-dealer on trains.

No county or municipal tax.

SEC. 64. On each soda fountain operated by any person, firm or corporation, an annual tax as follows: In towns of less than one thousand inhabitants, seven dollars and fifty cents; in towns of over one thousand inhabitants and less than twenty-five hundred, ten dollars; and in towns over twenty-five hundred inhabitants, fifteen dollars. No county shall levy any tax under this section. Nothing in this section shall be construed to authorize the sale of soft drinks containing cocaine or any of its salts or derivatives.

Soda fountains.

Towns less than 1,000.
Towns 1,000 to 2,500.
Towns over 2,500.

No county tax.

Soft drinks not authorized. j

Dealers in patent rights and formulae.

SEC. 65. On every person, firm or corporation selling or offering for sale any patent right or formula, an annual license tax of ten dollars for each and every county, to be collected by the sheriff.

Stallions and jacks.

SEC. 66. All persons, firms or corporations who own and keep for breeding purposes any stallion or jack shall pay an annual license tax of ten dollars, the same to be collected by the sheriff of the county in which the horse or jack is kept or used for breeding purposes: *Provided, however,* that this tax shall only be collected in one county within the State.

Proviso: tax collected in only one county.

SEC. 67. *Insurance companies.*

Insurance companies.

The officer authorized to collect the tax on insurance, bond and investment companies, associations or orders, shall collect and pay into the State treasury charges, fees and taxes as follows:

License for life insurance companies.

For each license issued to a life insurance company or association, two hundred and fifty dollars; for each license issued to a fire

License for fire insurance companies.

insurance company or association or to any company or association of companies operating a separate or distinct plant or

License for accident companies.

agencies, two hundred dollars; for each license issued to an accident insurance company or association, two hundred dollars; for

License for marine companies.

each license issued to a marine insurance company or association, two hundred dollars; for each license issued to a surety insurance

License for surety companies.

company or association, one hundred dollars; for each license issued to a plate glass insurance company or association, one hundred

License for plate glass companies.

dollars; for each license issued to a boiler insurance company or association, one hundred dollars; for each license issued to a domestic mutual insurance company, fifty dollars; for each

Boiler insurance companies.

license issued to a domestic mutual insurance company operating in not more than two counties, ten dollars; for each license issued

Domestic mutual insurance companies.

to a fraternal order, twenty-five dollars; for each license issued to a bond, investment, dividend, guaranty, registry, title guaranty, or debenture company, one hundred dollars; for each license issued to all other insurance companies or associations, one hundred

Fraternal orders.

dollars. All of said companies shall pay a tax of two and one-half per centum upon the amount of their gross receipts in this State: *Provided,* that if any general agent shall file with the Insurance Commissioner a sworn statement showing that at least one-fourth of the entire assets of his company, when his company has assets, are invested in and are maintained in any or all of the following securities or property, viz, bonds of this State or of any county, city or town of this State, or any property situate in this State and taxable therein, then the tax shall be one per centum upon the gross receipts aforesaid and the license fee shall be one-half that named above; and if the amount so invested shall be three-fourths of the total assets the tax shall be one-fourth of one per centum and the license fee one-fourth of that named above. Companies paying the tax levied in this section shall not be liable for tax on their capital stock, and no county, city or town shall be allowed to impose any additional

License to bond, guaranty, registry and like companies.

Other insurance companies.

Tax on gross receipts.

Proviso: investments reducing taxes and license fees.

Companies paying taxes not subject to further taxation.

tax, license or fee. The license fees and taxes imposed in this section shall be paid to the Insurance Commissioner and by him paid into the State treasury as provided by law.

Fees and taxes paid to insurance commissioner.

SEC. 68. *Dealers in pistols, etc.*

Every merchant, storekeeper or dealer who shall keep in stock, sell or offer for sale any pistol or metallic pistol cartridges or cartridges used in pistols shall pay an annual tax of twenty-five dollars; and every such dealer who shall keep in stock any bowie knife, dirk, dagger, slung shot, loaded cane, or brass, iron or metallic knuckles, shall pay an annual license tax of one hundred dollars; and every merchant, storekeeper or dealer selling or offering for sale cap pistols, firecrackers, or other fireworks shall pay an annual license tax of ten dollars. A separate license shall be secured for each place where sales are made.

Dealers in pistols and cartridges.

Dealers in other weapons.

Dealers in fireworks.

Separate licenses.

SEC. 69. *Pianos and organs.*

Every person, firm or corporation selling pianos or organs in this State shall pay an annual license tax to the Treasurer of fifty dollars, and the Treasurer shall issue a license to said person, firm or corporation to sell pianos or organs, or both, until July first next thereafter. In addition to the license tax above required, every person, firm or corporation selling pianos or organs, or both, shall pay a tax of forty cents on every hundred dollars received from the sale of pianos or organs, which tax shall be paid to the Treasurer before securing an annual license on July first in each year. Any person, firm or corporation selling pianos or organs without having paid the license tax required by this section shall pay a penalty of two hundred dollars, to be recovered by the Treasurer in a civil action in the Superior Court of Wake County, and shall also pay double the license and sales taxes required by this section for the year then current. When a person, firm or corporation makes application for the license required by this section the Treasurer shall require a sworn statement showing the amount of sales of pianos or organs made by the applicant in this State for the year preceding the first day of July then last past. The Treasurer may require an itemized statement and may require the production of books and papers and may make such investigation as he may deem proper; and after making said investigation the Treasurer shall find what the amount was received from said sales for said year, and shall collect tax upon said amount at the rate aforesaid. If the applicant be a natural person, he shall sign the application and statement of sales and swear to the correctness of the latter. If the application be made by a firm, one of the partners shall verify the application. If it be made by a corporation, the verification of the statement shall be made by one of the managing officers. Any person, firm or corporation making a false statement for the purpose of defrauding the State out of taxes due under this section shall be guilty of a misdemeanor and shall be liable to a pen-

Dealers in pianos and organs.

Tax on receipts.

Penalty for selling without license.

Action for recovery.

Sworn statement on application for license.

Investigation by Treasurer.

Verification of statements.

False statement a misdemeanor.

Penalty.

Action for penalty. alty of one thousand dollars, to be recovered by the Treasurer in a civil action to be instituted in the Superior Court of Wake County. Any person, firm or corporation taking out license under this section may employ an unlimited number of agents and secure a duplicate copy of said license for each agent by paying a fee of one dollar to the Treasurer, and the county in which the applicant does business may charge a tax of five dollars; each duplicate license so issued to contain the name of the agent to whom it is issued, and the same to be nontransferable. An agent holding such duplicate copy of license is licensed thereby to sell only the instruments sold by the holder of the original license. No person, firm or corporation licensed under this section shall be required to pay any other license or privilege tax; and no county shall have the right to impose any license or privilege tax. No city or town shall levy a license or privilege tax exceeding twenty dollars on any dealer having an office or selling from any receiving point. No person, firm or corporation paying a tax upon gross sales under this section shall be required to pay a tax on the said sales under or by virtue of any other section of this act.

Number of agents unlimited.

Fee for duplicates of license. County tax. License not transferable.

No other license or privilege tax.

No county tax.

Limit of city tax.

No further tax on sales.

SEC. 70. *Cigarette dealers and manufacturers of cigarettes.*

Manufacturers of cigarettes. On every manufacturer of cigarettes the following tax: Where the annual output of cigarettes by such manufacturer is less than two hundred and fifty million, two hundred and fifty dollars; where such annual output exceeds two hundred and fifty million, but does not exceed five hundred million, five hundred dollars; where such annual output exceeds five hundred million, two thousand dollars: *Provided*, that no county, city, town or township shall levy or collect any tax, assessment, license or fee from or on such manufacturer except the *ad valorem* tax. And every person retailing cigarettes shall pay a license tax of five dollars per annum. No county shall levy any tax under this section. No city or town shall levy a license or privilege tax exceeding ten dollars.

Proviso: no municipal tax except *ad valorem*.

Retail dealers.

No county tax.

Limit of municipal tax.

SEC. 71. *Public ferries, bridges, etc.*

Ferries and bridges, tax on receipts. On every ferry or bridge, one per centum of gross receipts; and any person or company operating any such ferry or bridge shall make returns, on oath, of such receipts to the register of deeds of the county in which such public ferry or bridge is located, within ten days after the first days of January and July of each year, and at the same time pay to the sheriff the tax herein imposed: *Provided*, that when a body of water over which the ferry or bridge is operated lies partly in one county and partly in another, one-half of the taxes provided for in this section shall be paid to the sheriff of each of the counties in which such ferry or bridge is operated.

Sworn returns.

Payment of tax. Proviso: division by counties.

Manufacturers and dealers in automobiles. SEC. 72. Every manufacturer of automobiles engaged in the business of selling the same in this State, or every person or persons or corporation engaged in selling automobiles in this State

the manufacturer of which has not paid the license tax provided for in this section before selling or offering for sale any such machine shall pay to the State Treasurer a tax of five hundred dollars and obtain a license for conducting such business. Any applicant for a license shall furnish the State Treasurer with the names of every class or style of machine offered for sale, with a written application for the license. The State Treasurer shall, upon the written application of any one who has obtained the license provided in this section and the payment of a fee of five dollars, issue a certified duplicate containing the name of the agent representing the holder of the license, which gives him the privilege of doing business as the agent of the holder of the license. Every one to whom license shall have been issued as provided in this section shall have power to employ an unlimited number of agents to sell only the machine designated in the license, upon the payment of the tax aforesaid. Each county may levy a tax of five dollars upon each agent doing business in the county. It shall be the duty of the State Treasurer to have this section printed on the face of each license issued under this act, for the information and protection of parties to whom the same may be issued: *Provided*, that where a manufacturer or person or persons or corporation licensed to do business in this State as provided by this act employs one or more traveling representatives, such traveling representatives may do business in any county in which the manufacturer or person or persons or corporation employing such traveling representatives has paid the tax of five dollars to the county as provided by this act, and such traveling representatives shall not be required to pay any tax to the county: *Provided, further*, that if any officer, agent or representative of such manufacturer shall file with the State Treasurer a sworn statement showing that at least three-fourths of the entire assets of the said manufacturer of automobiles are invested in any of the following securities or property, viz: bonds of the State of North Carolina or of any county, city or town of said State, or any property situated therein, and return for taxation therein, the taxes named in this section shall be one-fifth those named.

Application for license.

Duplicates.

Number of agents unlimited.

County tax.

Section printed on license.

Proviso: traveling representatives.

Proviso: investments reducing taxes.

SEC. 73. *Emigrant agents.*

On every emigrant agent or person engaged in procuring laborers for employment out of this State, an annual license tax of one hundred dollars for the State and one hundred dollars for the county, for each county in which such agent or person does business, the same to be collected by the sheriff. Any one engaging in this business without first paying said tax shall be guilty of a misdemeanor and fined not less than two hundred dollars or imprisoned, in the discretion of the court.

Emigrant agents.

State and county tax.

Engaging in business without license misdemeanor.

Punishment.

SEC. 74. *Itinerant oculists.*

Upon every itinerant oculist, an annual license tax of five dollars for each county in which he may practice and five dollars

Itinerant oculists.

Itinerant opticians and dealers in spectacles.
 Proviso: ex-Confederate soldiers exempt.

additional for each county in which he may sell or offer to sell spectacles or eyeglasses; and upon every itinerant optician or dealer in spectacles or glasses, an annual license tax of ten dollars for each county in which he may offer to do business: *Provided*, that ex-Confederate soldiers now authorized by law to peddle in eyeglasses be not required to pay the said license tax.

SEC. 75. *Trading stamps.*

Trading stamps and similar devices.

An annual license tax for the State upon the business of issuing, selling or delivering trading stamps or checks, receipts, certificates, tokens or other similar devices to persons engaged in trade or business, with the understanding or agreement, expressed or implied, that the same shall be presented or given by the latter to their patrons as a discount, bonus or premium or as an inducement to secure trade or patronage, and that the corporation, firm or association or person selling or delivering the same will give to the person presenting or possessing the same, money or other thing of value, or any concession or preference in any way on account of the possession or presentation thereof, is hereby assessed against and imposed upon each corporation, firm, association or person engaged in such business of two hundred dollars; that nothing in this act shall be construed to apply to a manufacturer or to a merchant who sells the goods of such manufacturer from offering to present to the purchaser or customer a gift of certain value as an inducement to purchase such goods: *Provided*, that no county, city or town shall charge more than one hundred dollars.

Manufacturers or merchants offering definite inducements.

Proviso: county, city or town tax.

SCHEDULE C.

SEC. 76. *Defining taxes embraced in this schedule.*

Privilege tax.

The taxes embraced in this schedule shall be listed and paid as specially herein provided, and shall be for the privilege of carrying on the business or doing the act named, and shall be subject to other regulations mentioned in section twenty-six under Schedule B.

Regulations under Schedule B.

SEC. 77. *Privilege tax on railroads.*

Returns of railroads to Auditor.

Every steam railroad company and every person operating a steam railroad in this State shall, on or before the thirtieth day of July in each year, make and return to the State Auditor, in such form and upon such blanks as shall be furnished by him, a true statement of the gross earnings of their respective roads for the preceding year ending the thirtieth day of June; of the number of miles of road operated by each such company or person, and the number of miles in the State, and the gross earnings per mile per annum during such year; which statement shall be verified by the oath of the secretary and treasurer of such companies, or of the person so operating such railroad, and the State Auditor shall certify said amount to the State Treasurer.

Returns to be verified.

Auditor's certificate to Treasurer.

SEC. 78. *Rate of taxation.*

The annual license tax for operating such railroads within the State shall be as follows: When gross earnings per mile are one thousand dollars or less per year, a tax of two dollars per mile; when gross earnings per mile exceed one thousand dollars per year but do not exceed two thousand dollars, a tax of four dollars per mile; when gross earnings per mile exceed two thousand dollars per year but do not exceed three thousand, a tax of six dollars per mile; when gross earnings per mile are in excess of three thousand dollars per year and not over five thousand dollars per mile, a tax of eight dollars per mile; when gross earnings exceed five thousand dollars per mile per year, a tax of ten dollars per mile. The tax imposed by this section shall be paid to the State Treasurer at the time of making the report provided in section seventy-seven. No county, city or town shall be allowed to collect any tax under this section.

Graduated tax on gross earnings.

Tax paid to treasurer.

No county, city or town tax.

SEC. 79. *Privilege tax on express companies.*

That every express company doing business in this State shall, on or before the thirtieth day of July in each year, make and return to the Corporation Commission a statement of the total number of miles of railroad lines over which such express company operates in this State, showing also the number of miles over which an express business has been in business for two years or less; the said Corporation Commission shall certify the same to the State Treasurer as a basis for assessment and collection of the tax levied in the following schedule:

Returns to Corporation Commission.

Certificate to Treasurer.

SEC. 79 (a). That each express company doing business in this State shall pay to the State Treasurer an annual privilege or license tax of three dollars (§3) per mile for each mile of railroad over which such company operates in this State, as shown by the report of such express company to the Corporation Commission: *Provided*, that no tax shall be levied or collected under this section based upon any mileage upon which express service may be hereafter extended, until such service has been in operation for the period of two years; *Provided*, that no county shall levy any tax under this section. There may be levied and collected by every incorporated municipality in the State of North Carolina from each express company, for the privilege of doing business within the municipal limits of said incorporated municipalities, a privilege or license tax, to be computed and based on the population of said municipalities, as follows: Incorporated municipalities having a population of five hundred people or less, five dollars per annum; incorporated municipalities having a population of five hundred people and not exceeding one thousand people, ten dollars per annum; incorporated municipalities having a population of one thousand and not exceeding five thousand people, twenty dollars per annum; incorporated municipalities having a population of five

Tax on mileage.

Provide: tax on future extensions.

Provide: no county tax. Municipal tax.

Graduation of municipal tax.

thousand and not exceeding ten thousand people, thirty dollars per annum; incorporated municipalities having a population of ten thousand and not exceeding twenty thousand people, fifty dollars per annum; incorporated municipalities having a population of exceeding twenty thousand people, seventy-five dollars per annum: *Provided, further*, that nothing in this section shall be construed to authorize the imposition of any tax upon interstate commerce, or upon any business transacted for the Federal government.

Proviso: interstate commerce and business transacted for government.

SEC. 80. *Telegraph companies.*

Telegraph companies.

Tax per mile.

Tax Commissioners certify mileage to Auditor.
Treasurer to collect tax.

Proviso: interstate commerce and business of government.

Proviso: no county tax.

Graduated town tax.

Each and every person, firm or corporation operating within this State the apparatus necessary to communication by telegraph shall pay for the privilege of engaging in such business to the State an annual license tax of two dollars per mile for each pole mile of each telegraph line owned or operated by them within the State, as shown by report of such telegraph company to the Tax Commissioners under section forty-eight of the Machinery Act, and it shall be the duty of the Tax Commissioners to certify to the State Auditor the number of miles of line operated by such telegraph company in this State, and it shall be the duty of the State Treasurer to collect the tax as herein levied upon the basis of mileage as reported: *Provided*, that nothing in this section shall be construed to authorize the imposition of any tax upon interstate commerce or upon any business transacted for the Federal government: *Provided*, that no county shall levy any additional tax under this section, but towns may levy the following taxes: Those having a population of one thousand and not exceeding five thousand, ten dollars; from five thousand to ten thousand, fifteen dollars; from ten thousand to twenty thousand, twenty dollars; over twenty thousand, fifty dollars.

SEC. 81. *Telephone companies.*

Telephone companies.
Tax on gross receipts.
Ascertainment of amount.

Proviso: investments reducing tax.

On every telephone company doing business in this State, an annual tax of two and one-half per cent on the gross receipts of such telephone company within the State, reckoning for the purpose of ascertaining the amount of such gross receipts the proportion of the interstate business done within the State which is properly credited to North Carolina: *Provided*, that if any such company shall file with the Board of State Tax Commissioners a statement, signed and sworn to by its principal officer in this State, showing that at least one-quarter of the entire assets of his company, when his company has assets, are invested in and are maintained in any or all of the following securities or property, viz, bonds of this State or of any county, city or town of this State, or any property situate in this State and taxable therein, then the tax shall be one and one-half per cent; and if the amount so invested shall be one-half of its total assets the tax shall be one per cent; and if the amount so invested shall be three-fourths

of its total assets the tax shall be one-half of one per cent. The superintendent, general manager or other chief officer of every such company shall make and return, under oath, to the Treasurer of the State, within ten days after the first day of January, April, July and October of each year, of the amount of the gross receipts of the company for the quarter ending on the first day of the month immediately preceding, and pay to the Treasurer the tax herein imposed at the time of making such return. It shall be the duty of each sheriff to report to the Treasurer any such company doing business in his county. In case of default of such return and payment of tax, the company shall pay a penalty of one thousand dollars, to be collected by such sheriff as the Treasurer of the State shall designate, by distress or otherwise: *Provided, further*, no county, city or town shall be allowed to impose an additional tax, license or fee provided in this section, except the *ad valorem* tax.

Sworn returns to Treasurer.

Payment of tax.

Sheriffs to report companies.

Penalty for default.

Collection of penalty.
 Proviso: no county, city or town tax except *ad valorem*.

SEC. 82. *Franchise tax on corporations.*

Domestic Corporations.—Between the first day of May and the first day of July, one thousand nine hundred and thirteen, and annually thereafter during the month of May, each corporation organized under the laws of this State for profit shall make a report, in writing, to the State Tax Commission, in such form as the commission may prescribe.

Reports of corporations to State Tax Commission.

SEC. 82. (1) Such report shall be signed and sworn to before an officer authorized to administer oaths, by the president, vice-president, secretary, or general manager of the corporation, and forwarded to the commission.

Verification of report.

SEC. 82. (2) Such report shall contain:

Contents of report.

(a) The name of the corporation.

Corporate name.

(b) The location of its principal office.

Principal office.

(c) The name of the president, secretary, treasurer, and members of the board of directors, with the post-office address of each.

Names and address of officers.

(d) The date of the annual election of officers.

Date of annual election.

(e) The amount of authorized capital stock and the par value of each share.

Capital stock and par value.

(f) The amount of capital stock subscribed, the amount of capital stock issued and outstanding, and the amount of capital stock paid up.

Capital subscribed, issued and outstanding, and paid up.

(g) The nature and kind of business in which the corporation is engaged, and its place or places of business.

Business and places of business.

(h) The change or changes, if any, in the above particulars made since the last annual report.

Changes since last report.

SEC. 82. (3) Upon the filing of the report provided for in the last three preceding subsections, the commission, after finding such report to be correct, shall, on or before the first Monday of August, determine the amount of the subscribed or issued and outstanding capital stock of each such corporation. On the first Monday in August, or as soon thereafter as practicable, the com-

Determination of subscribed or issued and outstanding stock.

Certificate to Auditor.

Tax to be charged by Auditor.	mission shall certify the amount so determined by it to the Auditor of the State, who shall charge for collection, on or before August fifteenth, as herein provided, from such corporation, a fee of one-fifteenth of one per cent upon its subscribed or issued and outstanding capital stock, which fee shall not be less than seven dollars and fifty cents in any case. Such fee shall be payable to the Treasurer of State on or before the first day of the following October. No county, city or town shall have the power to levy any franchise tax under this section.
Minimum. Payable to Treasurer.	
No county, city or town tax.	
Report to commission by foreign corporations.	SEC. 82. (4) <i>Foreign Corporations.</i> —Annually during the month of July, each foreign corporation, for profit doing business in this State, and owning or using a part or all of its capital or plant in this State, and subject to compliance with all other provisions of law, and in addition to all other statements required by law, shall make a report in writing to the commission in such form as the commission may prescribe.
Verification of report.	SEC. 82. (5) Such report shall be signed and sworn to before an officer authorized to administer oaths, by the president, vice-president, secretary, superintendent, or managing agent in this State, and forwarded to the commission.
Contents.	SEC. 82. (6) Such report shall contain:
Name and domicile.	(a) The name of the corporation and under the laws of what State or country organized.
Principal office.	(b) The location of its principal office.
Names and address of officers.	(c) The names of the president, secretary, treasurer, and members of the board of directors, with the post-office address of each.
Date of annual election.	(d) The date of the annual election of officers.
Authorized stock and par value.	(e) The amount of authorized capital stock, and the par value of each share.
Stock subscribed, issued and paid up.	(f) The amount of capital stock subscribed, the amount of capital stock issued, and the amount of capital stock paid up.
Business and places of business.	(g) The nature and kind of business in which the company is engaged and its place or places of business, both within and without the State.
Location of offices and names of agents.	(h) The name and location of its office or offices in this State, and the name and address of the officers or agents of the corporation in charge of its business in this State.
Value and location of property.	(i) The value of the property owned and used by the company in this State, where situated, and the value of the property owned and used outside of this State, and where situated.
Volume of business in State.	(j) The volume of business done by the company in this State.
Volume and location of business outside State.	(k) The volume of business done by the company outside of the State, and where the said business is done.
Changes since last report.	(l) The change or changes, if any, in the above particulars, made since the last annual report.
Proportion of capital in this State.	SEC. 82. (7) Upon the filing of the report provided for in the last three preceding subsections, the commission, from the facts thus reported and any other facts coming to its knowledge bearing upon the question, shall, on or before the first Monday in

September, determine the proportion of the authorized capital stock of the company represented by its property and business in this State. On the first Monday in October the commission shall certify the amount of the proportion of the authorized capital stock of each such company represented by its property and business in this State, as determined by it, to the Auditor of State.

SEC. 82. (8) On or before October fifteenth, the Auditor of State shall charge for collection, as herein provided, annually, from such company, in addition to the initial fees otherwise provided for by law, for the privilege of exercising its franchise in this State, a fee of one-fifteenth of one per cent upon the proportion of the subscribed or issued and outstanding capital stock of the corporation represented by property owned and used and business transacted in this State, which fee shall not be less than seven dollars and fifty cents in any case. Such fee shall be payable to the Treasurer of State on or before the first day of the following December. No county, city or town shall have the power to levy any franchise tax under this section.

SEC. 82. (9) That nothing in the nine preceding subsections of this act shall apply to banks, insurance companies, fraternal beneficent associations, building and loan associations, railroad, express, telephone or telegraph companies, or other corporations, upon which a franchise tax may be levied in other sections of this act.

SEC. 82. (10) *General provisions.*—Between the dates herein fixed for the determination of the amount of subscribed or issued and outstanding capital stock of a domestic corporation and the proportion of the authorized capital stock of a foreign corporation, represented by property owned and used and business transacted by it in this State, and the dates herein fixed for the certification to the Auditor of State of such amount or proportion, the commission may, on the application of any person or company interested, or on its own motion, review and correct its findings.

SEC. 82. (11) Upon the payment of the tax or fee provided for in this act, to the Treasurer of State, the Treasurer of State shall make out and deliver to the public utility or corporation so paying a receipt for the payment by such public utility or corporation of the tax or fee herein provided for.

SEC. 82. (12) The fees, taxes and penalties required to be paid by this act shall be the first and best lien on all property of the public utility or corporation, whether such property is employed by the public utility or corporation in the prosecution of its business or is in the hands of an assignee, trustee, or receiver for the benefit of the creditors and stockholders thereof.

SEC. 82. (13) *Penalties.*—If a public utility or corporation required to file a report by any provision of this act, fails or neglects to make such report as required herein, it shall be subject to a penalty of ten dollars per day for each day's omission after the time limited in this act for making such report.

Report to Auditor.

Amount charged to company.

Minimum.

Payment to Treasurer.

No county, city or town tax.

Companies paying franchise tax excepted.

Review and correction of finding.

Treasurer to give receipts.

Fees, taxes and penalties first liens on property.

Penalty for failure to file report.

Taxes credited to general fund.

Treasurer to report delinquents.

Penalty for non-payment. Auditor to certify taxes, fees and penalties to Treasurer.

Treasurer to certify lists of delinquents to the commission.

Action for recovery.

Jurisdiction.

Action by Attorney General.

Allegation.

Recovery to credit of general fund.

Liabilities, restrictions and powers of foreign corporations.

Contracts by foreign corporations before domestication.

Excepted corporations.

SEC. 82. (14) All taxes received by the Treasurer of State, under the provisions of this act, shall be credited to the general revenue fund. If any public utility fails or refuses to pay, on or before the fifteenth day of October, the tax assessed against it, or if any corporation fails or refuses to pay, on or before the dates fixed in this act, the fee charged against it, the Treasurer of State shall certify the list of such utilities or corporations so delinquent to the Auditor of State, who shall add to the tax or fee due a penalty of fifteen per centum thereon. The Auditor of State shall thereupon forthwith prepare proper duplicates and reports of such taxes and fees and penalties thereon and certify them to the Treasurer of State for collection. Thirty days after he receives such duplicates of delinquent taxes and fees and penalties thereon from the Auditor of State, the Treasurer of State shall certify to the commission a list of such public utilities and corporations as have failed to pay such taxes or fees and penalties thereon.

SEC. 82. (15) Such taxes or fees and penalties thereon may be recovered by an action in the name of the State, which may be brought in the Superior Court of Wake County, or in any county in which such corporation has an office or place of business, or in which such public utility is doing business, or the line of any street, suburban or interurban railroad company or railroad company is located, and such Superior Court shall have jurisdiction of such action regardless of the amount involved therein. The Attorney-General, on request of the commission, shall institute such action in the Superior Court of Wake County, or of any such counties as the commission may direct. In any such action it shall be sufficient to allege that the tax, fee or penalty sought to be recovered stands charged on the delinquent duplicate of the Treasurer of State, and that the same has been unpaid for a period of thirty days after having been placed thereon. Sums recovered in any such action shall be paid in to the State Treasurer, to the credit of the general fund.

SEC. 82. (16) All foreign corporations, and the officers and agents thereof, doing business in this State, shall be subjected to all the liabilities and restrictions that are or may be imposed upon corporations of like character, organized under the laws of this State, and shall have no other or greater powers. Every contract made by or on behalf of any such foreign corporation, affecting the liability thereof or relating to its property within this State, before it shall have complied with the provisions of section eleven hundred and ninety-four of The Revisal of one thousand nine hundred and five, shall be wholly void on its behalf and on behalf of its assigns, but shall be enforceable against it or them. Nothing contained in this subsection shall be held or construed to apply to insurance corporations, fraternal beneficiary associations, or building and loan associations, banking, railroad, express, telephone, and telegraph companies.

SEC. 82. (17) If a corporation, whenever organized, required by the provisions of this act to file any report or return or to pay any tax or fee, either as a public utility or as a corporation, organized under the laws of this State, for profit, or as a foreign corporation for profit doing business in this State and owning and using a part or all of its capital or plant in this State, or as a sleeping car, freight line, or equipment company, fails or neglects to make any such report or return or to pay any such tax or fee for ninety days after the time prescribed in this act for making such report or return or for paying such tax or fee, the commission shall certify such fact to the Secretary of State. The Secretary of State shall thereupon cancel the articles of incorporation of any such corporation which is organized under the laws of this State, by appropriate entry upon the margin of the record thereof, or cancel the certificate of authority of any such foreign corporation to do business in this State, by proper entry. Thereupon all the powers, privileges and franchises conferred upon such corporation by such articles of incorporation or by such certificate of authority shall cease and determine. The Secretary of State shall immediately notify such domestic or foreign corporation of the action taken by him.

Forfeiture of charter or of domestication.

Powers, privileges and franchises determined.

Notice to corporation.

SEC. 82. (18) Any person or persons who shall exercise, or attempt to exercise, any powers, privileges or franchises, under the articles of incorporation or certificate of authority, after the same are canceled, as provided in section . . . of this act, shall be fined not less than one hundred dollars nor more than one thousand dollars.

Fine for corporate action after cancellation.

SEC. 82. (19) Any corporation whose articles of incorporation or certificate of authority to do business in this State has been canceled by the Secretary of State, as provided in section . . . of this act, upon the filing, within two years after such cancellation, with the Secretary of State, of a certificate from the commission that it has complied with all the requirements of this act and paid all taxes, fees, or penalties due from it, and upon the payment to the Secretary of State of an additional penalty of one hundred dollars, shall be entitled to again exercise its rights, privileges and franchises in this State, and the Secretary of State shall cancel the entry made by him under the provisions of section . . . of this act, and shall issue his certificate entitling such corporation to exercise its rights, privileges and franchises.

Restoration within two years.

Additional penalty.

Cancellation of entry.

Certificate of restoration.

SEC. 82. (20) In addition to all other remedies for the collection of any taxes or fees due, under the provisions of this act, the Attorney-General shall, upon request of the commission, whenever any taxes, fees or penalties due under this act from any public utility or corporation shall have remained unpaid for a period of ninety days, or whenever any corporation or public utility has failed or neglected for ninety days to make or file any report or return required by this act, or to pay any penalty for failure to make or file such report or return, apply to the Superior Court

Remedy by injunction.

- of Wake County, or of any county in the State in which such public utility or corporation is located or has an office or place of business, for an injunction to restrain such public utility or corporation from the transaction of any business within this State, until the payment of such taxes or fees and penalties thereon, or the making and filing of such report or return and payment of penalties for failure to make or file such report or return, and the costs of such application, which shall be fixed by the court. Such petition shall be in the name of the State, and if it is made to appear to the court, upon hearing, that such public utility or corporation has failed and neglected, for ninety days, to pay such taxes, fees or penalties thereon, or to make and file such reports or to pay such penalties for failure to make or file such reports or returns, such court shall grant and issue such injunction. All actions brought under this act shall have procedure over any civil cause of a different nature pending in such court, and such court shall always be deemed open for the trial of any such action brought therein.
- Grant and issue of injunction.**
- Precedence of action.**
- Court always open.**
- Remedy by quo-warranto.**
- Judgment of ouster.**
- Personal liability of officer, agent or employee of a delinquent corporation.**
- Forfeiture on corporation ordering delinquency by officer, agent or employee.**
- SEC. 82. (21) If any corporation fails or neglects to make and file the reports and returns required by this act, or to pay the penalties provided in this act for failure to make and file such reports or returns, for a period of ninety days after the time prescribed in this act, the Attorney-General, on request of the commission, shall commence an action of *quo warranto* in the Superior Court of Wake County or any county in this State in which such corporation is located or has an office or place of business, to forfeit and annul its privileges and franchise. If the court is satisfied that any such corporation is in default as aforesaid, it shall render judgment ousting such corporation from the exercise of its privileges and franchises within this State, and shall otherwise proceed as provided in chapter
- SEC. 82. (22) Whoever, being an officer, agent or employee of any public utility, company, firm, person, copartnership, corporation, or association, subject to the provisions of any law which the Tax Commission of North Carolina is required to administer, shall fail or refuse to fill out and return any blanks, as required by such law, or shall fail or refuse to answer any questions therein propounded, or shall knowingly or willfully give a false answer to any such question wherein the fact inquired of is within his knowledge, or who shall, upon proper demand, fail or refuse to exhibit to such commission or any commissioner, or any person duly authorized, any book, paper, account, record, or memorandum of such public utility which is in his possession or under his control, shall be fined not more than one thousand dollars for each offense.
- SEC. 82. (23) A forfeiture of not less than five hundred dollars nor more than one thousand dollars shall be recovered from any such public utility, company, firm, person, copartnership, corporation or association for each violation of the next preceding

subsection when such officer, agent or employee acted in obedience to the direction, instruction or request of such public utility, company, corporation or association, or any general officer thereof.

SEC. 82. (24) Every day during which any public utility, company, corporation, association, firm, copartnership, officer or individual, subject to the provisions of any law which the Tax Commission of North Carolina is required to administer, or any officer, agent or employee thereof, shall willfully fail to observe and comply with any order or direction of such commission or to perform any duty enjoined by such law, shall constitute a separate and distinct offense. Separate offenses.

SEC. 82. (25) *Blanks.*—Each company, firm, corporation, person, association, copartnership or public utility shall furnish the commission in the form of returns prescribed by it all information required by law and all other facts and information, in addition to the facts and information in this act specifically required to be given, which the commission may require to enable it to carry into effect the provisions of the laws which the commission is required to administer, and shall make specific answer to all questions submitted by the commission. Additional returns prescribed by commission.

SEC. 82. (26) Any such company, firm, corporation, person, association, copartnership or public utility receiving from the commission any blanks with directions to fill them, shall cause them to be properly filled out so as to answer fully and correctly each question therein propounded, and in case it is unable to answer any question, it shall, in writing, give a good and sufficient reason for such failure. Specific answers to all questions.

SEC. 82. (27) The answers to such questions shall be verified under oath by such person, or by the president, secretary, superintendent, general manager, principal accounting officer, partner, or agent, and returned to the commission, at its office, within the period fixed by the commission. Corporations to fill blanks fully and correctly.

SEC. 82. (28) The commission shall cause to be prepared suitable blanks for carrying out the purpose of the laws which it is required to administer, and, on application, furnish such blanks to each company, firm, corporation, person, association, copartnership or public utility subject thereto. Reason for failure to answer.

SEC. 82. (29) The commission, when it deems the same necessary or advisable, may extend to any corporation or public utility a further specified time, not to exceed ninety days, within which to file any report required by law to be filed with the commission, in which event the attaching, or taking effect of any penalty for failure to file such report or pay any tax or fee shall be extended or postponed accordingly. Verification and return of answers.

SEC. 83. *On each marriage license, one dollar.*

The tax on marriage license shall be one dollar, and shall be paid to the register of deeds. It shall be the duty of the register of deeds to render annually to the sheriff, on the first Monday in Commission to prepare and furnish blanks.
Commission may extend time for answer.
Tax on marriage license.
Sworn returns from register of deeds.

December, sworn statements in detail of taxes received by him under this section, and at the same time pay him the money thus received, and thereupon the sheriff shall file the statements of the register of deeds with the clerk of the Superior Court. The said marriage license tax shall be paid to the State Treasurer by the sheriff of the county in which the same is collected when he settles for the other State taxes. The counties may levy the same tax upon marriage licenses as is levied by the State.

SEC. 84. *Tax on seal affixed by officers.*

Whenever the seal of State, of the treasury department, or other public officer required by law to keep a seal (not including clerks of the courts, other county officers and notaries public) shall be affixed to any paper, the tax shall be as follows, to be paid by the party applying for same: For the Great Seal of the State on any commission, two dollars, except magistrates' commissions, which shall be without fee; on warrants of extradition for fugitives from justice from other states, a reciprocal seal tax and fee shall be charged, *i. e.*, the same fee and seal tax must be collected from the state making requisition which is charged this State for like service. All fees and seal taxes of whatever kind collected by the Private Secretary of the Governor shall be paid into the treasury quarterly; for the seal of the state department, one dollar, to be collected by the Secretary of the State and paid by him into the treasury; for the seal of the State Treasurer, to be collected by him and accounted for as other public money, one dollar. Said officers shall keep an account of the number of times their seals may be used, and shall deliver to the proper officer a sworn statement thereof. Whenever a scroll is used in the absence of a seal by any of the said officers the said tax shall be on the scroll. Seals affixed for the use of any county or the State or used on the commissions of officers of the militia, justices of the peace, or any other public officer not having a salary, or under the pension law, or under any process of court, shall be exempt from taxation. The officers collecting the said taxes and fees may retain as compensation five per centum only, as provided in The Revisal of one thousand nine hundred and five, except in case of sheriffs, whose compensation shall be allowed by the Auditor. Any person receiving taxes under this section and willfully refusing or neglecting to pay the same as required, shall be guilty of a misdemeanor, and upon conviction shall be fined not more than five hundred dollars or imprisoned at the discretion of the court.

SEC. 85. *Licenses to be countersigned and recorded by the register of deeds.*

All licenses issued in accordance with this act, except those issued by the State Treasurer, shall not be valid until they shall be exhibited to and countersigned by the register of deeds, by

whom a permanent record of all such licenses shall be kept. The register of deeds shall be entitled to a fee of fifteen cents for each license recorded by him, to be paid by the person applying for the license.

Permanent record.
Fee of register of deeds.

SEC. 86. *Fines for the benefit of the school fund.*

Whenever any officer, including justices of the peace, receives or collects a fine, penalty or forfeiture in behalf of the State, he shall, within thirty days after such reception or collection, pay over and account for the same to the treasurer of the county board of education for the benefit of the fund for establishing and maintaining the free public schools in such county. Whenever any fine or penalty is imposed by any officer the said fine or penalty shall be at once docketed, and shall not be remitted except for good and sufficient reasons, which shall be stated on the docket.

Officers to pay over fines, penalties and forfeitures.
To use of school fund.

Fines and penalties docketed.

If remitted cause to be docketed.

SEC. 87. *Misappropriation of taxes deemed embezzlement.*

Any officer, including justices of the peace, violating the preceding section or appropriating to his own use any State, county, school, city or town taxes shall be guilty of embezzlement, and upon conviction shall be punished by imprisonment in the State's Prison for not less than six months nor more than five years, at the discretion of the court.

Officer appropriating funds guilty of embezzlement.

Punishment.

SEC. 88. *Duty of sheriff in case of violations of the provisions of this act.*

That it shall be and is hereby made the duty of the sheriff of each county in the State to make diligent inquiry as to whether or not all license taxes provided for under Schedules B and C of this act shall have been paid, and ascertain whether it is his duty to collect the tax or whether such license should be issued by the State Treasurer or Secretary of State; and if it is found that the State Treasurer should issue such license, the State Treasurer must at once be notified by the sheriff or tax collector; and any person, firm or corporation liable for such license tax who fails or refuses to pay such tax when demanded by the sheriff shall be guilty of a misdemeanor and punished by fine or imprisoned at the discretion of the court; and it shall be the duty of the sheriff, upon the failure of any such person, firm or corporation to pay such license tax on demand, to swear out a warrant before some justice of the peace in said county, and if on the hearing of said matter the justice shall find that there is probable cause for believing that such person, persons or corporation is guilty of a violation of this act, he shall cause such person, persons or corporation to enter into bond for appearance at the next term of the Superior Court of said county to answer the charge: *Provided, however,* that if said person, persons or corporation shall pay to the sheriff the full amount of such license tax, all costs and expenses due said sheriff and the justice of the peace before

Sheriffs to make diligent inquiry.

Notice to Treasurer.

Failure or refusal to pay license tax misdemeanor.

Punishment.

Sheriff to swear out warrant.

Persons bound over to court.

Proviso: dismissal of action on payment of tax and cost.

Collection of tax by distress. the cause is heard before said justice, then said justice may dismiss the action; and upon failure of any person, persons or corporation to pay any of the license taxes imposed by this act, when due, the sheriff shall have power to levy upon any personal or real estate owned by such person, persons or corporation, as provided in other cases where taxes are collected by distraint:

Proviso: sheriff not liable unless notice shown. Lists to be furnished judge. Judge to deliver lists to grand jury.

Provided, further, that the sheriff shall not be liable for false arrest or wrongfully levying upon any property under this section unless it shall appear that the sheriff did so maliciously. It shall be the duty of the sheriff to furnish to the judge of the Superior Court at each term of court the names of all persons in his county doing business enumerated in these schedules, specifying those who have paid the tax and those who have failed to pay, and the judge shall thereupon deliver the same to the grand jury and charge them as to their duty thereupon.

SEC. 89. *Unless prohibited, county may levy same license as State.*

County license tax. In cases where a specific license tax is levied for the privilege of carrying on any business, trade, or profession the county may levy the same tax and no more: *Provided,* no provision to the contrary is made in the section levying the specific license tax.

Proviso: no specific prohibition.

SEC. 90. *Appropriation for Auditor and Treasurer.*

Appropriation for Treasurer. A sum not to exceed two thousand five hundred dollars is hereby appropriated out of any moneys not otherwise appropriated, to be expended by the Treasurer of the State as he may deem best and necessary to secure the prompt and proper collection of taxes and the protection of the treasury; and a like amount of two thousand five hundred dollars or so much thereof as may be necessary is hereby appropriated to be used by the Auditor of the State for the proper enforcement of the Machinery Act.

Appropriation for Auditor.

SEC. 91. *License to be exhibited on demand.*

License to be exhibited on demand by officer. It shall be the duty of every person liable to any license tax under this act to exhibit his license, whether said license is issued by the sheriff or the State Treasurer, or Secretary of State, upon demand of any sheriff, constable, deputy sheriff or justice of the peace of any county in which he may offer to do business or practice the trade or profession for which license is required, and upon failure to do so every such person may be arrested and held to answer the charge, and if after arrest he shall produce his license he shall be discharged upon payment of costs.

Arrest on failure. Discharge on production of license and payment of costs. Transacting business without possession of license forbidden.

SEC. 92. It shall be unlawful for any person to carry on or practice any itinerate trade, business or profession for which a license is required under this chapter without having in his actual possession at the time of so carrying on or practicing said trade, business or profession, said license or duplicate thereof. Neither the State Treasurer nor Secretary of State nor sheriff shall have authority to issue a duplicate of any license unless expressly au-

Duplicates not issued unless expressly authorized.

thorized to do so by this chapter, but each person, firm or corporation shall be required to take out a separate license for each agent. Any person violating the provisions of this act shall be guilty of a misdemeanor. Violation of act misdemeanor.

SEC. 93. *Subjects of taxation revised in this act not otherwise taxable.*

All laws imposing taxes the subjects of which are revised in this act are hereby repealed: *Provided*, that this repeal shall not extend to the provisions of any law so far as they relate to the taxes listed or which ought to or would have been listed, or which may have been due previous to the ratification of this act. Conflicting laws repealed.
Proviso: effect of repeal.

SEC. 94. This act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this the 12th day of March, 1913.

CHAPTER 202.

AN ACT RELATING TO THE APPOINTMENT OF THE HEADS OF THE DIVISIONS IN THE DEPARTMENT OF AGRICULTURE AND THEIR ASSISTANTS.

The General Assembly of North Carolina do enact:

SECTION 1. That section three thousand nine hundred and thirty-nine of The Revisal of one thousand nine hundred and five be amended by adding thereto the following: "That heads of divisions and their assistants shall be appointed by the Commissioner of Agriculture, subject to the approval of a majority of the board." Appointments.

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

In the General Assembly read three times and ratified, this the 6th day of March, 1913.

CHAPTER 203.

AN ACT TO AMEND CHAPTER 50, PUBLIC LAWS OF 1911, IN RELATION TO THE ASSESSMENT OF PROPERTY AND THE COLLECTION OF TAXES.

The General Assembly of North Carolina do enact:

ARTICLE I.

BOARD OF STATE TAX COMMISSIONERS.

SECTION 1. *Board of Corporation Commissioners created Board of State Tax Commissioners.*

Corporation Commission created board of State Tax Commissioners.

In addition to the duties imposed upon the Board of Corporation Commissioners by the act creating said board, they are hereby created a Board of State Tax Commissioners, with powers and duties prescribed under this act.

Members to qualify.

SEC. 2. The members of said board shall take and subscribe the constitutional oath of office to be filed with the Secretary of State.

General supervision of system of taxation.

SEC. 3. It shall be the duty of said board and they shall have power and authority to have general supervision of the system of taxation throughout the State, and to have and exercise general supervision over the administration of all assessment and tax laws, over all county, township, and city tax assessors and boards of equalization, to the end that all assessments of property, real, personal, and mixed, be made relatively just and uniform, and at its true value in money; to require all county, township, and city assessors, boards of equalization, levy and assessment, under penalty of forfeiture and removal from office, as such assessors or boards, to assess all property of every kind and character at its true value in money.

General supervision of administration of laws, assessors and boards of valuation.

To confer with and advise officers.

(1) To confer with and advise assessing officers as to their duties under this act, and to institute proper proceedings to enforce the penalties and liabilities provided by law for public officers, officers of corporations and individuals failing to comply with this act; to prefer charges to the Governor against assessing and taxation officers who violate the law or fail in the performance of their duties in reference to assessments and taxation; and in the execution of these powers the said board may call upon the Attorney-General or any prosecuting attorney in the State to assist said board.

To institute proceedings for enforcement of penalties and liabilities.

To prefer charges against officers.

Attorney-General and prosecuting officers to assist.

Pamphlet for instruction of tax assessors.

(2) At least thirty days previous to the date fixed for listing taxes, to prepare a pamphlet for the instruction of tax assessors. Said pamphlet shall, in as plain terms as possible, explain the proper working of the tax laws of the State, and shall call particular attention to any points in the administration of the laws, which have seemed to be overlooked or neglected. They shall advise the assessors of the practical working of the laws and explain any points which seem to be intricate and upon which assessors may differ.

Attention to points overlooked or neglected.

Advisory and explanatory duties.

- (3) To receive complaints as to property liable to taxation that has not been assessed or of property that has been fraudulently or improperly assessed through error or otherwise, and to investigate the same, and to take such proceedings, and to make such orders as will correct the irregularity complained of, if found to exist.
- To receive and investigate complaints.
- Correction of irregularities.
- (4) To see that each county in the State be visited by at least one member of the board as often as is necessary, to the end that all complaints concerning the law of assessment and taxation may be heard; that information concerning its workings may be collected; that all assessing and taxation officers comply with the law and all violations thereof be punished, and that all proper suggestions as to amendments and change may be made.
- Visits to counties.
Purpose of visits.
- (5) To require from any registers of deeds, clerks of courts, mayors and clerks of towns or any other officer in this State, on forms prescribed by said Board of State Tax Commissioners, such annual or other reports as shall enable said board to ascertain the assessed valuations of all property listed for taxation throughout the State under this act, the amount of taxes assessed, collected and returned delinquent, and such other matters as the board may require, to the end that it may have complete and statistical information as to the practical operation of this act; that every such officer mentioned in this section who shall willfully neglect or refuse to furnish any report required by the commission for the purposes of this act, or who shall willfully and unlawfully hinder, delay or obstruct said commission in the discharge of its duties, shall forfeit and pay one hundred dollars for each offense, to be recovered in an action in the name of the State. A delay of ten days to make and furnish such report shall raise the presumption that the same was willful.
- To require reports from officers.
- Penalty for neglect or refusal to furnish reports or hindrance to commission.
- Presumption of willful delay.
- (6) To make diligent investigation and inquiry concerning the revenue laws and systems of other states and countries, so far as the same is made known by published reports and statistics and can be ascertained by correspondence with officers thereof, and, with the aid of information thus obtained, together with experience and observation of our own laws, to recommend to the Legislature at each regular session thereof such amendments, changes or modifications of our revenue laws as seem proper and necessary to remedy injustice and irregularities in taxation and to facilitate the assessment and collection of public revenues.
- To investigate laws and systems of other states and countries.
- Recommendations to Legislature.
- (7) To further report to the Legislature at each regular session thereof, or at such other times as the Legislature may direct, the whole amount of taxes collected in the State for all purposes, classified as to State, county, township and municipal purposes, with the sources thereof; the amount lost, the cause of the loss, the proceedings of said board and such other matters of information concerning the public revenues as it may deem of public interest.
- Reports to Legislature.

To discharge other duties. (8) To discharge such other duties as are or may be prescribed by law.

SEC. 4. *Board to make annual report to the Governor.*

Annual report to Governor.

The Board of State Tax Commissioners shall, on or before the first day of November of each year, make an annual report to the Governor of the State, setting forth the workings of said commission during the preceding year and containing the findings and recommendations of said commission in relation to all matters of taxation. The State Auditor shall cause two thousand copies of said report to be printed on or before the first day of December succeeding the making of said report. One hundred copies of said report shall be placed at the disposal of the State Librarian for distribution and exchange, and a copy of said report shall be forwarded by said Tax Commission to each member of the General Assembly as soon as printed.

Report to be printed.

Distribution of report.

Power to reconvene county board of equalization.

SEC. 5. After the various tax lists required to be made under this act shall have been passed upon by the county board of equalization the State Board of Tax Commissioners or any member thereof shall have power to reconvene said board and to make such orders as the Tax Commissioners shall determine are just and necessary, and to direct and order such county boards of equalization to raise or lower the valuation of the property, real or personal, in any county, township or city, and to raise or lower the valuation of property of any person, company or corporation; and to order and direct any county board of equalization or board of county commissioners to raise or lower the valuation of any class or classes of property; and generally to perform and do any act or to make any order or direction to any county board of equalization, board of county commissioners, or any county or township assessor as to the valuation of any property or any class of property in any township, city or county, which in the judgment of said Tax Commission may seem just and necessary, to the end that all property shall be valued and assessed in the same manner and to the same extent as any and all other property, real or personal, required to be listed for taxation. The Tax Commissioners or any member thereof are authorized to require county assessors to carefully place upon the assessment rolls, for taxation as provided by law, omitted property which may be discovered to have for any reason escaped assessment and taxation in previous years.

Procedure for correction of tax lists.

General powers in revision of tax lists.

Omitted property to be placed on lists.

May require counties to file itemized abstracts.

Power to make rules and regulations.

The Board of Tax Commissioners are authorized to require the county assessors or clerk of the board of county commissioners of each county in the State to file with them, when called for, complete abstracts of all real and personal property in the county as equalized by the county board of equalization and itemized by townships. The Board of Tax Commissioners are authorized to make such rules and regulations as the board may deem proper to effectually carry out the purposes for which the board is con-

stituted and to make all rules and regulations not inconsistent with law as the board may deem necessary with respect to its own meetings, proceedings, notices, and hearings.

SEC. 6. The said Board of State Tax Commissioners shall keep an accurate record of its official proceedings. Certified copies of its records, attested with its official seal, shall be received in evidence in all courts of the State with like effect as certified copies of other public records.

Record of official proceedings.
Certified copies received in evidence.

SEC. 7. *Place of meetings of board; shall have access to books, papers, etc., with power to subpoena and examine witnesses.*

Regular sessions of said board shall be held at the office of said board in the city of Raleigh. The said board and the members thereof shall have access to all books, papers, documents, statements and accounts on file or of record in any of the departments of state. It shall have like access to all books, papers, documents, statements and accounts on file or of record in counties, townships and municipalities. Said board shall have the right to subpoena witnesses, upon a subpoena signed by the chairman of said board, directed to such witnesses, which subpoena may be served by any person authorized to serve subpoenas from courts of record in this State; and the attendance of witnesses may be compelled by attachment, to be issued by any Superior Court upon proper showing that such witness has been properly subpoenaed and has refused to obey such subpoena. The person serving such subpoena shall receive the same compensation now allowed to sheriffs and other officers for serving subpoenas. Said board shall have the power to examine witnesses under oath, said oath to be administered by any member of said board or by the secretary thereof. Said board shall have the right to examine books, papers or accounts of any corporation, firm or individual owning property liable to assessment for taxes, general or specific, under the laws of this State; and any officer or stockholder of any such corporation, any member of any such firm or any person or persons who shall refuse to permit such inspection or neglect or fail to appear before said board in response to its subpoena, or testify, as provided for in this section, shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding one thousand dollars or by imprisonment in the State's Prison for a period not exceeding two years, or both such fine and imprisonment, in the discretion of the court.

Sessions of board.

Access to books, records and documents.

To subpoena witnesses.

Service of subpoena.

Attendance compelled by attachment.

Fee for service.

Power to examine under oath.

Administration of oath.
Right to examine books, papers or accounts.

Refusal to permit inspection or failure to appear and testify a misdemeanor.

Punishment.

SEC. 8. The State Board of Tax Commissioners shall constitute a state board of equalization of valuations and taxes for the State. In case it shall appear or be made to appear to said board that any tax list in any county in the State is grossly irregular, unlawfully or unequally assessed, it shall be the duty of said board to equalize the valuations of real property among the several counties in the State in the following manner:

State board of equalization of valuations and taxation.

Grossly irregular lists corrected.

SEC. 9. *Lands; how equalized.*

Increase of assessment.

Deduction from assessment.

Equalization of town and city lots.

Lands shall be equalized by adding to the aggregate assessed value thereof, in every county in which said board may believe the valuation to be too low, such rate per centum as will raise the same to its proper proportionate value, and by deducting from the aggregate assessed value thereof, in every county in which said board may believe the valuation to be too high, such per centum as will reduce the same to its proper value. Town and city lots shall be equalized in the same manner herein provided for equalizing lands, and, at the option of said board, may be combined and equalized with lands.

SEC. 10. *Final examination.*

Results combined in one table.

Examination, comparison and perfection.

When said board shall have separately considered the several classes of property as hereinbefore required, the results shall be combined into one table, and the same shall be examined, compared and perfected, in such manner as said board shall deem best to accomplish a just equalization of assessments throughout the State.

SEC. 11. *When equalization completed.*

Final result certified to counties.

Reformation of lists by counties.

When said board shall have completed its equalization of assessments for any year the clerk of the board shall certify the rate per centum or amount finally determined by said board to be added to or deducted from the assessed valuation of each class of property in the several counties; and it shall be the duty of the clerk of the board of county commissioners, assisted by the county assessor, to extend the rates of addition or deduction as ordered by said Board of State Equalization.

Hearing, examination and investigation by member of board.

SEC. 12. The Board of Tax Commissioners may direct that any member of the board shall hear complaints, make examinations and investigations.

Employment of additional clerks.

Term of clerks.

Appropriation.

Salaries of members.

Shall devote whole time to work.

Allowance of expenses.

SEC. 13. The Corporation Commission may employ such additional clerks, agents, or other help as in their judgment they may deem necessary to put into proper execution the provisions of this act. The persons so elected shall hold office during the pleasure of said board. The sum of six thousand dollars (\$6,000), or so much thereof as may be necessary, is hereby appropriated for the payment of the services of said clerks, agents, or other help. The members of said board shall receive an annual salary each of five hundred (\$500) dollars in addition to their salary as Corporation Commissioners and shall devote their whole time to the discharge of the duties of their office, and they shall also receive their necessary traveling expenses, including necessary postage, stationery, and printing, in the performance of their duties, to be audited and allowed by the State Auditor and paid monthly by the State Treasurer out of the general fund.

SEC. 14. *Commissioners to appoint board of list takers and assessors; shall assess property at its true value in money; shall elect secretary and chairman.*

The board of commissioners of each county shall, at their session held in the month of April, one thousand nine hundred and eleven, and every fourth year thereafter, appoint three discreet freeholders in each township, each of whom shall have been a resident and a freeholder in said township for not less than twelve months, who shall be known as the Board of List Takers and Assessors, and who shall list and assess the real and personal property in said township for taxation. And each year other than every fourth year, the board of commissioners of each county shall, on the same day, appoint one discreet freeholder in each township as list taker, who shall list all the property of said townships, listing the real estate as valued in assessing years and assessing personal property each year. The board of list takers and assessors shall ascertain the true value in money of all personal property and every tract or parcel of land or other real estate, with the improvements thereon, and assess the same in accordance with said valuation. Said board of list takers and assessors shall meet at some place in their respective townships, on or before the first Monday in May, and elect one of their members chairman and one of their members secretary. The person elected secretary of the board shall be list taker and shall receive the lists of all persons subject to taxation. He shall perform all the clerical work required of the Board of List Takers and Assessors. The board is hereby authorized and empowered to administer oaths in all cases necessary to obtain full and correct information concerning any taxable real and personal property in their respective townships, so as to secure a proper assessment of said property. The assessment of real property, when made, shall be in force for four years, or until altered, as provided by this act, by reason of structures improved, erected or destroyed.

County commissioners to appoint list takers and assessors.

Appointment of list takers.

Ascertainment of value.

Assessment in accordance with valuation.

Organization of township boards. Secretary to be list taker.

Clerical work.

Power to administer oaths.

Assessment of real property.

SEC. 15. *Real property to be assessed at its true value in money.*

Real property shall be valued by the assessors, either from actual view or from the best information that the assessors can practically obtain, according to its true value in money. In determining the value the assessors shall consider as to each piece its advantage of location, quality of soil, quantity of standing timber, water privileges, mines, minerals, quarries, or other valuable deposits known to be available therein, and their value.

Assessment of real property.

Considerations determining value.

SEC. 16. *Board of assessors shall advertise in five places.*

Each township board of list takers and assessors shall advertise in five or more public places in the township, immediately after their appointment, notifying all taxpayers to return to the list takers all the real and personal property which each taxpayer

Advertisement for return of tax lists.

Returns during May as of first. shall own on the first day of May, requiring said returns to be made to the list takers during the month of May, under the pains and penalties imposed by law, and naming the places and times at which they will be present to receive tax lists: *Provided*, in cities and towns of five thousand inhabitants or more the said board of list takers and assessors shall proceed, from and after the first Monday in May, to assess real estate and personal property, and said list takers or assessors shall receive for their services such compensation as may be allowed them by the board of county commissioners.

Proviso: assessment in cities and towns of 5,000 or more.

Pay of list takers and assessors.

SEC. 17. *Tax commissioners to prepare instructions for assessors and listers.*

Pamphlets prepared by Tax Commissioners. It shall be the duty of the tax commissioners, at least thirty days previous to the date fixed for listing taxes, to prepare a pamphlet for the instruction of tax assessors. Said pamphlet shall, in as plain terms as possible, explain the proper working of the tax laws of the State, and shall call particular attention to any points in the administration of the laws which have seemed to be overlooked or neglected. They shall advise the assessors of the practical working of the laws and explain any points which seem to be intricate and upon which assessors may differ. Copies of said pamphlet shall be sent to the register of deeds of each county, whose duty it shall be to see that each assessor and tax collector is furnished with a copy.

Information and explanation to assessors. Distribution of pamphlets.

SEC. 18. *Oath of tax listers and assessors.*

Returns of list takers and assessors. The board of list takers and assessors shall make a complete return of their assessments, embracing an abstract of the taxable property of their respective townships, to the board of county commissioners, on or before the second Monday in July, and annex the following affidavit, subscribed and sworn to before a justice of the peace, who shall certify the same:

Returns to be sworn.

Form of oath. "We, the List Takers and Assessors of Township, of County, make oath that the foregoing list contains, to the best of our knowledge and belief, all the real and personal property required by law to be assessed in said township, and that we have assessed every tract or parcel of land or other real and personal property at its true value in money, and have endeavored to do equal justice to the public and to the taxpayers concerned."

List takers and assessors to qualify. Before entering upon the discharge of the duties of their office they shall also take and subscribe the following oath before the chairman of the board of county commissioners for their respective counties, or some officer qualified to administer oaths:

Form of oath. "I,, list taker (or assessor) of Township, of County, do solemnly swear (or affirm) that I will discharge the duties devolving upon me as list taker (or assessor) according to the laws in force governing said office; so help me, God."

SEC. 21. *Board of equalization.*

The board of county commissioners and the chairman of the board of list takers and assessors of the several townships and wards of cities and towns shall constitute a board of equalization for the county and shall meet on the second Monday in July. The chairman of the board of county commissioners shall be chairman of the board of equalization and shall lay before the board of equalization the returns of the list takers and the assessors. Said board shall equalize the valuation so that each tract or lot or article of personal property shall be entered on the tax list at its true value in money, and for this purpose they shall observe the following rules: (1) They shall raise the valuation of such tracts or lots of property or articles of personal property, including stocks, bonds and shares in all incorporated companies, except such as are specifically exempt by law, as in their opinion have been returned below their true value, to such price or sum as they may believe to be the true value thereof. (2) They shall reduce the valuation of such tracts and lots or articles of personal property as in their opinion have been returned above their true value, as compared with the average valuation of real and personal property, including stocks, bonds and shares of all incorporated companies of such county. In regard to real property, they shall have due regard to the relative situation, quality of soil, improvements, natural and artificial advantages possessed by each tract or lot.

County board of equalization.

Date of meeting.
Chairman.

Board to equalize valuation.

Raise of valuation.

Reduction of valuation.

Consideration as to real property.

SEC. 20. *Compensation of list takers and assessors.*

The board of county commissioners shall allow each list taker and assessor such compensation as said board shall deem just and proper for each day actually engaged in the performance of his duties. Said board of county commissioners shall also allow each member of the board of equalization such per diem for the number of days actually engaged in the performance of his duties as the said board of commissioners shall deem just and proper, and in addition thereto mileage at the rate of five cents for each mile necessarily traveled in attending the meetings of the board of equalization. The per diem and mileage as provided in this section shall be paid by the county.

Compensation of list takers and assessors.

Compensation to board of equalization.

Compensation paid by county.

SEC. 21. *List takers and assessors to make their accounts; when entitled to compensation.*

List takers and assessors shall make out their accounts in detail, giving the date of each day when they shall have been employed, which account they shall verify under oath. They shall not be entitled to compensation until they shall have filed lists, schedules, statements and books appertaining to the assessment of property for such year in the office of the clerk of the commissioners, the books to be accurately made up. The list takers and assessors shall not be entitled to pay unless they have per-

List takers and assessors to file verified accounts.

Not entitled to compensation until completion of work in compliance with law.

County commissioners to revise accounts. formed the labor and made return in strict compliance with the law. The county commissioners shall be the judges of the number of days actually necessary for taking the list, and may regulate the same when a greater number of days are charged for than they deem necessary.

Appointment of list takers. SEC. 22. The said board of county commissioners shall, annually, at their session in the month of April, except in the year when there shall be an assessment of property, appoint one competent person in each township to list the lands therein at the valuation previously assessed on the same and all personal property in said township: *Provided*, said board of county commissioners may appoint a list taker for the purposes mentioned in this section for each ward in any city or town in their respective

Proviso: list takers in cities. Compensation of list takers. Said board of commissioners shall allow the list takers such compensation for their services as the board may deem just and proper, and the same shall be paid by the county treasurer.

Correction of real estate values for erection or destruction of improvements. Every such list taker shall correct any parcel of real property on which any structure of over one hundred dollars value may have been erected or on which any structure of the like value shall have been destroyed, agreeably to the returns made in accordance with the provisions of this act.

SEC. 23. *Township list takers.*

Advertisement for returns. Each township list taker appointed under the authority of this act shall advertise in five or more public places within the township, immediately after his appointment, notifying all taxpayers to return to him all real and personal property which each taxpayer shall own on the first of May, and said returns shall be made to the list taker during the month of May under the pains and penalties imposed by law, and naming the times and places at which he will be present to receive tax lists.

SEC. 24. *Listing lands in off years; correcting assessment.*

Listing land and personal property. Except in the year when there shall be an assessment of property, the list taker shall list the lands in his township at the valuation previously assessed on the same and all personal property in said township. Such list taker shall correct any parcel of real property on which any structure of over one hundred dollars value may have been erected or on which any structure of the like value shall have been destroyed, agreeably to the returns made in accordance with the provisions of this act.

SEC. 25. *Discovering property not listed.*

Correction of real estate values for erection or loss of improvement. Search for property not listed. Property listed on discovery. It shall be the duty of the county commissioners and the several list takers to be constantly looking out for property which has not been listed for taxation, and when discovered such property shall be duly placed upon the assessment list and properly assessed for taxation. At any time before or after the tax list has been turned over to the sheriff as provided for in section

eighty-five of this act, such property may be so discovered, the list taker shall make return thereof to the clerk of the board of county commissioners who shall enter such property upon the tax books, make out a tax account, and place the same in the hands of the sheriff or tax collector and charge him with the same and issue such orders to the sheriff as provided in section eighty-five, and such orders shall have the force and effect of a judgment and execution against the real and personal property of the person charged with such list, as provided in section eighty-five for the regular tax list.

List taker to make return on discovery of property.

Entry on tax book.

Tax account.

Order for collection.

SEC. 26. *Boards of aldermen and boards of commissioners of cities and towns lying in two or more counties to appoint municipal tax assessors.*

For the purposes of municipal taxation, all real and personal property, subject to taxation under levy to be made by the several boards of aldermen and boards of commissioners of cities and towns lying in two or more counties, shall be listed and assessed by tax assessors appointed, and the valuation thereof shall be equalized by boards of equalization constituted, as hereinafter set out, and in the manner following:

Listing and assessments in towns or cities lying in two or more counties.

(1) The board of aldermen or board of commissioners of each and every such city or town shall, at the first regular meeting of such board held in the month of April, one thousand nine hundred and eleven, and every fourth year thereafter, appoint three discreet freeholders, each of whom shall have been a resident freeholder in such city or town for a period of not less than twelve months, who shall constitute the board of tax assessors for said city or town, and shall, in like manner as is in this chapter provided for listing and assessing real and personal property by county assessors and township or assistant assessors, for all purposes of municipal taxation by said city or town, list and assess, at its true value in money, the real and personal property in said city or town, without reference to the valuation placed thereon by the county assessors and township or assistant assessors. And such municipal boards of tax assessors, in listing and assessing such property for the purposes of municipal taxation as aforesaid, shall possess and exercise every power in this chapter conferred upon county assessors and township or assistant assessors, in listing and assessing property for the purposes of state and county taxation.

Board of tax assessors.

Property listed and assessed at true value.

Powers of board.

(2) The board of aldermen or board of commissioners of each and every such city or town, together with such one of the tax assessors as shall have been selected as chairman, shall constitute the board of equalization for the same, and shall, in like manner as in this chapter provided for the equalization of the valuation placed upon real and personal property by county assessors and township or assistant assessors, equalize the valuation placed upon the real and personal property in such city or town by such

Municipal board of equalization.

Powers of board. municipal tax assessors, and such municipal board of equalization, in the equalization of the valuation of such real and personal property as aforesaid, shall possess and exercise every power in this chapter conferred upon county boards of equalization, in the equalization of the valuation placed upon property by the county assessors and township or assistant assessors for the purposes of state and county taxation.

Appointment of tax assessor. (3) The board of aldermen or board of commissioners of each and every such city or town shall, at the first regular meeting of such board held in April of each year, except in those years in which there shall be a general assessment of property, appoint one discreet freeholder, who shall have been a resident freeholder of such city or town for not less than twelve months, who shall be known as tax assessor, and who shall list and assess all the real and personal property in such city or town for the purposes of municipal taxation by said city or town, and in like manner as is in this chapter provided for listing property by township or assistant assessors, list the land in such city or town, at the valuation previously assessed on the same, and also all personal property therein. Any such municipal tax assessors, in listing such property for the purposes of municipal taxation as aforesaid, shall possess and exercise every power in this chapter conferred upon township or assistant assessors in listing and assessing property for the purposes of state and county taxation.

Property listed at previous valuation. (4) The board of aldermen or board of commissioners of each and every such city or town shall, in every year in which there shall be no general assessment of property, and in like manner as in this chapter provided for the revision and correction of the county tax lists and the valuation returned to them by the township assessors appointed to list property for the purposes of state and county taxation, revise and correct the municipal tax lists returned to such board of aldermen or board of commissioners by the municipal tax assessors appointed to list the property in such city or town for the purposes of municipal taxation. And such board of aldermen or board of commissioners, in the revision and correction of the municipal tax lists as aforesaid, and in the performance of every other act necessary or expedient to be done in carrying out the intent of this section to confer upon the boards of aldermen and boards of commissioners of such cities and towns all necessary powers in the listing and assessment of property for the purposes of municipal taxation, shall possess and exercise in like manner all kindred powers in this chapter conferred upon boards of county commissioners.

Revision and correction of lists. (5) That all expenses incident to the listing and assessment of property for the purposes of municipal taxation as aforesaid shall be borne by the city or town for whose benefit the same is undertaken.

Powers of municipality in revising and correcting lists. (6) That no valid and enforceable provisions contained in the charter of any such city or town, and conferring upon the board

Expense of listing and assessment.

Provisions of charters not affected.

of aldermen or board of commissioners the power to appoint municipal assessors, and otherwise making provision for the listing and assessment of property for the purposes of municipal taxation and for the exercise of kindred powers, shall be deemed to be abrogated or repealed by the foregoing provisions of this section: *Provided, however,* that the board of aldermen of any such city or town may, in the discretion of such board, adopt the system of tax assessment herein provided for.

Proviso: discretion of board.

SEC. 27. All articles of personal property shall, as far as practicable, be valued by the list takers and assessors according to their true value in money; and after arriving at the total valuation of all articles of personal property which he shall be able to discover as belonging to any person, if he or they have sufficient evidence upon which to form a belief that such person has other personal property, consisting of money, credits, debts due or to become due, or any other thing of value liable to taxation, he, they, or the board of commissioners, shall have power to take such action as may be necessary to get said property on the tax list.

Valuation of personal property.

Discovery of property not listed.

SEC. 28. The intent and purpose of the tax laws of this State is to have all property and subjects of taxation assessed at their true and actual value in money, in such manner as such property and subjects are usually sold, but not by forced sale thereof, and the words "market value" or "true value," whenever in the tax laws, shall be held and deemed to mean what the property and subjects would bring at cash sale when sold in such manner as such property and subjects are usually sold.

"Market value" and "true value" construed.

SEC. 29. *Compensation as members of board of equalization.*

The members of the board of county commissioners shall be allowed, each as a member of the board of equalization, their usual compensation per diem for the number of days actually engaged in the performance of his duties, and in addition thereto mileage at the rate of five cents for each mile necessarily traveled in attending the meetings of the board of equalization. The per diem and mileage as provided in this section shall be paid by the county.

Pay of county commissioners as board of equalization.

Compensation paid by county.

SEC. 30. *How to list property.*

Every person owning property is required to list and shall make out, sign and deliver to the list taker a statement, verified by his oath, of all the real and personal property, moneys, credits, investments in bonds, stocks, joint-stock companies, annuities or otherwise, and the value of improvements on real estate since same was assessed, in his possession or under his control on the first day of May, either as owner or holder thereof, or as parent, guardian, trustee, executor, executrix, administrator, administratrix, receiver, accounting officer, partner, agent, factor or otherwise: *Provided,* that whenever personal property has been conveyed in trust and the trustee resides out of the State, but the

Owner of property to file verified lists.

Property held as owner or in fiduciary capacity.

Proviso: property listed by trustor.

Place of listing property held by fiduciaries.

Proviso: property held in trust listed at residence of *cestui que trust*.

Bank stock held in trust.

Exemption of guardian of non-resident ward.

Evasion of tax misdemeanor.

Punishment.

One-half fine to informer.

List given by person charged.

Proviso: persons allowed to appoint agents.

trustor resides within the State, then and in that case such property shall be listed for taxation in this State by said trustor where the property is situated. In all cases where a guardian, executor or executrix, administrator or administratrix resides in a city or incorporated town, all personal property in the hands of such guardian, executor or executrix, administrator or administratrix shall be listed for taxation only where their wards resided on the first day of May and where the deceased persons resided on the date of their death, unless such wards or deceased persons were nonresidents of the State on the first day of May or at the day of death, in which case the guardian, executor or executrix, administrator or administratrix shall list the property where he or she resides on the first day of May: *Provided, further*, that when personal property is held in trust for another by any person, firm or corporation in this State, whether as guardian, trustee or otherwise, and the *cestui que trust* is a resident of the State, then the same shall be listed for taxation in the county and township where the *cestui que trust* lived on the first day of May; and if the *cestui que trust* lived in a county in the State other than the county of the trustee, guardian or other person so holding said property, then the property so held in trust may be listed for taxation by forwarding a list thereof, verified by oath, to the register of deeds of the county wherein the *cestui que trust* lived on the first day of May, and such register shall enter the same on the tax lists of the township in which the *cestui que trust* lived; and banks listing their stock held in trust shall give the county in which the *cestui que trust* lives and shall forward to the register of deeds of that county the names of *cestuis que trust* living therein, with the number of shares held by each, and their taxable value, to the end that they may be entered for school, county and municipal taxation. The guardian shall be exempt from municipal taxation on the personal property of his ward when the ward resides outside of the corporate limits of the city or town. Any person who, to evade the payment of taxes, surrenders or exchanges certificates of deposit in any bank in this State or elsewhere for non-taxpaying securities, or surrenders any taxable property for non-taxable property, and after the date of listing property has passed takes said certificate or other taxable property back and gives up said non-taxpaying securities or property, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than fifty nor more than two hundred dollars (one-half of which shall go to the informer) or imprisoned not less than one month nor more than six months, or both.

SEC. 31. *Who may list through agents.*

The list shall be given by the person charged, during the months of May and June, as herein prescribed: *Provided*, that agents for the purpose of listing property may be appointed by females or nonresidents of the township where the property is situate, or

by persons physically unable to attend and file their list at any time during the months of May and June. The property of a corporation shall be given in by the president, cashier, treasurer or other person appointed for that purpose. Returns of corporations.

Sec. 32. *Where to list real estate, mineral and quarry lands.*

All real property subject to taxation shall be listed in the township in which said property is situated on the first day of May. When the fee of the soil of any tract, parcel or lot of land is in any person or persons, natural or artificial, and the right to any minerals, quarry or timber therein is in another or others, the same shall be values and listed, agreeable to such ownership, in separate entries specifying the interest listed, and shall be taxed to the parties owning the different interests, respectively. In listing mineral, quarry or timber interests the owner thereof shall describe the same in his list, together with the separate value of each separate tract or parcel of land in or on which the same shall be situated or located, and the list taker shall be particular to enter the same on the tax list according to the returns. An owner of separate timber interests shall list the same, whether the timber shall be attached to or detached from the soil. Real property listed where situate.
Interests listed separately.
Mineral, quarry and timber interests described.

SEC. 33. *Where polls and personal property shall be listed.*

All taxable polls and all personal property shall be listed in the township in which the person so charged resides on the first day of May, subject to the following exceptions: Polls and personal property listed where owner resides.
Exceptions.
Shares of stock.

(1) Such shares of stock as are directed to be listed otherwise by this act. Shares of stock.

(2) All goods and chattels situated in some township, town or city other than that where the owner resides shall be listed in the township, town or city where situated, and not elsewhere, if the owner or person having control thereof hires or occupies a store, mill, dock yard, piling ground, place for sale of property, shop, office, mine, farm, place of storage, manufactory or warehouse therein for the use in connection with such goods and chattels: *Provided*, that all farm products, while owned by the raiser or producer, shall be listed where raised, and that all manufactured goods consigned or stored out of the State shall be listed where the owner resides. The residence of a person who has two or more places in which he occasionally dwells shall be that in which he dwells for the longest period of time during the year preceding the first day of May. Goods and chattels in place where used.
Proviso: farm products.
Manufactured goods.
Residence defined.

The place where the principal office in this State is situated shall be deemed the residence of the corporation; but if there be no principal office in the State, then such property shall be listed and taxed at any place in the State where the corporation transacts business. For the purpose of assessing property and collecting taxes, a copartnership shall be treated as an individual, and property shall be listed in the name of the firm. A copartnership shall be deemed to reside in Residence of corporation.
Copartnership property.
Residence of copartnership.

Partners severally liable.
Failure to list a misdemeanor.

the township, town or city where its business is principally carried on. Each partner shall be liable for the whole tax. Any taxpayer who fails to list any personal property or poll liable to taxation in this State shall be guilty of a misdemeanor.

SEC. 34. *Debts owing by taxpayer may be deducted.*

Taxpayer to file lists.
Blanks prepared by State Tax Commission.
Statement of income.
Deductions from credits.
Deductions by insurance companies.
Proviso: examination by Tax Commission.

The taxpayer, upon making a return to the list taker of his property subject to taxation under the provisions of section fourteen of this act, shall file with the taker, on a blank to be prepared and furnished by the State Tax Commission, a statement of all the property of every kind and description owned by the taxpayer, and also a statement of his income subject to taxation under the laws of this State. All bona fide indebtedness owing by any person may be deducted by the list taker from the amount of said person's credits, and insurance companies may deduct from solvent credits due to them an amount equal to their reinsurance reserve: *Provided*, that the State Tax Commission shall have the power, in their discretion, to summon any taxpayer to appear before any commissioner at some place within the county where the taxpayer resides and answer relative to the amount of solvent credits owned by him and the persons owing the same, as well as the nature of any indebtedness which has been deducted from solvent credits and the name of the person to whom said indebtedness is due.

Statements of professions and business enterprises.

SEC. 35. All taxpayers shall also file with the county list taker on the tax list provided for that purpose a statement of any and all professions or business enterprises in which he is engaged which are subject to taxes Schedules B and C of the Revenue Act, and the assessing officer shall thereupon enter on said tax list the amount of said tax, which said tax shall be charged against the sheriff and collected as are all other state taxes.

Tax charged against sheriff. Collection.

SEC. 36. *Penalty for not listing personal property.*

Forfeit for false statements.

Any person, firm or corporation in this State owning or holding personal property of any nature or description individually or as agent, trustee, guardian, administrator, executor, assignee, or receiver, which property is subject to assessment, who shall intentionally make a false statement to the list taker of his assessment district, or to the board of equalization, for the purpose of avoiding the payment of the just and proportionate taxes thereon, shall forfeit the sum of ten dollars for every hundred dollars or major fraction thereof so withheld from the knowledge of such list taker or board of equalization. It is hereby made a duty of the sheriff of any county, upon complaint made to him by any taxpayer of the assessment district, in which it is alleged that property has been so withheld from the knowledge of the list taker or board of equalization or not included in the said statement, to investigate the case forthwith and bring an action in the Superior Court in the name of the State against the per-

Investigation by sheriff on complaint.

Action for penalty.

son so complained of. All forfeitures collected under the provisions of this section shall be paid into the county treasury.

Forfeitures to county treasury.

SEC. 37. *List takers shall administer oath.*

It shall be the duty of the list takers of the several counties of the State, before receiving the returns of any taxpayer, to actually administer the oath required by law of taxpayers, the oath being read by the taxpayer in the presence and in the hearing of the list taker, or by the list taker in the hearing and presence of the taxpayer; and for failure of said list taker to so administer said oath, except in those cases where by law said oath may be made before some other person, such list taker shall be guilty of a misdemeanor, and upon conviction shall be punished by imprisonment of not less than ten days nor more than six months, and in addition shall forfeit the sum of ten dollars for each such omission, one-half to go to the person furnishing information sufficient to convict and one-half to the educational fund of the State, said amounts to be deducted from the compensation of such list taker.

List takers to actually administer oath.

Failure to administer oath misdemeanor.

Punishment.

Forfeit.

Division of forfeit.

SEC. 38. *Oath of taxpayer.*

The list taker shall require the owner, agent, guardian, personal representative, or other person having control of the property and listing such property, to make and subscribe the following oath, which shall be attached to each and every schedule, to wit:

Taxpayer to swear to list.

"I,, do solemnly swear (or affirm) that the above and foregoing listed property is a full, true and complete list of all and each kind of property owned by me or under my control as agent, guardian, personal representative or otherwise, and that I have not neglected to list for taxation for the year all of each and every kind of property of which I am the owner or of which I have control as agent, guardian, personal representative or otherwise, in the county of, State of North Carolina, and that I have not in any way connived at the violation or evasion of the requirements of law in relation to the assessment of property for taxation; so help me, God."

Form of oath.

SEC. 39. *Property held in trust listed separately.*

Property held in trust as agent, guardian, executor, or executrix, administrator or administratrix, or in the right of a *feme covert*, shall be returnable on a separate list. The sheriff or other tax collector in any county shall be liable to suit on his official bond for failure to report any false return of property mentioned in this section which he may discover or which may be otherwise discovered and made known to him, and it shall be his duty to report such fraud to the grand jury of his county.

Property held in trust, or in right of married woman returned separately. Sheriff liable on bond for failure to report.

Report to grand jury.

SEC. 40. *What shall be specified on tax list.*

The list shall state all the property of the taxpayer, and also the age of the party, if a male, with reference to his liability to a

List to state all property. Age with reference to poll tax.

Quantity and description of land.	poll tax. The list shall also contain, as of the first day of May
Number and kind of live stock.	(1) the quantity of land owned in the township, together with the kind and nature of any buildings erected thereon, and the land shall be described by name, if it has one; otherwise in such a way that it may be identified. (2) The number of horses, mules, jacks and jennets, in one column; goats, cattle, hogs and sheep, in another column. (3) Farming utensils, tools of mechanics, household and kitchen furniture, provisions, firearms, libraries and scientific instruments, specifying the articles separately. (4) Money on hand. (5) The amount of credits, including accrued interest uncollected owing to the party, whether by a person in or out of the State, whether owing by mortgage, bond, note, bill of exchange, certificate, check, open account, or due and payable, whether owing by any state or government, county, city, town or township, individual, company or corporation; the value of cotton, tobacco or other property in the hands of commission merchants or agents in or out of the State. If any credit be not regarded as entirely solvent, it should be given in at its current or market value, and the party may deduct from the amount of his credits owing to him the amount of collectible debts owing by him as principal debtor. (6) Any certificate of deposit in any bank, whether in or out of the State. (7) Money investments, stocks and bonds and shares of stock in incorporated companies which are not taxed through the corporation itself. (7½)
Farming utensils, tools, furniture, provisions, firearms, libraries, scientific instruments. Money—credits.	Automobiles, pleasure boats of any or all kinds. (8) All other personal property whatever, including all cotton in seed or lint; tobacco, either in leaf or manufactured; turpentine, rosin, tar, brandy, whiskey, musical instruments, bicycles, goods, wares and merchandise of all kinds, plated and silverware and the watches and jewelry possessed by the party or any minor child. (9) The income of the party for the twelve months next preceding the first day of May in the current year, if over one thousand two hundred and fifty dollars. (10) The profession and all business enterprises in which the person listing is engaged which are subject to tax under Schedules B and C of the Revenue Act. (11) If the party be a nonresident of the county and owns land therein, the list shall state his address and may name an agent in the county to whom notice may be given respecting his taxes. (12) If any person shall, with a view to evade the payment of taxes, fail or refuse to give in to the assessing officer any bonds, notes, claims or other evidences of debt which are subject to assessment and taxation under this act, the same shall not be recoverable at law or suit in equity before any of the courts of this State until they have been listed and the tax paid thereon, together with any and all penalties prescribed by law for the non-payment of taxes. (13) The State Tax Commission is authorized to provide a separate heading in tax-listing sheets for listing the number and value of all seines, nets, boats, and other fishing apparatus, or of any floating property whatsoever.
Farm products in hands of agents. Credits at current value.	Investments, stocks and bonds.
Deduction from credits.	Bank deposits.
Bank deposits.	Automobiles and pleasure boats.
Investments, stocks and bonds.	All other personal property.
Automobiles and pleasure boats. All other personal property.	Income.
Profession and business enterprises	Address and name of agent by non-residents.
Address and name of agent by non-residents.	Unlisted credits not recoverable by action.
Unlisted credits not recoverable by action.	Separate heading for fishing equipment and floating property.
Separate heading for fishing equipment and floating property.	

SEC. 41. *Commissioners shall have power to exempt; sheriff to garnishee if taxes are not paid in sixty days; form of attachment.*

The board of commissioners of the several counties shall have power to exempt any person from the payment of poll tax on account of poverty and infirmity; and when any such person has been once exempted he shall not be required to renew his application unless the commissioners shall revoke the exemption. When such exemption shall have been made, the clerk of the commissioners shall furnish the person with a certificate of such action, and the person to whom it was issued shall be required to list his poll, but upon exhibition of such certificate the list taker shall annually enter in the column intended for the poll the word "Exempt," and the poll shall not be charged in computing the list. If any poll tax or other tax shall not be paid within sixty days after the same shall be demandable it shall be the duty of the sheriff, if he can find no property of the person liable sufficient to satisfy the same, to attach any debt or other property incapable of manual delivery due or belonging to the person liable or that may become due before the expiration of the calendar year, and the person owing such debt or having such property in possession shall be liable for said tax. Any corporation, firm or person who shall, on demand or request made, refuse to give to the tax collector of any county, city or town a list giving the names of all persons employed by them who are liable for tax, shall be guilty of a misdemeanor. For the purpose of carrying into effect the provisions of this section the following form shall be used as an attachment, viz.:

County commissioners may exempt from poll tax.

Certificate of exemption.

Collection by garnishment.

Lists to be furnished by employers.

To A. B.....

Take notice that this is to attach any debt that is now due or may become due to C D, a delinquent in his poli (or property) tax for the year one thousand nine hundred and, and you are hereby summoned to appear before E F, an acting justice of the peace for County, and disclose any indebtedness which is or may be due said delinquent by you during the present calendar year, and to show cause why judgment should not be rendered against you for said delinquent tax and costs of this proceeding.

Form of attachment.

..... day of, 19....

A B, Sheriff, or Tax Collector.

For serving notice the sheriff shall receive twenty-five cents, Fees. and if judgment is rendered the justice shall receive twenty-five cents as costs.

SEC. 42. *Bank taxation.*

The taxes imposed for state purposes upon the shares of stock in any bank, banking association or savings institution (whether state or national) in this State shall be paid by the cashier of

Taxes paid by cashier.

such bank, banking association or savings institution directly to the State Treasurer, and upon failure to pay the State Treasurer as aforesaid he shall institute an action against the bank, banking association, or savings institution to enforce the same in the county of Wake or in the county in which the bank, banking association or savings institution is located, which action shall be prosecuted in the name of the State of North Carolina on the relation of the Treasurer of the State, and which shall be tried at the return term of court: *Provided*, the complaint is filed ten days before the first day of such term, and shall have precedence over all other actions. The board of commissioners of the county in which such banks, banking associations or savings institutions are located shall assess against the value of shares of residents in that county the tax imposed for school and county purposes, which shall be paid to the sheriff of that county, and shall assess against the value of shares by non-residents of this State in such bank, banking association or savings institution located in that county the said tax imposed for school, county and municipal purposes; and the said bank is authorized and empowered to deduct such tax from the dividends of said nonresident stockholders. The value of such shares shall be determined as is hereinafter in this section provided. Every bank, banking association or savings institution (whether state or national) shall list its real estate in the county, city or town in which such real estate is located, for the purposes of state, county and municipal taxation. Every such bank, banking association or savings institution shall, during the month of May, list annually with the State Tax Commission, in the name and for its shareholders, all the shares of its capital stock, whether held by residents or nonresidents, at its market value on the first day of May, or, if it have no market value, then at its actual value on that day, from which market or actual value shall be deducted the assessed value of the real and personal property which such bank, banking association or savings institution shall have listed for taxation in the county or counties wherein such real and personal estate is located. The actual value of such shares, where such shares have no market value, shall be ascertained by adding together the capital stock, surplus and undivided profits, and deducting therefrom the amount of real and personal property owned by said institution on which it pays tax and dividing the net amount by the number of shares in said institution. Insolvent debts due said institution may be deducted from the items of undivided profits or surplus, if itemized and sworn to, and forwarded to the State Tax Commission by the cashier of such institution, also, accrued and unearned interest, unpaid taxes, an amount not exceeding five (5) per cent of the bills receivable of said institution to cover any other bad or insolvent debts, and also an amount equal to the true value of any shares of stock owned in other North Carolina banks or corporations upon which

Action for collection.

Trial at return term.
 Proviso: time of filing complaint.
 Precedence.
 County and school tax on shares of residents.

County, school and municipal tax on shares of nonresidents.

Deduction of tax from dividends.
 Determination of value.

Banks to list real estate.

Shares listed with State Tax Commission.

List at market or actual value.

Deduction for property listed.

Ascertainment of actual value.

Deductions on itemized and verified lists.

the tax is paid by the owner or the corporation issuing the same. If the State Tax Commission shall have reason to believe that the market or actual value as given in is not its true value, it shall ascertain such true value by such examination and investigation as to it seems proper, and change the value as given in to such an amount as it ascertains the true value to be, which action on the part of the State Tax Commission may be reviewed by the Superior Court by an action brought against the State Tax Commission in its official capacity by the party aggrieved. But no action shall lie until all taxes admitted by such aggrieved party to be due shall have been paid or tendered. In listing the shares for state taxation, such bank, banking association or savings institution shall file with the State Tax Commission of the State a statement showing the name and residence of each shareholder, the number of shares held by each and the taxable value of such shares as fixed by the provisions of this act, which statement shall be in writing and subscribed and sworn to by the president, cashier or some other officer of the bank. For the purpose of aiding the county commissioners and other municipal officers in enforcing the law as to the listing of bank shares by the individual shareholders for the purpose of county, school and municipal taxation, it shall be the duty of every bank, banking association or savings institution (whether state or national) to furnish to the board of county commissioners of each county wherein any of its shareholders reside a statement showing the names of all its shareholders resident in such county, with the number of shares owned by each, and the taxable value of such shares, ascertained from the statement hereinbefore required to be made by such bank, banking association or savings institution to the State Tax Commission. It shall also be the duty of the State Tax Commission to certify to the board of county commissioners of each county wherein any of said shareholders reside a statement showing the names of all the shareholders resident in such county, with the number of shares owned by each, and the value of such shares as ascertained by the statement hereinbefore required to be made by such bank, banking association or savings institution to the State Tax Commission; and it shall thereupon be the duty of the chairman and clerk of the said board of county commissioners to list said shares of stock, with the assessed value thereon, for the purposes of county, school or municipal taxation; and the tax lister for the city or town shall compute the municipal taxes thereon: *Provided*, that no city or town shall assess any bank stock at a valuation different from that affixed by the State Tax Commission. The residents of this State who are shareholders in any bank, banking association or savings institution (whether state or normal) shall list the number of their respective shares in the county, city or town, precinct or village where they reside, for the purposes of county, school and municipal taxation. The shares of nonresidents of this State

Examination by State Tax Commission.

Review of action of commission.

No action to lie but on payment or tender.

Lists of names and residence of shareholders.

Lists furnished county commissioners.

Lists furnished counties by State Tax Commission.

Shares listed for county, school and municipal tax.

Proviso: valuation for municipal tax.

Lists filed by resident shareholders.

Shares of non-residents listed at location of bank.

who are shareholders in any bank, banking association or savings institution (whether state or national) located in this State shall be listed in the county, city, town, precinct or village in which said bank, banking association or savings institution is located, for the purposes of county, school and municipal taxation. All shares, whether owned by residents or nonresidents shall be listed at the time prescribed for listing taxes. The county commissioners, assistant assessors, and other county and municipal officers shall have the power to enforce the listing of shares of stock in any such bank, banking association or savings institution, whether held by residents or nonresidents, as they have for enforcing the listing of other personal property. The taxation of shares of any such bank, banking association or savings institution shall not be a greater rate than is assessed upon other moneyed capital in the hands of individual citizens of this State, whether such taxation is for the state, county, school or municipal purposes.

SEC. 43. *Reports from corporations.*

Reports of corporations to State Tax Commission.

Hereafter, except in the case of such corporations as are especially mentioned by name in other sections of this or the Revenue Act and required to make statements in other forms, it shall be the duty of the president, chairman or treasurer of every corporation having capital stock, every joint-stock association or limited partnership whatsoever, now or hereafter organized or incorporated by or under any law of this State, to make a report, in writing, to the State Tax Commission on or before the first day of July of each year, stating specifically:

Specifications of report.

First. Total authorized capital stock.

Second. Total authorized number of shares.

Third. Number of shares of stock issued.

Fourth. Par value of each share.

Fifth. Amount paid into the treasury on each share.

Sixth. Amount of capital stock paid in.

Seventh. Amount of capital on which dividend was declared.

Eighth. Date of each dividend during said year ending with the first day of May.

Ninth. Amount of each dividend during the year ending with the first Monday in said month.

Tenth. Highest price of sales of stock between the first and fifteenth days of May; highest price of sales of stock during the year aforesaid; average price of sales of stock during the year.

Sworn appraisal of capital stock.

And in said report one of the following named officers of such corporation, limited partnership or joint-stock association, namely the president, chairman, secretary or treasurer, after being duly sworn or affirmed to do and perform the same with fidelity and according to the best of his knowledge and belief, shall estimate and appraise the capital stock of said company at its actual value in cash on the first day of May, after deducting therefrom the

Deductions.

assessed value of all real and personal estate upon which the corporation pays tax, and the value of the shares of stock legally held and owned by such corporation in other corporations incorporated in this State and paying taxes on its capital stock in this State, as indicated or measured by the amount of profit made, either declared in dividends or carried into surplus or sinking fund; and when the same shall have been so truly estimated and appraised they shall forthwith forward to the State Tax Commission a certificate thereof, accompanied by a copy of their said oath or affirmation, signed by them and attested by a magistrate or other person duly qualified to administer the same: *Provided*, that if the State Tax Commission or either of them is not satisfied with the appraisal and valuation so made and returned, they are hereby authorized and empowered to make a valuation thereof, based upon the facts contained in the report herein required or upon any information within their possession, and to settle an account on the valuation so made by them for taxes, penalties and interest due the State thereon, of which such settlement immediate notice shall be given to such corporation by said State Tax Commission, with the right to the company dissatisfied with any settlement so made against it to appeal to the Superior Court in term time of the county in which such company has its principal place of business in this State, and thence to the Supreme Court of this State; but before such company shall be allowed to exercise their right of appeal it shall, within twenty days after notice of such settlement, file with the State Tax Commission exceptions to the particulars to which it objects, and the grounds thereof, and said State Tax Commission shall hear said exceptions, after ten days notice of such hearing given by said State Tax Commission to said company; and if they shall overrule any of said exceptions, then such company, if it desires to appeal to said Superior Court, shall within ten days thereafter give notice to said State Tax Commission of such appeal to said Superior Court, and the State Tax Commission shall thereupon transmit to said Superior Court a record of said settlement, with the exceptions of the company thereto, and all decisions thereon, and all papers and evidence considered in making said decision. The said cause shall be placed on the civil docket of said Superior Court and shall have precedence of all other civil actions, and shall be tried under the same rules and regulations as are prescribed for the trial of other civil causes. The cause shall be entitled State of North Carolina on the relation of State Tax Commission against such company. Either party may appeal to the Supreme Court from the judgment of the Superior Court, under the same rules and regulations as are prescribed by law for other appeals, except that the State of North Carolina, if it shall appeal, shall not be required to give an undertaking or make any deposit to secure the costs of such appeal; and the Supreme Court may advance the cause on their docket so as to give the

Certificate of appraisal.

Provide: valuation by State Tax Commission.

Notice to corporation.

Right of corporation to appeal.

Exceptions filed with commission.

Hearing on exceptions.

Notice of appeal.

Record on appeal.

Precedence of trial.

Entitlement of cause.

Appeal to Supreme Court.

Cause advanced on docket.

Appraisal by State Tax Commission on delinquency by corporation. same a speedy hearing; and in the event of the neglect or refusal of the officers of any corporation, company, joint-stock association or limited partnership for a period of sixty days to make the report and appraisement to the State Tax Commission as herein provided, it shall be the duty of the State Tax Commission to estimate a valuation of the capital stock of such defaulting corporation, company, joint-stock association or limited partnership, and settle an account for taxes, penalty and interest thereon, from which settlement an appeal may be made to the Superior Court of the county in which the corporation has its principal place of business. Corporations, limited partnerships or joint-stock associations liable to tax on capital stock shall not be required to make any report or pay any further state tax on the mortgages, bonds, other securities and credits owned by them in their own right. The State Tax Commission is forbidden to divulge or make public any report of a corporation required to be made to it by this section. The State Tax Commission shall prepare and keep a record book, upon which it shall enter a corporate list of all the corporations and banks which it has assessed for taxation, and said record shall show the assessed valuation placed upon same by it.

Right of appeal.

Tax on capital to relieve credits.

Reports not to be made public.

Record book.

SEC. 44. *Tax on building and loan associations.*

Shares to be listed at actual book value. The secretary of each building and loan association organized and conducting business in this State shall list for taxation with the State Tax Commission, on the first Monday in May of each year, the shares of stock of such association at their actual value as shown by the books of said association. They shall deduct from such valuation the actual shares upon which said association has made loans and which have been pledged to such association as security therefor. But it is expressly provided that the secretary of each association shall show in detail, or by series, on the tax list, the actual value of all shares, and also the actual value of shares upon which loans have been made and which have been pledged to the association as security therefor. The secretary of such association shall pay to the State Treasurer, by the first day of July of each year, the state tax, and to the sheriff or tax collector of such county in which such association is located the county and school tax by the fifteenth day of September of each year. No other tax or assessment shall be charged or levied on said association or the shares therein.

Deductions.

Actual value to be shown.

Secretary to pay tax on shares.

SEC. 45. *No exceptions as to foreign corporations.*

Property of foreign corporation not exempted. Nothing in this act shall be construed to exempt from taxation at its real value any property situate in the State belonging to any foreign corporation.

SEC. 46. *State Tax Commission to make certificate to register of deeds.*

The State Tax Commission shall, on or before August fifteenth, certify to the register of deeds of the county in which such corporation, joint-stock association, limited partnership or company whatsoever has its principal office or place of business the total value of the stock of such corporation, joint-stock association, limited partnership or company whatsoever, as assessed for state taxation. The corporation, joint-stock association, limited partnership or company whatsoever shall pay the county, township, town or city taxes upon the valuation so certified by the State Tax Commission.

State Tax Commission to certify values.

Taxes paid on valuation.

SEC. 47. *Penalty for failure to furnish reports.*

If the said officers of any such limited partnership, joint-stock association or corporation shall neglect or refuse to furnish the State Tax Commission, on or before the thirty-first day of July of each and every year, with the report and appraisement of capital stock as aforesaid, as required by the thirty-fourth section of this act, they shall be subject to a fine of fifty dollars, and it shall be the duty of the State Tax Commission to add five per centum to the tax of said limited partnership, joint-stock association or corporation for each and every year for which said report and appraisement were not furnished, which percentage shall be settled and collected with the said tax in the usual manner of settling and collecting such taxes. If the officers of any such limited partnership, joint-stock association or corporation, or any of them, shall intentionally fail to comply with the thirty-fourth section of this act for three successive years, he or they shall be deemed guilty of a misdemeanor, and on conviction thereof shall be sentenced to pay a fine of five hundred dollars and undergo imprisonment not exceeding one year, or both, or either, at the discretion of the court.

Penalty for failure to report.

Addition to tax.

Continuous refusal a misdemeanor.

Punishment.

SEC. 48. *Foreign building and loan associations.*

All foreign building and loan associations doing business in this State shall list for taxation with the State Tax Commission, through its agent, its stock held by citizens of this State in the county, city or town where the owners of said stock reside. In listing said stock for taxation the withdrawal value as fixed by the by-laws of each company shall be furnished by the list taker, and the stock shall be valued for taxation as other money investments of citizens of this State. Any association or officer of said association doing business in this State who shall fail or refuse to so list shares owned by citizens of this State for taxation shall be barred from doing business in this State; and any local officer or person who shall collect dues, assignments, premiums, fines or interest from any citizen of this State for any such association which has failed or refused to list for taxation the stock held by citizens of this State shall be guilty of a misdemeanor and

Stock held by residents in foreign association.

Withdrawal value.

Basis of valuation.

Association barred for failure to list.

Local officers guilty of misdemeanor.

Punishment.
Tax paid by
association.

subject to fine or imprisonment, or both, in the discretion of the court. All of said taxes shall be paid by the association listing said stock.

SEC. 49. *Telegraph companies.*

Telegraph com-
pany defined.

Every joint-stock association, company, copartnership or corporation, whether incorporated under the laws of this State or any other State or of any foreign nation, engaged in transmitting to, from, through, in or across the State of North Carolina telegraph messages shall be deemed and held to be a telegraph company; and every such telegraph company shall, annually, between the first day of May and the twentieth day of May, make out and deliver to the State Tax Commission a statement, verified by oath of the officer or agent of such company making such statement, with reference to the thirtieth day of April next preceding showing:

Sworn statement to
be filed.

First. The total capital stock of such association, company, copartnership, or corporation.

Second. The number of shares of capital stock issued and outstanding, and the par value of each share.

Third. Its principal place of business.

Fourth. The market value of said shares of stock on the thirtieth day of April next preceding; and if such shares have no market value, then the actual value thereof.

Fifth. The real estate, structures, machinery, fixtures and appliances owned by said association, company, copartnership or corporation and subject to local taxation within the State, and the location and assessed value thereof in each county where the same is assessed for local taxation.

Sixth. The specific real estate, together with the permanent improvements thereon, owned by such association, company, copartnership or corporation situated outside the State of North Carolina and not directly used in the conduct of the business, with a specific description of each such piece, where located, the purpose for which the same is used and the sum at which the same is assessed for taxation in the locality where situated.

Seventh. All mortgages upon the whole or any part of its property, together with the dates and amounts thereof.

Eighth. (a) The total length of the lines of said association or company; (b) the total length of such of their lines as is outside the State of North Carolina; (c) the length of the lines within each of the counties and townships within the State of North Carolina.

SEC. 50. *Telephone companies.*

Sworn statement to
be filed.

Every telephone company doing business in this State, whether incorporated under the laws of this State or any other State, or of any foreign nation, shall, annually, between the first day of June and the twentieth day of June, make out and deliver to the State Tax Commission of this State a statement, verified by the

oath of the officer or agent of such company making such state-
 ment, with reference to the thirtieth day of April next preceding, Specifications of
 statement.
 showing:

First. The total capital stock of such association, company, copartnership or corporation invested in the operation of such telephone business.

Second. The number of shares of capital stock issued and outstanding, and the par or face value of each share.

Third. Its principal place of business.

Fourth. The market value of said shares of stock on the thirty-first day of March next preceding; and if such shares have no market value, then the actual value thereof.

Fifth. The real estate, structures, machinery, fixtures and appliances owned by said association, company, copartnership or corporation and subject to local taxation within the State, and the location and assessed value thereof in each county where the same is assessed for local taxation.

Sixth. The specific real estate, together with the permanent improvements thereon, owned by such association, company, copartnership or corporation situated outside the State of North Carolina and not used directly in the conduct of the business, with a specific description of each such piece, where located, the purpose for which the same is used and the sum at which the same is assessed for taxation in the locality where situated.

Seventh. All mortgages upon the whole or any of its property, together with the dates and amounts thereof.

Eighth. (a) The total length of the lines of said association or company; (b) the total length of so much of their lines as is outside the State of North Carolina; (c) the length of the lines within each of the counties and townships within the State of North Carolina.

SEC. 51. *Express companies.*

Every joint-stock association, company, copartnership, or corporation, incorporated or acting under the laws of this State or any other state or any foreign nation, engaged in carrying to, from, through, in or across this State, or any part thereof, money, packages, gold, silver plate, merchandise, freight or other articles, under any contract, expressed or implied, with any railroad company or the managers, lessees, agents or receivers thereof (provided such joint-stock association, company, copartnership or corporation is not a railroad company), shall be deemed and held to be an express company within the meaning of this act; and every such express company shall, annually, between the first day of May and the twentieth day of May, make out and deliver to the State Tax Commission a statement, verified by the oath of the officer, or agent of such association, company, copartnership or corporation making such statement, with reference to the thirtieth day of April next preceding, showing:

Express company
 defined.

Sworn statement to
 be filed.

Statement to show. First. The total capital stock or capital of said association, copartnership or corporation.

Second. The number of shares of capital stock issued and outstanding and the par or face value of each share; and in case no shares of capital stock are issued, in what manner the capital stock thereof is divided and in what manner such holdings are evidenced.

Third. Its principal place of business.

Fourth. The market value of said shares of stock on the thirtieth day of April next preceding; and if such shares have no market value, then the actual value thereof; and in case no shares of stock have been issued, state the market value, or the actual value in case there is no market value, of the capital thereof, and the manner in which the same is divided.

Fifth. The real estate, structures, machinery, fixtures and appliances owned by the said association, company, copartnership or corporation and subject to local taxation within the State of North Carolina, and the location and assessed value thereof in each county where the same is assessed for local taxation.

Sixth. The specific real estate, together with the improvements thereon, owned by the association, company, copartnership or corporation situated outside the State of North Carolina and not used directly in the conduct of the business, with a specific description of each such piece, where located, the purpose for which the same is used, and the sum at which the same is assessed for taxation in the locality where situated.

Seventh. All mortgages upon the whole or any part of its property, together with the dates and amounts thereof.

Eighth. (a) Total length of the lines or routes over which such association, company, copartnership or corporation transports such merchandise, freight or express matter; (b) the total length of such lines or routes as are outside the State of North Carolina; (c) the length of such lines or routes within each of the counties or townships within the State of North Carolina.

SEC. 52. *Sleeping car companies.*

Sleeping car company defined.

Every joint-stock association, company, copartnership or corporation incorporated or acting under the laws of this or any other State or of any foreign nation and conveying to, from, through, in or across this State, or any part thereof, passengers or travelers in palace cars, drawing room cars, sleeping cars, dining cars or chair cars, under any contract, expressed or implied, with any railroad company or the managers, lessees, agents or receivers thereof, shall be deemed and held to be a sleeping car company for the purposes of this act, and shall hereinafter be called "sleeping car company"; and every such sleeping car company doing business in this State shall, annually, between the first day of May and the twentieth day of May, make out and deliver to the State Tax Commission a statement, verified by the

Sworn statement to be filed.

oath of the officer or agent of such company making such statement, with reference to the thirtieth day of April next preceding, showing:

First. The total capital stock of such sleeping car company invested in its sleeping car business. Specifications of statement.

Second. The number of shares of such capital stock devoted to the sleeping car business issued and outstanding, and the par or face value of each share.

Third. Under the laws of what State it is incorporated.

Fourth. Its principal place of business.

Fifth. The names and post office addresses of its president and secretary.

Sixth. The actual cash value of the shares of such capital stock devoted to its sleeping car business on the thirtieth day of April next preceding such report.

Seventh. The real estate, structures, machinery, fixtures and appliances owned by said sleeping car company and subject to local taxation within this State, and the location and assessed value thereof in each county within this State where the same is assessed for local taxation.

Eighth. All mortgages upon the whole or any part of its property, and the amounts thereof devoted to its sleeping car business.

Ninth. (a) The total length of the main line of railroad over which cars are run; (b) the total length of so much of the main lines of railroad over which the said cars are run outside of the State of North Carolina; (c) the length of the lines of railroad over which said cars are run within the State of North Carolina: *Provided*, that where the railroads over which said cars run have double tracks or a greater number of tracks than a single track the statement shall only give the mileage as though such tracks were but single tracks; and in case it shall be required, such statement shall show in detail the number of miles of each or any particular railroad or system within this State.

Proviso: mileage as of single track roads.

Statement in detail if required.

When the assessment shall have been made by the State Tax Commission in accordance with section forty-eight of this act, the clerk of the commission shall thereupon notify by registered letter the officer attesting such report of the amount assessed against it, and such sleeping car company shall have thirty days within which to appear and make objection, if any it shall have, to said assessment. If no objections be made within said thirty days, the amount shall be credited to the State Treasurer, who shall thereupon send by registered letter to the officer attesting such report a bill for the State taxes upon said assessment, and such sleeping car company shall have thirty days within which to pay said taxes; and the clerk of the State Tax Commission shall certify to the county commissioners of the several counties through which such cars are used the value of the property of such sleeping car company within such county in the proportion that the number of miles of railroad over which such cars are used in

Notice to company of assessment.

Time for filing objections.

Bill for State taxes.

Certificate to county commissioners.

said county bears to the number of miles of railroad over which such cars are used within the State, together with the name and post-office address of the officer attesting such report of such sleeping car company, with the information that tax bills, when assessed, are to be sent him by mail; and such value, so certified, shall be assessed and taxed the same as other property within said county. And when the assessment shall have been made in such county the sheriff or county tax collector shall send to the address given by the clerk of the State Tax Commission to the county commissioners by registered mail a bill for the total amount of all taxes due to such county, and such sheriff or county tax collector shall add to such tax bills the postage and registration fee, and such sleeping car company shall have sixty days thereafter within which to pay said taxes; and upon failure of and refusal to do so, such taxes shall be collected the same as other delinquent taxes are, together with a penalty of fifty per cent added thereto, and costs of collection.

SEC. 53. *Refrigerator and freight car companies.*

Every firm, person or corporation owning refrigerator or freight cars operated over or leased to any railroad company in this State or operating in this State shall be taxed in the same manner as hereinbefore provided for the taxation of sleeping car companies, and the collection of the tax thereon shall be followed in assessing and collecting the tax on the refrigerator and freight cars taxed under this section: *Provided*, if it appear that the owner does not lease the cars to any railroad company or make any contract to furnish it with cars, but they are furnished to be run indiscriminately over any lines on which shippers or railroad companies may desire to send them, and the owner receive compensation from each road over which the cars run, the State Tax Commission shall ascertain and assess the value of the average number of cars which are in use within the State as a part of the necessary equipment of any railroad company for the year ending April thirtieth next preceding, and the tax shall be computed upon this assessment.

SEC. 54. Every street railway company, waterworks company, electric light and power company, gas company, ferry company, bridge company, canal company, and other corporations exercising the right of eminent domain shall, annually, between the first and twentieth of May, make out and deliver to the State Tax Commission a statement, verified by the oath of the officer or agent of such company making such statement, with reference to the thirtieth day of April next preceding, showing:

First. The total capital stock of such association, company, copartnership or corporation.

Second. The number of shares of capital stock issued and outstanding, and the par or face value of each share.

Third. Its principal place of business.

Bills for county taxes.

Time for payment.

Collection of tax and penalty.

Refrigerator and freight car companies taxed as sleeping car companies.

Proviso: assessment where cars are not leased.

Companies exercising right of eminent domain.

Sworn statement.

Specifications of statement.

Fourth. The market value of said shares of stock on the thirty-first day of March next preceding; and if such shares have no market value, then the actual value thereof.

Fifth. The real estate, structures, machinery, fixtures and appliances owned by said association, company, copartnership or corporation and subject to local taxation within the State, and the location and assessed value thereof in each county where the same is assessed for local taxation.

Sixth. The specific real estate, together with the permanent improvements thereon, owned by such association, company, copartnership or corporation situate outside of the State of North Carolina and not directly used in the conduct of the business, with a specific description of each such piece, where located, the purpose for which the same is used and the sum at which the same is assessed for taxation in the locality where situate.

Seventh. All mortgages upon the whole or any part of its property, together with the dates and amounts thereof.

Eighth. (a) The total length of the lines of said association or company; (b) the total length of so much of their lines as is outside of the State of North Carolina; (c) the length of the lines within each of the counties and townships within the State of North Carolina.

SEC. 55. *State Tax Commission may require additional information.*

Upon the filing of the statements required in the preceding sections the State Tax Commission shall examine them and each of them; and if the commissioners shall deem the same insufficient, or in case they shall deem that other information is requisite, they shall require such officer to make such other and further statements as said commissioners may call for. In case of the failure or refusal of any association, company, copartnership or corporation to make out and deliver to the State Tax Commission any statement or statements required by this act, such association, company, copartnership or corporation shall forfeit and pay to the State of North Carolina one hundred dollars (\$100) for each additional day such report is delayed beyond the twentieth day of May, to be sued for and recovered in any proper form of action in the name of the State of North Carolina on the relation of the State Tax Commission, and such penalty, when collected, shall be paid into the general fund of the State.

Examination of statements.

Call for other and further statements.

Forfeit for failure or refusal.

Action for recovery.

Penalty to general fund.

SEC. 56. *State Tax Commission shall examine statements.*

The State Tax Commission shall thereupon value and assess the property of each association, company, copartnership or corporation in the manner hereinafter set forth after examining such statements and after ascertaining the value of such properties therefrom, and upon such other information as they may have or obtain. For that purpose they may require the agents or officers of said association, company, copartnership or corporation

State Tax Commission to value and assess property

Powers of commission.

to appear before them with such books, papers, and statements as they may require, or they may require additional statements to be made to them, and may compel the attendance of witnesses in case they shall deem it necessary to enable them to ascertain the true cash value of such property.

SEC. 57. *Manner of assessment.*

Commission to ascertain values.

Method for ascertainment.

Proviso: property under mortgage.

Local assessments of real estate.

Proportionate values.

Telegraph and telephone companies.
Express and sleeping car companies.

Said State Tax Commission shall first ascertain the true cash value of the entire property owned by the said association, company, copartnership or corporation from said statements or otherwise for that purpose, taking the aggregate value of all the shares of capital stock, in case shares have a market value, and in case they have none, taking the actual value thereof or of the capital of said association, company, copartnership or corporation in whatever manner the same is divided, in case no shares of capital stock have been issued: *Provided, however,* that in case the whole or any portion of the property of such association, company, copartnership or corporation shall be encumbered by a mortgage or mortgages, such board shall ascertain the true cash value of such property by adding to the market value of the aggregate shares of stock or to the value of the capital. In case there should be no such shares, the aggregate amounts of such mortgage or mortgages and the result shall be deemed and treated as the true cash value of the property of such association, company, copartnership or corporation. Such State Tax Commission shall, for the purpose of ascertaining the true cash value of the property within the State of North Carolina, next ascertain from such statements or otherwise the assessed value for taxation, in the localities where the same is situated, of the several pieces of real estate situated within the State of North Carolina and not specifically used in the general business of such associations, companies, copartnerships or corporations, which said assessed value for taxation shall be by said board deducted from the gross value of the property as above ascertained. Said State Tax Commission shall next ascertain and assess the true cash value of the property of the associations, companies, copartnerships or corporations within the State of North Carolina by taking as a guide, as far as practicable, the proportion of the whole aggregate value of said associations, companies, copartnerships or corporations as above ascertained, after deducting the assessed value of such real estate without the State which the length of lines of said associations, companies, copartnerships or corporations, in the case of telegraph and telephone companies within the State of North Carolina, bears to the total length thereof, and in the case of express companies and sleeping car companies the proportion shall be the proportion of the whole aggregate value, after such deduction, which the length of the lines or routes within the State of North Carolina bears to the whole length of lines or routes of such associations, companies, copartnerships or corpora-

tions, and such amount so ascertained shall be deemed and held as the entire value of the property of said associations, companies, copartnerships or corporations within the State of North Carolina. The State Tax Commissioners shall also assess the value for taxation of all real estate, structures, machinery and appliances of telegraph and telephone companies within the State subject to local taxation, and this assessment, together with the franchise value, shall be certified by the commission to the counties and municipalities where located on basis of wire mileage in such county or town in which such property is situated. From the entire value of the property within the State so ascertained there shall be deducted by the commissiners the assessed value for taxation of all real estate, structures, machinery and appliances within the State and subject to local taxation in the counties as hereinbefore described in sections fifty-one, fifty-two, fifty-three, fifty-four, fifty-five and fifty-six of this act, and the residue of such value so ascertained, after deducting therefrom the assessed value of such local properties, shall be by said board assessed to said association.

Assessment for local taxation.

Certificate to counties and municipalities.

Deduction of subjects of local taxation.

SEC. 58. *Value per mile.*

Said State Tax Commission shall thereupon ascertain the value per mile of the property within the State by dividing the total value as above ascertained, after deducting the specific properties locally assessed within the State by the number of miles within the State, and the result shall be deemed and held as value per mile of the property of such association, company, copartnership or corporation within the State of North Carolina.

Valuation per mile.

Method of assessment.

SEC. 59. *Total value for each county.*

Said State Tax Commission shall thereupon, for the purpose of determining what amount shall be assessed by it to said association, company, copartnership or corporation in each county in the State, through, across and into or over which the line of said association, company, copartnership or corporation extends, multiply the value per mile, as above ascertained, by the number of miles in each such counties as reported in said statements or as otherwise ascertained, and the result thereof shall be by the clerk of said board certified to the chairman of the board of county commissioners, respectively, of the several counties through, into, over or across which the lines or routes of said association, company, copartnership or corporation extends. All taxes due the State from any corporation taxed under the preceding sections, except the tax paid for school purposes, shall be paid by the treasurer of each company direct to the State Treasurer.

Assessment apportioned to counties.

Certificate of valuation.

Payment direct to State Treasurer.

SEC. 60. *Companies failing to pay tax.*

In case any such association, company, copartnership or corporation as named in this act shall fail or refuse to pay any taxes assessed against it in any county in this State, in addition to

Action for enforcement of payment on failure or refusal.

Action for county taxes.	other remedies provided by law for the collection of taxes, an action may be prosecuted in the name of the State of North Carolina by the solicitors of the different judicial districts of the State on the relation of the county commissioners of the different counties of this State, and the judgment in the said action shall include a penalty of fifty per cent of the amount of taxes as assessed and unpaid, together with reasonable attorney's fees for the reduction of such action, which action may be prosecuted in any county into, through, over or across which the lines or routes of any association, company, copartnership or corporation shall extend, or in any county where such association company, copartnership or corporation shall have an office or agent for the transaction of business. In case such association, company, copartnership or corporation shall have refused to pay the whole of the taxes assessed against the same by the State Tax Commission, or in case such association, company, copartnership or corporation shall have refused to pay the taxes or any portion thereof assessed to it in any particular county or counties, such action may include the whole or any portion of the taxes so unpaid in any county or counties; but the Attorney-General may, at his option, unite in one action the entire amount of the tax due, or may bring separate actions to each separate county or adjoining counties, as he may prefer. All collections of taxes for or on account of any particular county made in any such suit or suits shall be by said board accounted for as a credit to the respective counties for or on account of which such collections were made by the said board at the next ensuing settlement with such county, but the penalty so collected shall be credited to the general fund of the State; and upon such settlement being made, the treasurers of the several counties shall at their next settlements enter credits upon the proper duplicates in their offices, and at the next settlement with such county report the amount so received by him in his settlement with the State, and proper entries shall be made with reference thereto: <i>Provided</i> , that in any such action the amount of assessment fixed by said State Tax Commission and apportioned to such county shall not be controverted.
Judgment to include penalty and attorney's fees.	
Venue.	
Suit for part or all of tax.	
Option of Attorney-General.	
Collection credited to counties.	
Penalty to general fund of State.	
Settlement of penalties.	
Proviso: amount of assessment not put in controversy.	

SEC. 61. *Railroads.*

Railroad, canal, steamboat and other companies.

The commissioners selected from time to time under authority to establish the North Carolina State Tax Commission shall constitute a board of appraisers and assessors for railroad, canal and steamboat companies and other companies exercising the right of eminent domain.

SEC. 62. *Railroads.*

Sworn reports of railroad, telegraph, telephone, and street railway companies.

The president, secretary, superintendent or other principal accounting officers, within this State, of every railroad, telegraph, telephone, street railway company, whether incorporated by the

laws of this State or not, shall, at such dates as real estate is required to be assessed for taxation, return to the said commission for assessment and taxation, verified by the oath or affirmation of the officer making the return, all the following described property belonging to such corporation within this State, viz: The number of miles of such railroad lines in each county in this State and the total number of miles in this State, including the roadbed, right of way and superstructures thereon, main and side tracks, depot buildings and depot grounds, section and tool houses, and the land upon which situated and necessary to their use; water stations and land, coal chutes and land, and real estate and personal property of every character necessary for the construction and successful operation of such railroad or used in the daily operation, whether situated on the charter right of way of the railroad or on additional land acquired for this purpose, except as provided below, including, also, if desired by the State Tax Commission, Pullman or sleeping cars or refrigerator cars owned by them or operated over their lines: *Provided, however*, that all machine and repair shops, general office buildings, storehouses and contents located outside of the right of way, and also real and personal property, other than the property as returned above to the State Tax Commission, shall be listed for purposes of taxation by the principal officers or agents of such companies with the list takers of the county where the real and personal property may be situated, in the manner provided by law for the listing and valuation of real and personal property. A list of such property shall be filed by such company with the State Tax Commission. It shall be the duty of the register of deeds, if requested so to do by the State Tax Commission, to certify and send to the said commission a statement giving a description of the property mentioned in the foregoing proviso, and showing the assessed valuation thereof, which value shall be deducted from the total value of the property of such railroad company as arrived at by the commission, in accordance with section sixty-six, before the apportionment is made to the counties and municipalities. The registers of deeds shall also certify to the commission the local rate of taxation for county purposes as soon as the same shall be determined, and such other information obtained in the course of the performance of the duties of their office as the said commission shall require of them; and the mayor of each city or town shall cause to be sent to the said commission the local rate of taxation for municipal purposes.

Property to be returned.

Proviso: property listed for local taxation where situate.

List filed with State Tax Commission. Certificate from register of deeds.

Certificate of local tax rate.

Municipal tax rate.

Sec. 63. *Railroads.*

The movable property belonging to a railroad company shall be denominated for the purpose of taxation "rolling stock." Every person, company or corporation owning, constructing or operating a railroad in this State shall, in the month of May, annually, return a list or schedule to the State Tax Commission, which shall

Rolling stock defined. Return of rolling stock.

Items of inventory. contain a correct detailed inventory of all the rolling stock belonging to such company, and which shall distinctly set forth the number of locomotives of all classes, passenger cars of all classes, sleeping cars and dining cars, express cars, horse cars, cattle cars, coal cars, platform cars, wrecking cars, pay cars, hand cars, and all other kinds of cars, and the value thereof, and a statement or schedule, as follows: (1) the amount of capital stock authorized and the number of shares into which such capital is divided; (2) the amount of capital stock paid up; (3) the market value, or, if no market value, then the actual value of shares of stock; (4) the length of line operated in each county and total in the State; (5) the total assessed value of all tangible property in the State; (6) and, if desired, all the information heretofore required to be annually reported by section five thousand two hundred and ninety-one of The Revisal. Such schedule shall be made in conformity to such instructions and forms as may be prescribed by the commission, and with reference to amounts and values on the first day of May of the year of which the return is made.

Instructions and forms.

SEC. 64. *Tangible and intangible property assessed separately.*

Valuation of tangible property.

(a) At such dates as real estate is required to be assessed for taxation, the said commission shall first determine the value of the tangible property of each division or branch of such railroad of rolling stock and all other physical or tangible property. This value shall be determined by a due consideration of the actual cost of replacing the property, with a just allowance for depreciation on rolling stock, and also of other conditions, to be considered as in the case of private property.

Considerations determining value.

Valuation of franchise. Considerations determining value.

(b) They shall then assess the value of the franchise, which shall be determined by due consideration of the gross earnings as compared with the operating expenses, and particularly by consideration of the value placed upon the whole property by the public (the value of the physical property being deducted), as evidenced by the market value of all capital stock, certificates of indebtedness, bonds or any other securities, the value of which is based upon the earning capacity of the property.

Value for taxation.

(c) The aggregate value of the physical or tangible property and the franchise as thus determined shall be the true value of the property for the purpose of an *ad valorem* taxation, and shall be apportioned in the same proportion that the length of such road in each county bears to the entire length of such division or branch thereof; and the State Tax Commission shall certify, on or before the fifteenth day of August, to the chairman of the county commissioners and the mayor of each city or incorporated town the amount apportioned to his county, city or town; and the said commission shall make and forward a like certificate to the Auditor of the State. All taxes due the State from any railroad company, except the tax imposed for school purposes,

Apportionment to counties.

Certificate to counties.

Certificate to Auditor.

Payment direct to State Treasurer.

shall be paid by the treasurer of each company directly to the State Treasurer within thirty days after the first day of July of each year; and upon failure to pay the State Treasurer as aforesaid, he shall institute an action to enforce the same in the county of Wake or any other county in which such railroad is located, adding thereto twenty-five per centum of the tax. The board of county commissioners of each county through which said railroad passes shall assess against the same only the tax imposed by the State for school purposes and those imposed for county purposes.

Action for enforcement of payment.

Penalty.
Assessment by counties.

SEC. 65. *Railroads.*

When any railroad has part of its road in this State and part thereof in any other state, the said commission shall ascertain the value of railroad track, rolling stock and all other property liable to assessment by the State Tax Commission of such company as provided in the next preceding section, and divide it in the proportion to the length such main line of road in this State bears to the whole length of such main line of road, and determine the value in this State accordingly. On or after the first Monday in July, the said commission shall give a hearing to all the companies interested touching the valuation and assessment of their property. The said commission may, if they see fit, require all argument and communications to be presented in writing.

Proportionate assessment of railroad partly outside of State.

Hearing to companies.

Argument and communications in writing.

SEC. 66. *Railroads.*

If the property of any railroad company be leased or operated by any other corporation, foreign or domestic, the property of the lessor or company whose property is operated shall be subject to taxation in the manner hereinbefore directed; and if the lessee or operating company, being a foreign corporation, be the owner or possessor of any property in this State other than which it derives from the lessor or company whose property is operated, it shall be assessed in respect to such property in like manner as any domestic railroad company.

Railroads under lease.

Other property of lessee company.

SEC. 67. *Railroads.*

The State Tax Commission shall have power to summon and examine witnesses and require that books and papers shall be presented to them for the purpose of obtaining such information as may be necessary to aid in determining the valuation of any railroad company. Any president, secretary, receiver or accounting officer, servant or agent of any railroad or steamboat company having any portion of its property or roadway in this State, who shall refuse to attend before the said commission when required to do so, or refuse to submit to the inspection of said commissioners any books or papers of such railroad company in his possession, custody or control, or shall refuse to answer such

Powers of State Tax Commission in determining valuation.

Refusal to attend or to produce books and papers or to answer questions a misdemeanor.

Punishment. questions as may be put to him by said commission, or order, touching the business or property, moneys and credits, and the value thereof, of said railroad company, shall be guilty of a misdemeanor, and on conviction thereof before any court of competent jurisdiction shall be confined in the jail of the county not exceeding thirty days and shall be fined in any sum not exceeding five hundred dollars and costs; and any president, secretary, accounting officer, servant or agent aforesaid, so refusing as aforesaid, shall be deemed guilty of contempt of such commission, and may be confined, by order of said commission, in the jail of the proper county until he shall comply with such order and pay the cost of his imprisonment.

Punishment as for contempt.

SEC. 67. *Tax Commission to certify; when tax payable.*

List of corporations and values certified to Auditor.

Auditor to compute tax.

List a charge against Treasurer. Payment direct to Treasurer.

Certificate to counties.

Assessment and collection of school and county tax.

(a) The State Tax Commission shall, upon the completion of the assessments as directed in the preceding section, certify an itemized list of the names of the various corporations assessed, together with the valuations assessed against each, to the Auditor of the State, and it shall be the duty of the Auditor to cause the State and pension tax levy to be computed thereon against each corporation so certified, and to furnish the State Treasurer with same for collection, and said list shall be a charge against the State Treasurer. All such taxes due the State shall be paid by the secretary or treasurer of any such corporation direct to the State Treasurer within thirty days after receipt of bill from the Treasurer of taxes due. The State Tax Commission shall also certify to the register of deeds of the county the total valuation as hereinfore determined and apportioned by the commission, and in case of corporate excess, to the county in which the corporation has its principal place of business, and the board of county commissioners shall assess against same the tax imposed for county and school purposes, which shall be paid to the sheriff or tax collector of the county.

SEC. 68. *Canal and steamboat companies.*

Canal and steamboat companies.

Assessment on failure of returns.

The property of all canal and steamboat companies in this State shall be assessed for taxation as above provided for railroads. In case any officer fails to return the property as provided in this section, the commission shall ascertain the length of such property in this State, and shall assess the same in proportion to the length at the highest rate at which property of that kind is assessed by them.

SEC. 69. *Private banks and bankers.*

Banks, bankers, brokers and stock jobbers to file sworn statements. Specifications of statements.

Every bank (not incorporated), banker, broker or stock jobber shall, at the time fixed by this chapter for listing personal property, make out and furnish the assessor a sworn statement, showing (1) the amount of property on hand and in transit; (2) the amount of funds in the hands of other banks, bankers or brokers

and subject to draft; (3) the amount of checks or other cash items, the amount thereof not being included in either of the preceding items; (4) the amount of bills receivable, discounted or purchased, and other credits due or to become due, including interest receivable and accrued, but not due, and interest due and unpaid; (5) the amount of bonds and stocks of every kind, State and county warrants, and other municipal securities and shares of capital stock or joint stock or other companies or corporations held as an investment or any way representing assets; (6) all other property appertaining to said business, other than real estate, which real estate shall be listed and assessed as other real estate is listed and assessed under this act; (7) the amount of deposits made with them by other parties; (8) the amount of all accounts payable, other than current deposit accounts; (9) the amount of bonds and other securities exempt by law from taxation, specifying the amount and the kind of each, the same being included in the preceding fifth item. The aggregate amount of the first, second and third items in said statement shall be listed as moneys. The amount of the sixth item shall be listed the same as other similar personal property is listed under this chapter. The aggregate amount of the seventh and eighth items shall be deducted from the aggregate amount of the fourth item of said statement, and the amount of the remainder, if any, shall be listed as credit. The aggregate amount of the ninth item shall be deducted by the tax lister from the aggregate amount of the fifth item of such statement, and the remainder shall be listed as bonds or stocks.

Listing and assessment of real estate.

Items listed as moneys.

Items listed as similar personal property.

Deductions.

Amount listed as credit.

Deduction from stocks and bonds.

Remainder listed.

SEC. 70. *Stock brokers and private bankers.*

No person, bank or corporation shall, without a license authorized by law, act as a stockholder or private banker. Any person, bank or corporation that deals in coin, foreign or domestic exchange, government stock, or other certificates of debt or shares in any corporation or chartered company, banknotes or other notes used as a currency, or to sell the same or any of them on commission or for other compensation, or who negotiate loans upon real estate securities, shall be deemed to be a stockbroker. A stockbroker shall have the right to buy for profit or to sell on commission the coin, exchange, stocks, certificates of debt, shares in chartered companies, banknotes and notes used as currency, as aforesaid, and may sell either privately or by auction, and also negotiate loans on real estate securities. Any person, bank or corporation engaged in the business of receiving money on deposit or in lending or advancing money, or in negotiating loans on any class of securities, or in discounting, buying or selling negotiable or other paper or credits, commonly known as stockbrokers, whether in an office for the purpose or elsewhere, shall be deemed to be a private banker, and in the latter case the tax shall be paid for the additional privilege of private banking. Any person,

Acting as stockbroker or private banker without license forbidden. Stockbroker defined.

Rights of stockbrokers.

Private banker defined.

Tax for privilege.

Fine for violation of section.

bank or corporation violating this section shall pay a fine of not less than one hundred nor more than five thousand dollars for each offense.

SEC. 71. *Taxpayer refusing to answer guilty of a misdemeanor; list taker and chairman board of commissioners may examine witnesses.*

Refusal to answer questions or verify returns a misdemeanor.

If any person liable to be charged with taxes shall willfully refuse to answer any questions respecting his property, or refuse to file, sign and swear to his returns, he shall be guilty of a misdemeanor, and, on conviction, liable to be punished by a fine not exceeding fifty dollars or imprisoned not exceeding thirty days, or both; and it shall be the duty of the assessors or list taker to have the offender prosecuted; and the list taker shall complete the list from the best information he can obtain. Every list taker and chairman of the board of county commissioners shall have power to send for persons and papers and to examine witnesses and administer oaths.

Punishment.

Assessor or list taker to prosecute. List taker to complete list. Powers of list taker and chairman of commissioners.

SEC. 72. *What property exempt.*

Exempted real estate.

The following real estate and no other shall be exempt from taxation, State and local:

Real estate held by public for public or school uses.

(1) Real estate directly or indirectly owned by the United States or this State, however held, and real estate lawfully owned and held by counties, cities, towns or school districts, used wholly and exclusively for public and school purposes, and all property used exclusively for educational purposes.

Exclusively for educational purposes.

Graveyards and burial lots.

(2) Such property as may be set apart for graveyards or burial lots, except such as is held for the purpose of speculating in the sale thereof.

Property of churches and religious bodies.

(3) Buildings, with the land they actually occupy, lawfully owned and held by churches or religious bodies and wholly and exclusively used for religious worship or for the residence of the minister of any such church or religious body, together with the additional adjacent land reasonably necessary for the convenient use of any such building. The occasional leasing such buildings for schools, public lectures or concerts or the leasing of such parsonages shall not render them liable to taxation.

Buildings and land wholly devoted to educational purposes.

(4) Buildings, with the land they actually occupy, wholly devoted to educational purposes, belonging to and actually and exclusively occupied and used by churches, public libraries, incorporated colleges, academies, industrial schools, seminaries or other corporate institutions of learning, together with such additional adjacent land owned by said churches, libraries and educational institutions as may be reasonably necessary for the convenient use of such buildings, respectively, and also the buildings thereon used as residences by the officers or instructors of such educational institutions.

Property occupied and used by religious and charitable associations.

(5) Real estate belonging to and actually and exclusively occupied and used by Young Men's Christian Associations and other

similar religious associations, orphan or other asylums, reformatories, hospitals and nunneries, which are not conducted for profit, but purely and completely as charities.

(6) Buildings, with the land they actually occupy, belonging to any benevolent or charitable association and used exclusively for lodge purposes or meeting rooms by such association, together with such additional adjacent land as may be necessary for the convenient use of the buildings for such purposes; and also the proceeds and profits arising from rents, leases, etc., or rooms in said building, whether occupied for lodge and meeting purposes or not, when such rents, proceeds and profits are used for charitable and benevolent purposes.

Property owned by benevolent and charitable associations and used as lodge rooms.

Proceeds from rents when used for charitable and benevolent purposes.

(7) The property of Indians who are not citizens, except lands held by them by purchase.

Property of Indians not citizens.

The following personal property and no other shall be exempt from taxation, State and local:

(1) Property directly or indirectly owned by the State, however held; by the United States, however held; and property lawfully owned and held by the counties, cities, towns or school districts, used wholly and exclusively for county, city, town or public school purposes.

Property of State or United States or any sub-division of State.

(2) The furniture and furnishings of buildings lawfully owned and held by churches or religious bodies and wholly and exclusively used for religious worship or for the residence of the ministers of any church or religious body or such ministers' private libraries.

Furniture used for religious worship or residences of ministers.

Ministers' private libraries.

(3) The furniture, furnishings, books and instruments contained in buildings wholly devoted to educational purposes, belonging to and actually and exclusively used by churches, public libraries, incorporated colleges, academies, industrial schools, seminaries or other incorporated institutions.

Equipment devoted to educational purposes.

(4) Personal property, including endowment funds, belonging to Young Men's Christian Associations and other similar religious associations, orphan or other asylums, reformatories, hospitals and nunneries which are not conducted for profit, but purely and completely as charities.

Property of religious and charitable associations.

(5) The furniture and furnishings of buildings and other property belonging to any benevolent or charitable association and used for lodge purposes and meeting rooms by said associations, or when such property or the proceeds of same is used for charitable or benevolent purposes.

Furniture of lodges and meeting rooms.

(6) Wearing apparel, private libraries, kitchen and other household furniture, not exceeding in value twenty-five dollars, and also growing crops.

Wearing apparel, libraries, and furniture.
Growing crops.

SEC. 73. *Form of assessing and listing property.*

The State Tax Commission shall prepare forms to be used in assessing and listing property for taxation by assessors and list takers. It shall transmit said forms to the clerk of the board of

State Tax Commission to prepare forms.
Time for sending forms.

Delivery to assessors.

commissioners of each county by the fifteenth day of April, and the clerks shall deliver to each board of list takers and assessors the necessary number of forms for their respective use. The assessors' forms shall be furnished every fourth year and the list takers' forms annually.

SEC. 74. *Lists shall be completed by the second Monday in July; shall make a return of polls and property not listed.*

Time for return of tax lists.

The list taker shall, on or before the second Monday in July in each year return the tax list to the clerk of the board of county commissioners. He shall also return a list of taxable polls and property of the township not given in for taxation. The returns so made shall be open to the inspection of all persons interested, and the clerk shall give to any person desiring it a copy of so much thereof as relates to his property on paying a fee of ten cents.

Lists of delinquents.
Returns open for inspection.
Fee for copy.

SEC. 75. *Oaths of list takers.*

Returns to be verified.

The list taker, upon making returns to the board of commissioners of the list and statements, shall take and subscribe an oath to the effect following, which may be administered by the chairman of the board of commissioners or any officer authorized to administer oaths:

Form of oath.

"I,, list taker of, in the county of, do solemnly swear (or affirm) that the value of all real and personal property, moneys, credits, investments in bonds, stocks, joint stock companies or otherwise, of which a statement has been made to me by the persons required by law to list the same, is truly returned as set forth in that statement; that in every case where by law I have been required to ascertain the items and value of the real and personal property, moneys, credits, investments in bonds, stocks, joint stock companies or otherwise, of any person, company or corporation, I have diligently and by the best means in my power endeavored to ascertain the real value thereof, and that I verily believe a full list, with the value thereof estimated by the rules prescribed by law, is set forth in annexed returns; that in no case have I knowingly omitted to receive from any person of whom by law I was required to receive a statement of the description and value of real and personal property or of the amount of moneys, credits, investments in bonds, stocks, joint stock companies or otherwise which he was required to list, or in any way connived at any violation or evasion of any of the requirements prescribed by law in relation to the listing or valuation of property, moneys, credits, investments in bonds, stocks, joint stock companies or otherwise, of any kind of taxation, and that I have returned to the board of commissioners the original returns made to me, or which I have made, or which by law I am required to procure and return."

False return a misdemeanor.

Any list taker making a false return, as aforesaid, shall be guilty of a misdemeanor.

SEC. 76. *Assessors to furnish list of exempt property.*

Each assessor shall, when making the assessment roll for his district, enter on the blanks so furnished him, in regular order, the name of the owner, if known, and, from the best information he can obtain, a correct description of all real and personal property then exempt from taxation in his town or assessment district, together with a statement of its value, for what purpose used, and the rent, if any, obtained therefor. The list of such exempt property, when completed, on or before the first day of October, shall be delivered by the assessor to the register of deeds, who, on or before the first day of November next thereafter, shall make duplicates thereof and transmit such duplicates to the State Tax Commission and file the original in his office.

Lists of exempted property.

Time for delivery of lists.

Duplicates to State Tax Commission.

SEC. 77. *Equalization of values.*

The board of commissioners of each county, after notice in one newspaper or by poster put up, shall meet on the second Monday in July and revise the tax list and valuation reported to them; and it shall be the duty of the register of deeds, without additional compensation, to complete the list by computing the tax payable by each person, affixing the same opposite his name. The board of commissioners shall sit for one day at least, and when necessary shall sit until the revision is complete and shall hear all persons objecting to the valuation of their property or the amount of tax charged against them. They shall have power to summon and examine witnesses, and shall correct the list of the list takers as may be right and just, so that the valuation of similar property throughout the county shall be as near uniform as possible. They shall have power, after notifying the owner or agent to raise the valuation of such property as they shall deem unreasonably low. The said board of commissioners, on tendering the prescribed oath, may take the list of any person applying to list his taxables at any meeting of the commissioners, held on or before the second Monday in July, upon his paying the clerk twenty-five cents for recording the same. The board of commissioners shall ascertain the valuation of his property by the examination of witnesses or otherwise, and insert it in the abstract, and without satisfactory excuse they may add to the tax of the person so allowed to give in five per centum on the regular amount of his tax for that year.

County commissioners to revise lists and valuation.

Register of deeds to compute tax.

Devotion of meeting.
Hearing on objection.

Powers of commissioners.

Power to raise valuation.

Lists taken at meeting.

Fee for recording.

Ascertainment of value.

Addition to tax.

SEC. 78. *The taxpayer may complain to board of commissioners.*

If any person shall complain before the board of commissioners that his property, either real or personal, has been improperly valued, or that he is charged with an excessive tax, he may be required to present his claim in writing, and the board of commissioners shall hear any evidence adduced by him and shall summon and examine any witnesses necessary for a just decision of the question, including the assessors or list takers who made

Complaints of valuation.

Hearing on complaints.

True account to be rendered. If the board of commissioners shall find that he has cause for complaint, they shall direct the clerk to render a true account thereof, and the account thus rendered, certified by the clerk, shall be transmitted to the State Tax Commission, who shall credit the sheriff with the overcharge in his settlement for the year.

Account certified to State Tax Commission.
Credit to sheriff.

SEC. 79. *Commissioners may give certificates of relief granted.*

Procedure for relief after settlement by sheriff.

If the application for relief be made to the board of commissioners after the sheriff shall have settled the accounts with the State and county, the board of commissioners shall carefully examine the case, and, if in their opinion the applicant is entitled to relief, shall direct the clerk to record on the record book the cause of complaint, the amount which in the opinion of the board of commissioners should be refunded to the applicant. The clerk shall make out a copy of such record, certify the same, under the seal of the board of commissioners, and deliver it to the applicant, who shall pay the clerk a fee of twenty-five cents. Such copy shall be transmitted to the State Tax Commission, who, finding the proceedings in conformity with the requirements of the order, shall issue a warrant on the Treasurer of the State for the amount of State tax specified. The Treasurer shall, on presentation of such warrant, pay to the holder of the same the amount to be refunded.

Record of complaint and order.

Certificate of record.

Fee of clerk.
State Tax Commission to issue warrant.

Treasurer to pay warrant.

SEC. 80. *Sheriff may recover overpayment by error.*

Certificate of error.

If a sheriff or tax collector shall, in consequence of an error in the abstract of taxes sent to the State Tax Commission, or otherwise be charged with more than the true amount with which he should be chargeable, and pay the amount so charged in excess to the Treasurer of the State, the commission shall, upon the certificate of the board of commissioners setting forth the nature of such error, give its warrant upon the Treasurer of the State for the amount so paid in excess, and the Treasurer shall pay the same.

Commission to issue warrant.

Treasurer to pay warrant.

SEC. 81. *Commissioners to enter property escaping taxation in previous years.*

Property entered for lapsed years.

In all cases where the board of commissioners shall have omitted or in any future year shall omit to enter upon the duplicate of their county any land or town lots situated within their county subject to taxation, it shall be their duty, when they enter the same to duplicate the next succeeding year, to add to the taxes of the current year the simple taxes of each and every preceding year in which such land or town lots shall have so escaped taxation, with twenty-five per centum in addition thereto, so far back as the said lands have escaped taxation; and the State Tax Commission shall have like power to list unlisted railroad property. When no assessment has been made for the years in which said property has so escaped taxation, the board of commissioners

Taxes.
Addition to taxes.

Unlisted railroad property.

Assessment.

shall be authorized to value and assess the same for those years:

Provided, this shall not apply beyond five years. In all cases where any personal property, chose in action or any property, except lands liable to taxation, shall have been omitted or shall be omitted in any future year from the tax list by the owner or person required by law to list the same, the board of commissioners shall enter the same on the duplicate of the next succeeding year and shall add to the taxes of the current year the simple taxes of such preceding year, not exceeding five years, with twenty-five per centum added thereto, in which such personal property as aforesaid shall so have escaped taxation, and the said board of commissioners shall value and assess the personal property aforesaid for those years, and are empowered to examine witnesses and to call for papers to determine the value and to ascertain the persons liable for the tax upon said personal property. The provisions of this section shall extend and apply to all cities, towns and like municipal corporations having the powers under their charter to tax the property aforesaid, and the powers and duties herein imposed upon the board of commissioners of the county shall be exercised and performed by the board of commissioners or the board of aldermen, as the case may be, of the city or town or other municipal corporation.

Proviso: limit of power.
Omitted personal property to be entered.

Limit of power.
Additional taxes.
Assessment.

Power extended to municipalities.

SEC. 82. *The board of commissioners shall insert omitted property.*

The chairman of the board of commissioners shall examine the tax list from each township for the previous year and insert in said list the description and valuation of all property not given in, and shall charge all such persons with double the tax which they would otherwise be chargeable, unless satisfactory excuse therefor be rendered to the board of commissioners on or before the first Monday in October; and all persons who own property and willfully fail to list it within the time allowed before the list taker or board of commissioners shall be guilty of a misdemeanor and on conviction thereof shall be fined not more than fifty dollars or imprisoned not more than thirty days; and it shall be the duty of the board of commissioners to present to the grand jury the names of all such persons. The list taker shall report to the board of commissioners any change he may make to the tax list as to real estate, and the said board shall note such change in a book to be kept for that purpose. It shall be the duty of the commissioners of each county to employ a competent man, whose duty it shall be to spend such time as the commissioners may deem necessary to make diligent search for property not listed for taxes and to put such property on the tax books: *Provided*, the cost of listing such unlisted property shall not exceed ten per cent of the revenue so derived, said expense to be divided *pro rata* between the State and county: *Provided further*, that nothing in this section shall be construed as authorizing or empowering the county commissioners to appoint tax collectors.

Omitted property inserted.

Double tax for failure to list.

Failure to list misdemeanor.

Punishment.

Presentment to grand jury.

Changes in lists.

Note of changes.

Search for property not listed.

Proviso: limit of cost.

Division of expense.
Proviso: appointment of tax collectors.

SEC. 83. Register of deeds to make out tax duplicates.

Tax lists made out in duplicate.
Form furnished by State Tax Commission.
Columns in tax list.

The board of county commissioners shall cause the register of deeds to make out two copies of the tax list for each township, as revised and settled by the tax lister, according to a form to be furnished to them by the State Tax Commission. Such form shall show in different columns the sum due by each taxpayer to the State and to the county, and also in separate columns the amount of school poll tax levied by the General Assembly and the county commissioners, and the total amount of property school tax levied by the General Assembly and the county commissioners. One of said copies shall remain in the office of the clerk of the board of commissioners; the other shall be delivered to the sheriff or tax collector on or before the first Monday in October in each year, and he shall receipt for the same. The clerk shall endorse on the copies given the sheriff an order to collect the taxes therein mentioned, and such order shall have the force and effect of a judgment and execution against the real and personal property of the person charged with such list. In such list the clerk shall note all appeals from the judgment of the board of commissioners which have been perfected by the giving of a bond. Said order shall be in the following or similar form:

Copy for county commissioners.
Copy for sheriff.
Time for delivery.
Order for collection.

Force and effect of order.

Appeals noted.

Form of order.

"State of North Carolina, County.

"Office Board of Commissioners County.

"To the Sheriff of County:

"You are hereby commanded to collect the taxes herein mentioned according to the provisions and requirements of the existing law.

In witness whereof, I hereunto set my hand and seal, day of, 19.....

.....

"Clerk Board of Commissioners."

Compensation of register of deeds.

The board of commissioners shall make an order for the payment to the register of deeds of such a sum as may be deemed a proper compensation for the work of computing the taxes and making out the tax list and the necessary copies thereof, including the making of such abstract and returns as he may be required to furnish to the State Tax Commission and Auditor; but the sum allowed for computing the taxes and making out the tax list shall not exceed five (5) cents for each name appearing on the tax list, to be paid by the county treasurer out of the county funds.

Limit.

SEC. 84. Agents paying taxes shall have lien.

Agent's lien.

When property is assessed to any person as agent for another or in a representative capacity, such person shall have a lien upon such property or any property of his principal in his possession until he is indemnified against the payment thereof, or if he has paid the tax, until he is reimbursed for such payment.

SEC. 85. *Register of deeds shall make report to State Tax Commission.*

The clerk of the board of commissioners shall, on or before the first Monday in November, after the lists are deposited with him by the board of commissioners, return to the State Tax Commission an abstract of the same, showing the number of acres of land and their value, and the value of town lots, and the number of white and negro polls, separately, and specify every other subject of taxation and the amount of State and county tax paid on each subject and the amount paid on the whole. At the same time the clerk shall return to the State Tax Commission an abstract of the list of the poor, county and school taxes paid in his county, setting forth separately the tax levied on each poll and on each one hundred dollars value of real and personal property for each purpose, and also the gross amount of taxes of every kind levied for county purposes.

Register of deeds to return abstract.

Abstract of county taxes.

SEC. 86. *Penalty for register of deeds failing to make report.*

If any register of deeds shall make a default of any of the duties prescribed in the preceding section, or shall fail to deliver to the State Tax Commission a copy of the sheriff's return of taxes received under Schedules B and C of "An act to raise revenue," and a copy of the settlement of State tax account between the board of commissioners and the sheriff or tax collector, made, sworn to and subscribed, he shall forfeit and pay to the State one thousand dollars, to be recovered against him and the sureties of his bond in the Superior Court of Wake County, before the clerk thereof, on motion of the State solicitor; and it shall be the duty of the State Tax Commission to inform the solicitor of such default, and at the same time furnish him with a certified copy of the official bond of said register of deeds. The clerk of the Superior Court shall transmit to the State Tax Commission, on or before the second Manday in October in each year, a certified copy of the official bond of the register of deeds and his sureties under the same, penalties for default as are prescribed in this act. The register of deeds shall transmit to the State Tax Commission annually a copy of the bond of the clerk of the Superior Court.

Forfeit for default.

Action on bond for penalty.

Information to be furnished solicitor.

Copies of bonds sent to State Tax Commission.

SEC. 87. *Property may be divided upon sale.*

In case, within the interval between the regular periods of the valuation of lands or real property, any piece of land or real property shall become divided in ownership, either by partition or sale of a portion thereof or otherwise, either of the part owners may at any time, upon five days notice to the other part owner, apply to the board of commissioners for an apportionment of valuation. The board of commissioners shall allow such amendment to the tax duplicate as they may think just, and the person who has in custody the tax duplicates shall amend the

Apportionment of valuation on division of property.

Amendments to tax lists.

same according to the assessment of the board of commissioners on the production of a certified copy of their proceedings ordering the change: *Provided*, that no amendment made after a tax has become due shall operate to affect that tax.

Proviso: amendment after tax due.

SEC. 88. *Taxes due the first Monday in October.*

Tax due. All taxes shall be due on the first Monday in October in each year. When paid, the sheriff or tax collector shall note on the tax duplicate against the name of the party the date of the payment and the amount paid. He shall also give receipt to the parties, stating the amount of the State and county tax separately, and the date of payment; and for the failure to give such receipt, stating the state and county tax separately, he shall be guilty of a misdemeanor, and on conviction be fined at the discretion of the court: *Provided*, the sheriff or tax collector shall not collect the taxes for any year until he shall have settled in full with the State and county for the taxes of the previous year (if he was sheriff or tax collector) and give the bonds required by law; and if upon examination the commissioners are not satisfied with the solvency of the surety to said bonds, they may require new bonds to be given. Before receiving the tax duplicate, he shall produce the receipts of the State and county, if he was the sheriff or tax collector for the previous year, to the clerk of the board of commissioners, and in the event the sheriff fails to produce the aforesaid receipts or give the required bond the board of commissioners shall appoint a tax collector, who shall give bond as required of the sheriff to faithfully collect and pay over the taxes according to law. When the sheriff shall collect by his deputies they shall, before the clerk of the board of commissioners or before a justice of the peace of the county, take and subscribe an oath faithfully and honestly to account for the same with a sheriff or other person authorized to receive the same. Said oath shall be filed with the register of deeds and kept in the office of the board of commissioners, and for failure of any deputy sheriff to pay over such taxes as he may collect he shall be guilty of a misdemeanor.

Payment noted on tax list.

Receipt for taxes.

Failure to give receipt misdemeanor.

Punishment.

Proviso: settlement and bonds.

Production of receipts.

Appointment of tax collector.

Deputies collecting tax to be sworn.

Oath to be filed.

Failure to pay over misdemeanor.

SEC. 89. *Sheriff shall attend to receive taxes.*

Attendance at county seat. The sheriff or his deputy or tax collector shall attend at the courthouse or his office in the county town during the months of October and November for the purpose of receiving taxes. He shall also in like manner attend at least one day during the month of October at some one or more places in each township, of which fifteen days notice shall be given by advertisement at three or more public places and in a newspaper, if one be published in the county: *Provided*, that nothing in this section shall be construed to prevent the collecting officer from levying and selling after the first day of November, but he shall not sell before that day unless he has reason to believe the taxpayer is preparing to leave the county or State. The sheriff or tax collector shall be

Attendance in townships.

Advertisement.

Proviso: levy and sale for taxes.

Fees for levy and sale.

entitled to fifty cents for each actual levy or sale and fifteen cents for each advertisement, but in no case shall said sums be collected where no levy or sale or advertisement is made on real or personal property: *Provided*, that the sheriffs of the counties mentioned in chapter one hundred and fifty of the laws of one thousand eight hundred and eighty-three, as amended by subsequent acts, shall not levy on property or sell the same under execution until after the fifteenth day of March. The sheriffs of said counties or their regularly authorized deputies shall attend one day during the month of March, before the fifteenth day of said month, at one or more places in each township, for the purpose of collecting the taxes which still remain unpaid, of which ten days notice shall be given by advertisement at three or more public places and in a newspaper, if one be published in the county. No costs shall accrue to or fees be collected by the sheriffs of said counties except in cases of actual levy or advertisement and sale of property as prescribed in this proviso; and no tax due from insolvents shall be credited to the sheriff in the settlements with the State Tax Commission except such as shall be allowed by the board of commissioners, a list whereof, containing the names and amounts and subscribed by the sheriff, shall be returned by the sheriff to the board of commissioners, and the same shall be allowed only on his making oath that he has been at the dwelling house or usual place of abode of each of the taxpayers and could not there or elsewhere in the county find any property wherewith to discharge his taxes or such part thereof as is returned unpaid, and that the persons contained in the list were insolvent at the time when by law he ought to have endeavored to collect the taxes. Such list shall be recorded in the commissioners' docket and a copy thereof shall be returned to the State Tax Commission on or before the day of the settlement of the sheriff with the treasurer. Nothing in this section shall be construed to repeal chapter seven of the Public Laws of the extra session of one thousand nine hundred and eight.

SEC. 89½. The sheriff of each county, within ninety days after the ratification of this act, and every six months thereafter, and as often as he may be called upon, shall ascertain and furnish to the State Tax Commission, upon blanks to be furnished by said commission, a complete list of all subjects in his county liable for tax under Schedules B and C of the Revenue Act, which said list shall be duly verified upon the oath of said sheriff, and said State Tax Commission shall deliver a copy of said return to the State Auditor. Any sheriff failing to make the report provided for in this section within thirty days of the time prescribed shall forfeit and pay to the State the sum of one hundred dollars, to be recovered on suit instituted by the Treasurer of the State.

Attendance in March.

Advertisement.

Costs and fees.

Allowance for insolvents.

List of insolvents.

Oath as to insolvents.

Record of list.

Copy returned to State Tax Commission.

Verified lists of subjects liable under schedules B and C to be furnished by sheriff.

Forfeit for failure.

SEC. 90. *Clerks of cities and towns shall furnish information.*

The clerks of each city and town shall annually make out and transmit to the State Tax Commission, on blanks furnished by

Annual reports from cities and towns.

the said commission, a statement showing the assessed valuation of all property within his town or city, and separately the amount of all taxes levied therein by said town or city, including school district, highway, street and sidewalk taxes for the current year, and the purpose for which the same were levied; also a complete and detailed statement of the bonded and other indebtedness of his town or city, and of the accrued interest, if any, remaining unpaid, and the purpose for which said indebtedness was incurred.

Statement of debt.

SEC. 91. *City or county indebtedness shall be reported.*

Reports of county and municipal debts.

Each register of deeds, city or town clerk, whenever required by the State Tax Commission, shall furnish a full and complete statement showing the bonded indebtedness and all other indebtedness of his respective county, city or town, the purpose for which the same was incurred, and all accrued interest, if any, remaining unpaid.

SEC. 92. *City clerk or assessor failing to carry out provisions of this act.*

Penalty on town or city clerk and assessor.

Every clerk of any town or city and every assessor who shall fail or neglect to perform any duty required of him by any of the provisions of this act shall for every such neglect or failure forfeit not less than twenty nor more than fifty dollars, and every clerk of the court and every register of deeds who shall fail or neglect to perform any duty required of him by this act shall for every such failure forfeit not less than twenty-five nor more than one hundred dollars, and it shall be the duty of the Auditor or State Tax Commission to cause every such forfeiture to be prosecuted for.

Penalty on clerk of court or register of deeds.

SEC. 93. *All taxes received shall be paid to State Treasurer within ten days after the first of following month.*

Officers to make returns on first of each month.

All city, county or state officers authorized to collect or receive privilege taxes or license fees for the State shall make return of the same on the first of every month to the State Tax Commission, and within ten days thereafter pay the amount mentioned in said return to the State Treasurer; and, further, it shall be the duty of the State Treasurer to immediately notify the State Tax Commission of any failure upon the part of any official to account as aforesaid. Any officer violating this section shall be guilty of a misdemeanor.

Payment within ten days.

Notification of failure.

Violation of section misdemeanor.

Highest license charged in case of doubt.

SEC. 94. Should there be any doubt in the mind of any sheriff of any county as to which license fee any corporation, firm or individual should pay on account of the business partaking of the nature of more than one subject of taxation, such corporation, firm or individual shall be charged the highest license which might be levied; but this discretion shall not be exercised by the sheriff when the businesses carried on are separate and distinct branches, but each shall then be taxed as required by law.

When business separate.

SEC. 95. *Definitions.*

The words and phrases following, whenever used in this act, shall be construed to include in their meaning the definitions set opposite the same in this section, whenever it shall be necessary to the proper construction of this act.

(1) Bank, banker, broker, stock jobber—whichever has money employed in the business of dealing in coin, notes or bills of exchange, or in any business of dealing or in buying or selling any kind of bills of exchange, checks, drafts, bank notes, promissory notes, bonds, warrants or other writing obligatory, or stocks of any kind or description whatsoever, or receiving money on deposit.

Definitions.

Bank, banker, broker, stock-jobber.

(2) Collector or collectors—county and deputy collectors, including sheriffs.

Collectors.

(3) List takers and assessors have all authority conferred upon list takers in this act.

List takers and assessors.

(4) Credits—every claim or demand for money, labor, interest or valuable things due or to become due, including money on deposit.

Credits.

(5) He—male, female, company, corporation, firm, society, singular or plural number.

(6) Real property, real estate, land, tract, lot—not only the land itself, whether laid out in town or city lots, or otherwise, with all things therein, but also all buildings, structures and improvements and other permanent fixtures of whatever kind thereon, and all rights and privileges belonging or in any wise appertaining thereto, except where the same may be otherwise denominated by this act.

Real property, real estate, land, tract, lot.

(7) Shares of stock, shares of capital stock—the shares into which the capital stock of every incorporated company or association may be divided.

Shares of stock, shares of capital stock.

(8) Tax, taxes—any taxes, special assessments or costs, interest, or penalty imposed upon property.

Tax, taxes.

SEC. 96. *Mistakes in assessments.*

If on the assessment roll there is an error in the name of the person assessed, or any taxable property shall not be entered thereon, the name may be changed or the property entered on the list by the assessors after the roll has been returned to the clerk of the board of commissioners, or such error may be corrected or the omission supplied by the board of commissioners, upon satisfactory evidence of such error or omission, at a regular meeting of the board; and the board may make an order requiring the person affected to show cause, at a day to be therein appointed, why the error shall not be corrected or omission supplied, and his name and the property be entered on the tax list. Such order shall be served upon the party or posted upon the property thirty days before the day appointed therein for showing cause. If no cause, or no sufficient cause, be shown to the con-

Correction of mistakes and omissions.

Order to show cause.

Service of order.

Order for correction and assessment of property.

rary, the commissioners shall assess such property and order such error corrected or omission supplied and the name of the person and description of the property entered on the tax list, and the tax shall be collected as in other cases; but proceedings to correct such error or supply such omission must be instituted within six months from the time taxes would, if regularly assessed, have become delinquent.

Collection of tax.
Institution of proceedings.

SEC. 97. *Taxes on railroads shall be a lien on property of the same.*

Lien for taxes on railroad property perpetual and paramount.

The taxes upon any and all railroads in this State, including roadhed, right of way, depots, side tracks, ties and rails, now constructed or hereafter to be constructed, are hereby made a perpetual lien thereupon, commencing from the first day of May in each current year against all claims or demands whatsoever of all persons or bodies corporate, except the United States and this State; and the above described property or any part thereof may be taken and held for payment of all taxes assessed against said railroad company in the several counties of this State.

SEC. 98. *Removing or concealing personal property a misdemeanor.*

Refusal or concealment of property or failure to list misdemeanor.

If any person whose duty it is to list personal property for taxation shall remove or conceal same, or cause same to be removed or concealed, for the purpose of avoiding taxation, or shall fail to list same for taxation, he shall be guilty of a misdemeanor.

SEC. 99. *Sheriff to keep the records of settlement of taxes.*

Records to be kept by sheriff.

Every sheriff shall keep a record of the taxes collected by him from the clerk of the court, register of deeds and under Schedule B of the Revenue Act. A suitable book for the purpose shall be provided by the State Tax Commission for recording all forfeitures, arrears from insolvents, double taxes and taxes on unlisted subjects; and on the first Monday in December in each year the sheriff shall deliver, on oath, to the board of commissioners a statement setting forth all sums received to that date not previously accounted for, the date of such receipts, the person from whom received, the amount received from each person, the subjects on which received, and the aggregate amounts, accompanied by an affidavit taken and subscribed before the clerk of the commissioners and attested by him that the statement is correct and that no receipts have been omitted; and the register of deeds shall record the same in a book to be kept for that purpose, and shall before the second Monday in December send an abstract of such statement, with the affidavit, to the State Tax Commission, on a blank to be furnished by the State Tax Commission, register the same in a book kept in its office for that purpose, and keep a copy of the same in a conspicuous place in the courthouse until the first day of January next ensuing.

Book provided by State Tax Commission.

Annual statement of sheriff.

Report to be recorded.

Abstract to State Tax Commission.

Copy posted.

SEC. 100. The sheriff or other accounting officer shall, on or before the second Monday of January in each year, settle his state tax account with the commissioners of his county and pay the amount for which said sheriff or collector is liable to the Treasurer of the State in such manner or at such a place as he shall direct: *Provided*, the State Treasurer may extend the time on a sufficient amount to cover the state tax on the land sales in each county to the first Monday in May. The commissioners shall forthwith report to the State Tax Commission the amount due from such accounting officer, setting forth therein the net amount due to each fund; and the treasurer, upon a statement from the State Tax Commission, shall open an account against such officer and debit him accordingly. Upon the failure of the board of county commissioners to make this report to the State Tax Commission on or before the third Monday of January each year, he may impose a fine of one hundred dollars upon said commissioners. The sheriff or tax collector, in making his settlements as aforesaid, shall file with the commissioners a duplicate of the list required in this act. In such settlement the sheriff or other officers shall be charged with the amount of public tax as the same appears by the abstract of the taxables transmitted to the State Tax Commission; also with all double tax and taxes on unlisted property by him received, and with other tax which he may have collected or for which he is chargeable. The State Tax Commission shall give to each sheriff or tax collector a certified statement embracing the subjects of taxation contained in both lists and the amount of tax on each subject, which the sheriff or tax collector shall deposit with the clerk of the commissioners of his county for public inspection; that the sheriffs and tax collectors shall receive five per cent on all taxes, licenses and privileges collected by them for state, county, township, school district or other purposes whatsoever, up to the sum of fifty thousand dollars, and upon all such sums so collected by him in excess thereof he shall receive two and one-half per cent commission; that all laws and clauses of laws, whether general or special, in conflict herewith are hereby repealed: *Provided*, this shall not apply to or affect the compensation allowed sheriffs of the counties who receive salaries for the collection of taxes: *Provided*, *further*, that the sheriff and tax collector of Mecklenburg County shall receive the compensation provided for them in chapter eight hundred and fifteen of the Public Laws of North Carolina, session one thousand nine hundred and five.

Time for settlement and payment of State tax.

Proviso: State Treasurer may extend time.
Report of commissioners to State Tax Commission.

Accounts opened.

Penalty on commissioners.

Duplicate of list.

Amounts charged against sheriff.

Certificate from State Tax Commission.

Deposit of certificate for public inspection.

Commission for collections.

Proviso: sheriffs receiving salaries.

Proviso: sheriff and tax collector of Mecklenburg county.

SEC. 101. The State Tax Commission, in making the settlement of the amount due from the sheriff or tax collector aforesaid, shall deduct from the list returned:

Deductions from list

(1) Taxes on personal property certified by the clerk of the commissioners of the county, by order of the commissioners, to be insolvent and uncollectible.

Insolvents.

Overpayments on former settlements.	(2) All overpayments made in former settlements by reason of any error in the clerk's abstract of taxables.
Commissions.	(3) The commissions allowed by law.
Per diem and mileage allowed sheriff.	SEC. 102. For his settlement with the State Treasurer the sheriff or tax collector shall be paid three dollars for each day he may be actually necessarily engaged therein with the commissioners at the county seat, to be paid by him on the warrant of the State Tax Commission, upon certificate of the sheriff or tax collector, duly verified before the board of commissioners.
State Tax Commission to report failure of sheriff.	SEC. 103. In every case of failure by the sheriff or other accounting officer to settle his account within the time prescribed by this act for such settlement, and to take oath required in his settlement and pay the amount due to the treasurer, the State Tax Commission shall forthwith report to the treasurer the account of such sheriff or officer, deducting therefrom for commissions or insolvents, but adding thereto one thousand dollars and ten per centum of the amount of taxes with which said sheriff is charged for the amount of taxes supposed not to appear in the list transmitted by the clerk, and furnish him a copy of the official bond of said officer and his sureties; and if the whole amount be not paid the treasurer, on motion of the solicitor in the Superior Court of Wake County, before the clerk thereof, within twenty days after default shall have occurred, shall recover judgment against him and his sureties, without other notice than is given by the delinquency of the officer; and to the end that obligations and names may be known, the clerk of the Superior Court shall, on or before the second Monday in each year, transmit to the State Tax Commission a copy, certified under the seal of the court, of the bond of the sheriff and his sureties, upon pain for his default of forfeiting to the State one thousand dollars, which the State Tax Commission shall and is hereby specially charged to collect in like manner and at such times as is provided in this section.
Deductions.	
Penalties added.	
Copy of official bond.	
Summary judgment.	
Copy of sheriff's bond for State Tax Commission. Penalty on clerk failing to send copy.	
Settlement of county tax.	SEC. 104. The sheriff or tax collector shall pay the county taxes to the county treasurer or other lawful officer. He shall at no time retain over three thousand dollars for a longer time than ten days, under a penalty of two per centum per month to the county upon all sums so unlawfully retained, and shall, on oath, render a statement to the board of commissioners at their monthly meeting of the amount in his hands. On or before the first Monday of February in each year the sheriff shall account to the county treasurer or other lawful officer for all taxes due the county for the fiscal year, and on failing to do so he shall pay the county treasurer a penalty of two per centum per month on all sums unpaid, and this shall be continued until final settlement: <i>Provided</i> , the board of county commissioners may in their discretion relieve the sheriff or tax collector of said penalty of two per centum per month upon payment in full of the county taxes: <i>Provided, further</i> , the county commissioners may extend
Penalty for retention of money.	
Monthly statements.	
Final account.	
Penalty for delay.	
Proviso: commissioners may remit penalty.	
Proviso: extension of time.	

the time of settlement of the sheriff of the county to the first Monday in May.

SEC. 105. The Treasurer of the State, with the advice and approval of the Attorney-General, is hereby authorized, when in the judgment of these officers it may be best to secure the interest of the State and will not lose any lien held by the State, to grant indulgence to defendants in execution and relinquish penalties upon payment of amount of dues owing to the State; and likewise to bid for in behalf of the State and purchase property of said defendant when necessary to secure the payment of the dues.

Treasurer may grant indulgences.

And relinquish penalties.

And bid in property.

SEC. 106. The sheriff or tax collector shall be charged with the sums appearing by the tax list as due for the county taxes, and shall be allowed to deduct therefrom, in like manner as is prescribed in this act in regard to his settlement of the State taxes, all insolvents and uncollectible poll taxes, and also the amount of county tax on the lands bid off by the county, and costs and fees, which shall be, for making a deed, fifty cents; for registering, twenty-five cents; and such other necessary sums as were actually paid by the sheriff: *Provided*, a majority of any board of county commissioners may extend the time for collecting and settlement of county taxes in the respective counties to such time as they may deem expedient, not to extend beyond the first of May in the year following in which taxes were levied: *Provided, further*, that it shall be unlawful for any sheriff or tax collector, in accounting with the board of county commissioners, for either the state or county taxes, to exhibit or present in said county any money not actually derived from the collection of taxes; and any such sheriff or tax collector so offending shall forfeit a penalty of five hundred dollars: *Provided, further*, that any sheriff, tax collector or county treasurer who shall use any part of the county or state taxes otherwise than as directed by law shall forfeit double the amount of his commission on county and state taxes for the year in which he so misused said taxes. No mortgage or lien on any property shall be superior to the taxes on said property, whether said mortgage or lien was given prior or subsequent to the levy of the taxes.

Sheriff charged with county taxes.

Deductions allowed.

Costs and fees.

Proviso: extension of time for collection and settlement.

Proviso: sheriff to pay money actually received.

Penalty.

Proviso: forfeit for misuse of tax money.

Lien for tax paramount.

SEC. 107. The board of county commissioners, at their last regular or other subsequent meeting in each year, shall appoint one or more of their number, not to exceed three, to be present at the accounting and settlement between the sheriff and county treasurer provided for in the preceding section, and also to audit and settle accounts of the county treasurer and all other county officers authorized to receive or disburse county funds. The account so audited shall be reported to the board of county commissioners, and when approved by them shall be filed with the clerk and recorded on his books, and shall be *prima facie* evidence of their correctness and impeachable only for fraud or special error: *Provided*, the compensation allowed the committee

Auditing committee.

Report of audit.

Audit filed and recorded on approval.

Proviso: pay of auditing committee.

for their services shall not exceed two dollars per day each for the time actually spent in said settlement, and there shall be no allowance for extra clerical aid.

Forfeit on sheriff for failure to account and pay.

SEC. 108. In case the sheriff of a county shall fail, neglect or refuse to account with the county treasurer and auditing committee as above required, or to pay what may rightfully be found due in such accounts, he shall forfeit and pay to the State for the use of the county a penalty of two thousand five hundred dollars. It shall be the duty of the county treasurer (and if he neglect or refuse to perform it, it shall be the duty of the chairman of the board of commissioners) to cause an action to be brought in the Superior Court of the county on the bond of the sheriff against him and his sureties to recover the amount owing by him and the penalties aforesaid. If the sheriff shall fraudulently and corruptly fail to account as aforesaid, he shall be criminally liable thereupon in like manner and with the same penalties imposed for such criminal defalcation in section ninety-five of this act.

Action on bond.

Criminal liability of sheriff.

SEC. 109. In each year the county treasurer shall give five days notice to all the county officers (except the sheriff) authorized to receive or disburse the county funds to appear at the courthouse, on a certain day in January, before him and the committee appointed by the board of commissioners, and present an account of all sums received or disbursed for the county, with their vouchers, and any officer failing to attend and account shall be deemed guilty of a misdemeanor. The accounts, when audited, shall be reported to the board of commissioners at their next meeting, and if approved shall be filed with the clerk and recorded in their proceedings, together with their approval, and shall be deemed *prima facie* correct.

Settlements with other county officers.

Failure to attend and account a misdemeanor. Report, approval and record of accounts.

Tax collectors charged with duties and powers of sheriff.

SEC. 110. Whenever in this act a duty is imposed upon the sheriff of a county of which a tax collector has been or may be appointed, it shall be incumbent upon the tax collector to perform said office instead of the sheriff; and such tax collector shall collect all the taxes, have all the emoluments and be subject to all the penalties as provided in case of sheriffs in this act; and it shall be the duty of all persons having tax moneys in hand to account for and settle with said tax collector.

Sureties to collect on death of sheriff. Powers and liabilities.

SEC. 111. If any sheriff shall die during the time appointed for collecting taxes his sureties may collect them, and for that purpose shall have all power and means for collecting the same from the collectors and taxpayers as the sheriff would have had, and shall be subject to all the remedies for collecting and settling of the taxes, on their bond or otherwise, as might have been had against the sheriff if he had lived.

Time for completion of collection.

SEC. 112. The sheriff (and in case of his death, the sureties) shall have one year, and no longer, from the day prescribed for his settlement and payment of the state taxes to finish the collection of all taxes, but the extension of time for collection shall not extend the time of his settlement of the taxes.

SEC. 113. The Secretary of State shall have printed five thousand copies of this act and the Revenue Act of this session and distribute the said acts among the officers whose duty it is to execute or carry into effect any portion thereof.

Copies of acts for officers.

SEC. 114. The Secretary of State shall in like manner have printed ten copies of said act for each member of the General Assembly and forward the same to him.

Copies for General Assembly.

SEC. 115. The State Tax Commission shall prepare and furnish to the board of commissioners of each county a sufficient number of blank forms or lists, with the proper oath added thereto, on which each taxpayer in the State shall make out, under oath, a true statement and return of all his property, with the value thereof, according to the provisions of this act.

State Tax Commission to prepare and furnish blanks.

SEC. 116. Upon failure to pay to the State Treasurer within thirty days after the same shall have become due any tax which by law is made payable direct to the State Treasurer, it shall be the duty of the treasurer to report the same to the State Tax Commission, and upon receipt of such report it shall be the duty of the State Tax Commission to institute an action to enforce the same in the county of Wake or in the county in which the property taxed is located.

Action for taxes payable to Treasurer.

Venue.

SEC. 117. Any person, firm, or corporation who is liable for any license or privilege tax under Schedules B and C, and who practice their or its profession or trade without paying said license or privilege tax, shall be subject to a penalty of two hundred and fifty dollars, the same to be recovered by the State Tax Commission in an action to enforce same in the Superior Court of Wake County or in the county of the defendant.

Penalty for doing business without license.

Action for recovery.

SEC. 118. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed: *Provided*, that such repeal shall not in any manner affect any rights heretofore acquired, or the collection of any taxes heretofore levied or assessed, or the validity of any sale heretofore made, or any rights heretofore acquired in the law of this State.

Repealing clause.

Proviso: vested rights.

SEC. 119. That this act shall be in force from and after its ratification.

In the General Assembly read three times and ratified this the 12th day of March, 1913.

RESOLUTIONS
OF THE
GENERAL ASSEMBLY
SESSION 1913

RESOLUTION No. 1.

RESOLUTION FOR JOINT SESSION TO OPEN RETURNS OF
STATE OFFICERS.

Resolved by the Senate, the House of Representatives concurring:

SECTION 1. That the Senate and the House of Representatives meet in joint session in the hall of the House of Representatives at eleven o'clock a. m. on Tuesday, January the fourteenth, one thousand nine hundred and thirteen, and there proceed to open and publish the returns for Governor, Lieutenant-Governor, Secretary of State, Auditor, Superintendent of Public Instruction, Attorney-General, and other State officers.

SEC. 2. That the persons so ascertained to be elected shall be inducted into office on Wednesday, January the fifteenth, one thousand nine hundred and thirteen, at twelve o'clock, the same to be done in the presence of the General Assembly at the Raleigh Auditorium.

SEC. 3. That a joint committee of five on the part of the Senate and seven on the part of the House shall be appointed, whose duty it shall be to provide suitable arrangements and regulations for the inauguration and report the expenditures incurred by the committee.

In the General Assembly read three times and ratified, this the 13th day of January, 1913.

RESOLUTION No. 2.

JOINT RESOLUTION TO PRINT THE GOVERNOR'S MESSAGE.

Resolved by the Senate, the House of Representatives concurring:

That three hundred copies of the Governor's message be printed and distributed for the use of the members of the Senate and the House of Representatives.

In the General Assembly read three times and ratified, this the 13th day of January, 1913.

RESOLUTION No. 3.

JOINT RESOLUTION PROVIDING FOR A COMMITTEE TO INVESTIGATE EMPLOYMENT OF CLERKS AND EMPLOYEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES, AND THEIR PAY.

Resolved by the Senate, the House of Representatives concurring:

Joint committee.

Clerks of committees, employees and laborers.

Pages.

That the President of the Senate and the Speaker of the House appoint a committee of five from the Senate and a committee of seven from the House, whose duty it shall be to report back to the Senate and House respectively the amount of salaries to be paid clerks of the respective committees, the number of employees and laborers required in the Senate and House respectively, the salaries and wages to be paid each, the number of pages required in the Senate and House respectively, and the salaries to be paid each; that no more than those recommended by the committees shall be appointed or employed; and no higher salary or wages shall be paid any employee or laborer than is recommended by said committee during the session of this Legislature.

In the General Assembly read three times and ratified, this the 13th day of January, 1913.

RESOLUTION No. 4.

A RESOLUTION TO DIRECT THE SERGEANT-AT-ARMS TO PROVIDE A SUITABLE RAILING TO BE PLACED IN THE REAR OF THE HOUSE OF REPRESENTATIVES AROUND THE SEATS OF THE MEMBERS.

Resolved by the House of Representatives, the Senate concurring:

Railing to be placed.

Report of expenditures.

That the Sergeant-at-Arms of the House of Representatives be and he is hereby authorized and directed to provide a suitable railing to be placed in the rear of the House of Representatives around the seats of the members and report the expenditures incurred.

In the General Assembly read three times and ratified, this the 13th day of January, 1913.

RESOLUTION No. 5.

A JOINT RESOLUTION INVITING THE HONORABLE H. S. GRAVES, UNITED STATES FORESTER, TO ATTEND THE MEETING OF THE NORTH CAROLINA FORESTRY ASSOCIATION.

WHEREAS, the North Carolina Forestry Association will hold its annual convention in the city of Raleigh on Thursday, January the sixteenth, and

Preamble: Forestry Association.

WHEREAS, certain questions that will be taken up by the association relate to the protection of forests from fire, and especially Federal aid in fire protection, which the Federal government is already giving to many states; therefore, be it

Preamble: protection of forests.

Resolved by the House of Representatives, the Senate concurring:

SECTION 1. That the Honorable H. S. Graves, United States Forester, be and he is hereby cordially and urgently invited to attend the meeting of the North Carolina Forestry Association and to make an address in the hall of the House of Representatives on the evening of January the sixteenth, on "Federal Aid in Fire Protection."

Invitation.

SEC. 2. That the Secretary of State be and he is hereby directed to transmit a certified copy of this resolution to the Honorable H. S. Graves; Forester, Washington, D. C.

Secretary of State to forward copy.

In the General Assembly read three times and ratified, this the 13th day of January, 1913.

RESOLUTION No. 6.

RESOLUTION ENDORSING MR. JOSEPHUS DANIELS FOR POSTMASTER-GENERAL.

Resolved by the House of Representatives, the Senate concurring:

SECTION 1. That, as representatives of the whole people of North Carolina, we present to the Honorable Woodrow Wilson, President-elect of the United States, the name of our distinguished fellow citizen, Josephus Daniels, as one eminently qualified in both character and ability for the office of Postmaster-General.

Recommendation.

SEC. 2. That Mr. Daniels has ever been staunch and fearless in the advocacy of all truly progressive measures for the accomplishment of the practical ends of patriotic statesmanship. He has rendered service to all the higher interests of the people of North Carolina, unsurpassed in this generation, and we have faith that, in the cabinet of the nation, he would be in purpose

Grounds for recommendation.

devoted, and in counsel and action helpful to our country's welfare.

Copy to be transmitted.

SEC. 3. That a copy of this resolution be transmitted to the President-elect.

In the General Assembly read three times and ratified, this the 17th day of January, 1913.

RESOLUTION No. 7.

JOINT RESOLUTION FOR CELEBRATION OF GENERAL ROBERT E. LEE'S BIRTHDAY.

Resolved by the House of Representatives, the Senate concurring:

Adjournment.

SECTION 1. That the General Assembly of North Carolina, when it adjourns on Monday, the twentieth day of January, one thousand nine hundred and thirteen, do adjourn in honor of the one hundred and sixth birthday of General Robert E. Lee.

Hall tendered to Daughters of Confederacy.

SEC. 2. That the hall of the House of Representatives be tendered to the Daughters of the Confederacy to hold memorial exercises commemorating the life and services of the South's greatest chieftain on Monday evening, January twentieth, one thousand nine hundred and thirteen, at eight o'clock.

In the General Assembly read three times and ratified, this the 20th day of January, 1913.

RESOLUTION No. 8.

A RESOLUTION TO PRINT TWO THOUSAND COPIES OF THE INAUGURAL ADDRESS OF HONORABLE LOCKE CRAIG.

Resolved by the House of Representatives, the Senate concurring:

That two thousand copies of the inaugural address of the Honorable Locke Craig be printed for the use of the General Assembly.

Number to be printed for use of General Assembly.

In the General Assembly read three times and ratified this the 20th day of January, 1913.

RESOLUTION No. 9.**RESOLUTION IN RELATION TO THE ELECTION OF A UNITED STATES SENATOR.**

Resolved by the House of Representatives, the Senate concurring:

That the two houses of the General Assembly proceed to ballot Time for ballot. for a United States Senator (for the vacancy occurring on March the fourth next) at twelve o'clock on Tuesday, January the twenty-first, as provided by act of Congress, chapter two hundred and forty-five, Fourteenth Statutes at Large.

In the General Assembly read three times and ratified, this the 21st day of January, 1913.

RESOLUTION No. 10.**JOINT RESOLUTION RATIFYING THE SEVENTEENTH AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES.**

WHEREAS, both the houses of the sixty-second Congress of the United States of America, at its second session, by a constitutional majority of two-thirds thereof, made the following proposition to amend the Constitution of the United States of America, in the following words, to wit: Amendment recommended.

“Resolved, by the Senate and the House of Representatives of the United States of America in Congress assembled (two-thirds of each house concurring therein), that in lieu of the first paragraph of section three of article one of the Constitution of the United States, and in lieu of so much of paragraph two of the same section as relates to the filling of vacancies, the following be proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the states:

“The Senate of the United States shall be composed of two senators from each state, elected by the people thereof, for six years; and each senator shall have one vote. The electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature.

*“When vacancies happen in the representation of any state in the Senate, the executive authority of such state shall issue writs of election to fill such vacancies: *Provided*, that the legislature of any state may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.*

“This amendment shall not be so construed as to affect the election or term of any senator chosen before it becomes valid as part of the Constitution.”

Therefore be it resolved by the Senate and House of Representatives of the State of North Carolina:

Proposed amendment ratified.

That the said proposed amendment to the Constitution of the United States be and the same is hereby ratified by the General Assembly of the State of North Carolina.

Copies to be forwarded.

And further be it resolved, that certified copies of this joint resolution be forwarded by the Governor of this State to the Secretary of State at Washington and to the presiding officers of each house of the national Congress.

In the General Assembly read three times and ratified, this the 25th day of January, 1913.

RESOLUTION No. 11.

JOINT RESOLUTION APPOINTING A COMMITTEE TO EXAMINE AND INVESTIGATE THE CONDITION OF THE GOVERNOR'S MANSION AND REPORT BACK TO THE LEGISLATURE.

Preamble: need of repairs.

WHEREAS, information has reached this body to the effect that the Governor's mansion is in need of certain repairs, and that some of the furnishings of the building have become worn and otherwise unfit for use;

Preamble: duty of State.

AND WHEREAS, it is a duty devolving upon the State to keep in reasonable repair this building, and also to keep it furnished in keeping with the use and purpose for which it is intended: Now, therefore, be it

Resolved by the Senate, the House of Representatives concurring:

Committee appointed.

SECTION 1. That a committee be appointed, consisting of two members of the Senate, to be named by the President of the Senate, and three members of the House of Representatives, to be named by the Speaker, whose duty it shall be to visit the Governor's mansion and make an examination and investigation of the building and the furnishings therein, and report back to this body the result of such examination and investigation and any recommendation they may think proper to make.

Duty of committee.

In the General Assembly read three times and ratified, this the 27th day of January, 1913.

RESOLUTION No. 12.

JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO PASS THE WEBB-KENYON-SHEPPARD BILL RELATIVE TO SHIPPING LIQUORS INTO PROHIBITION TERRITORY.

WHEREAS, the State of North Carolina, by a direct vote of the people, has prohibited the manufacture and sale of liquors; and,

WHEREAS, the Federal government under its present laws protects the liquor traffic outside of the State in shipping and delivering their liquors to illicit dealers within the State of North Carolina, thus interfering with the State in the enforcement of her liquor laws; and,

WHEREAS, there is now pending in the Congress of the United States a measure known as the Webb-Kenyon-Sheppard bill (S4043), which has as its purpose the prevention of interstate shipment of liquors which are to be disposed of in violation of the state laws: Therefore, be it

Resolved by the House of Representatives, the Senate concurring:

That the Congress of the United States be, and the same is hereby, earnestly memorialized and requested to pass the said Webb-Kenyon-Sheppard bill at the earliest possible date; and be it further

Resolved, that a copy of these resolutions, properly certified, be forwarded at once to the Speaker of the House of Representatives and to the President of the Senate of the United States.

In the General Assembly read three times and ratified, this the 29th day of January, 1913.

RESOLUTION No. 13.

A JOINT RESOLUTION DECLARING THE VIEWS OF THE GENERAL ASSEMBLY OF NORTH CAROLINA WITH REFERENCE TO INTERSTATE PASSENGER AND FREIGHT RATES AND CHARGES, AND FOR OTHER PURPOSES.

Resolved by the House of Representatives, the Senate concurring:

First. That in view of the General Assembly of North Carolina, Congress should declare illegal, under any and all circumstances, any greater charge by any public service company for transporting passengers, or freights of a given kind and quantity, a shorter distance than is charged for transporting the same a longer distance in the same direction when the shorter haul is included in the longer.

Senators and representatives urged to make policy effective.

Second. That the senators and representatives in Congress from this State be, and they are hereby, requested and respectfully urged, to support a bill repealing the first and second provisos to section four of the Interstate Commerce Act, and to support such other amendments as may be necessary to make effective the policy declared for in the first resolution above.

State to press objections to discriminative rates.

Third. That pending the enactment into law by Congress of the principles above declared for, it should, in the opinion of the General Assembly of North Carolina, be the policy of the State to press before the Interstate Commerce Commission objections to the injustice of allowing any discrimination against North Carolina points, in favor of other points outside of the State to which hauls are longer than to the North Carolina points, and which longer hauls include the hauls to such North Carolina points.

Powers conferred on Governor.

Fourth. That in addition to the powers conferred on the North Carolina Corporation Commission to institute and prosecute cases before the Interstate Commerce Commission for relief to the people of North Carolina from discriminatory and excessive charges by common carriers, power is conferred upon the Governor to institute and prosecute such cases, either independent of or in conjunction with the North Carolina Corporation Commission, in his name on behalf of the people of the State, or in the name of any combined association or body of citizens, or in the name of the North Carolina Corporation Commission, and for such purpose the sum of not exceeding five thousand dollars a year is appropriated out of any money in the State treasury not otherwise appropriated, to be paid on the order of the Governor.

Appropriation.

Copies to be sent to senators and representatives.

Fifth. That the Secretary of State shall transmit to each of the United States senators and members of Congress from this State a copy of these resolutions.

That this resolution shall be in force from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of January, 1913.

RESOLUTION No. 14.

RESOLUTION IN FAVOR OF JOSEPH S. ROYSTER, SHERIFF OF VANCE COUNTY.

Resolved by the Senate, the House of Representatives concurring:

Payment of reward authorized.

That the State Auditor be, and he is hereby, authorized and directed to draw his warrant on the State Treasurer in favor of Joseph S. Royster, sheriff of Vance County, for the sum of one hundred dollars (\$100), the same being the amount of the reward

offered by the Governor for the arrest of Frank Singleton, murderer of Joseph Ellington, said sum having been paid to W. D. Vinzont, Jacksonville, Florida, for arresting said Singleton, by said Joseph S. Royster.

In the General Assembly read three times and ratified, this the 3d day of February, 1913.

RESOLUTION No. 15.

JOINT RESOLUTION IN REGARD TO INTERSTATE TRANSPORTATION CHARGES BY COMMON CARRIERS.

WHEREAS, the policy of the State of North Carolina with reference to interstate charges by common carriers has been declared by joint resolution of the present General Assembly; and, Preamble: policy declared.

WHEREAS, this policy is being violated by interstate common carriers by railroad, now doing business in this State, by their charging more for short hauls to points in the State than is charged for the same kind and quantity of freight hauled a longer distance, over the same route, through the State to points outside of the State; and, Preamble: policy being violated.

WHEREAS, the commercial growth and development of the State of North Carolina depend in large measure upon such common carriers conforming to the declared policy of the State: Now, therefore, Preamble: commercial growth and prosperity dependent on policy.

Be it resolved by the House of Representatives, the Senate concurring:

That the Governor of the State be, and he is hereby, empowered and requested to appoint a commission composed of three members, whose duty it shall be to take up with common carriers by railroad, doing interstate business in this State of transporting freight and passengers, or with such of said common carriers as may seem to said commission to be wise, the question and manner of said railroads conforming to the declared policy of this State, and report in full during the present session of the General Assembly, the results of such conference, and the prospect and methods of securing conformity by said common carriers to the State's declared policy. Such report shall be made to the Governor and the General Assembly. Governor requested to appoint commission.
Duty of commission.
Report of commission.

Resolved, further, that the said commission shall consider the propriety of conferring with, and if it deems it advisable it shall confer with, any other railroad companies not now doing business in the State of North Carolina, with the view of securing such railroad companies to construct their lines into North Carolina, and give to the State the benefit of lower rates than now obtain on Conference with railroads not now in State.

interstate traffic, and rates that will not discriminate against North Carolina points and in favor of points outside of the State.

Governor to sit
with commission.

Resolved, further, that the Governor be invited by said commission to sit with it.

In the General Assembly read three times and ratified, this the 3d day of February, 1913.

RESOLUTION No. 16.

RESOLUTION OF GREETING AS TO THE BUILDING OF A SOUTHERN TRANSCONTINENTAL HIGHWAY FROM THE ATLANTIC TO THE PACIFIC.

Preamble: highway
proposed.

WHEREAS, it is proposed to establish a transcontinental highway from the Atlantic to the Pacific sufficiently far south to be used at all seasons, especially in the winter when the more northerly routes are blocked by snow; and,

Preamble: high-
ways advanced to
completion.

WHEREAS, the Central Highway of North Carolina from the Atlantic through Raleigh westward to the Tennessee line is nearly completed, and Bristol and Memphis Highway in Tennessee is well advanced toward completion; and,

Preamble: bridge.

WHEREAS, a free bridge costing six million dollars is now being built at Memphis which will carry this highway across the Mississippi; and,

Preamble: highway
in use.

WHEREAS, a highway from Little Rock, Arkansas, to San Diego, California, is in daily use at the present time; and,

Preamble: gap in
road.

WHEREAS, there remain but short gaps of road to improve in order to secure a direct and practical route from ocean to ocean: Therefore, be it

Resolved by the Senate, the House of Representatives concurring:

Authorities of this
State to push work.

1. That the authorities of our own State be encouraged and urged to push the work on our Central Highway to a speedy completion.

Tennessee to be
requested to con-
struct link.

2. That greetings be sent to the authorities of the state of Tennessee, requesting the construction of the short link necessary to connect the western end of the Central Highway of North Carolina with the Bristol to Memphis highway.

Co-operation of
Arkansas
requested.

3. That greetings be sent to the authorities of the state of Arkansas, requesting their coöperation in the speedy improvement of the highway between Memphis and Little Rock.

Greetings to
convention.

4. That greetings be sent to the convention called by Governor Craig, to be held at Asheville, February twelfth, for the purpose of forming a Southern Highway Association, expressing the hope that such an organization may be formed and Federal aid secured to complete the southern highway.

Federal aid.

In the General Assembly read three times and ratified, this the 4th day of February, 1913.

RESOLUTION No. 17.

RESOLUTION RELATIVE TO THE PROPOSED AMENDMENTS TO THE CONSTITUTION OF NORTH CAROLINA, PROVIDED FOR A SPECIAL COMMITTEE TO CONSIDER SAID AMENDMENTS, ADOPTED AND APPROVED BY THE JOINT COMMITTEE ON THE PART OF THE SENATE AND HOUSE ON CONSTITUTIONAL AMENDMENTS.

WHEREAS, various bills proposing amendments to the Constitution of North Carolina and the calling of a constitutional convention have been introduced in both branches of this General Assembly; and,

Bills proposing amendments.

WHEREAS, it is the sense of the Joint Committee on Constitutional Amendments of the Senate and House that some amendments to the Constitution are necessary and should be submitted to the people for ratification, but that this General Assembly has not sufficient time during its regular session to properly draft and consider the proposed changes to said Constitution; and,

Amendments necessary.

Time during regular session not sufficient for consideration.

WHEREAS, it is further the sense of said joint committee and the General Assembly that an adjourned or called session of this General Assembly will be necessary and proper to carefully consider said proposed amendments; and,

Adjourned or called session necessary.

WHEREAS, it is the sense of said joint committee that a committee of five on the part of the Senate and eight on the part of the House be appointed by the President of the Senate and the Speaker of the House respectively, to act in conjunction with a commission of five to be appointed by the Governor of the State, to consider all bills looking to the amendments of the Constitution of this State introduced in either branch of this General Assembly: Therefore, be it

Committee to consider proposed amendments.

Resolved by the Senate, the House of Representatives concurring:

SECTION 1. That a committee of five on the part of the Senate and eight on the part of the House be appointed by the President of the Senate and the Speaker of the House respectively, who, together with a commission of five to be appointed by the Governor of this State (and said Governor is hereby authorized and empowered to appoint said commission of five), shall be authorized and empowered to take and consider any and all bills introduced in either branch of this General Assembly looking to the amendment of the Constitution of the State of North Carolina.

Legislative committee.

Commission appointed by Governor, to consider bills.

SEC. 2. That said committee on the part of the Legislature be, and the same is hereby, authorized to sit with the commission appointed by the Governor, during the recess or adjournment of this General Assembly and frame suitable amendments to said Constitution and submit the same to this General Assembly upon the meeting of its adjourned or called session.

Committee of Legislature to sit with commission. To frame and submit amendments.

Governor asked to consider advisability of extra session.

SEC. 3. That the Governor of North Carolina be, and he is hereby, requested to consider the advisability of calling this General Assembly in special session to consider any and all proposed changes submitted to it by the committee on the part of the General Assembly and said committee appointed by the Governor as aforesaid.

Pay of committee.

SEC. 4. That said committee shall receive the same mileage and per diem as is now allowed members of the General Assembly during the time actually engaged in the work herein authorized and the expenses necessarily incurred, including the hire of a clerk to this committee. And each member of said committee shall be allowed his actual expenses while engaged in said work, an itemized statement of which shall be made out and audited by the State Auditor.

Members allowed expenses.

Committee to report to Governor. Report to be printed. Copies sent to members.

SEC. 5. It shall be the duty of the said committee to submit their report to the Governor of this State, who shall cause the same to be immediately printed and five copies mailed to each member of the General Assembly sixty days before the reconvening of the same.

Lieutenant-Governor and Speaker *ex officio* members.

SEC. 6. That the Lieutenant-Governor of the State and the Speaker of the House of Representatives be *ex officio* members of the committee.

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

In the General Assembly read three times and ratified, this the 6th day of February, 1913.

RESOLUTION No. 18.

JOINT RESOLUTION RELATING TO ALLOTMENT OF ROOMS TO THE DIFFERENT STATE DEPARTMENTS.

Preamble: cost of State building and furniture.

WHEREAS, a new State building has been erected at a cost of two hundred and fifty thousand dollars, and an additional appropriation of seventy-five thousand dollars is asked for decorating and furnishing the same, and said building has four stories with over nine thousand square feet of floor space on each floor;

Preamble: arrangement of Supreme Court building.

AND WHEREAS, the Supreme Court building as built and now arranged and equipped is fitted for the use largely of the Supreme Court and its officers and the State Library and must be altered and fitted with new equipments if used by other departments of the State government;

Preamble: bills for new State buildings.

AND WHEREAS, two bills have been introduced in this General Assembly for new State buildings—one for the Agricultural Department and one for the educational and other departments of the State;

AND WHEREAS, some of the State departments are housed in rented buildings and like other departments are crowded in buildings not adapted to their use or a proper conduct of the State's business;

Preamble: departments in rented buildings.

AND WHEREAS, the law as stated in sections five thousand and ten, eleven and twelve of The Revisal of one thousand nine hundred and five of North Carolina, fixes the occupancy and use of the different State buildings and their rooms by the several State departments and can only be changed by the General Assembly: Therefore, be it

Preamble: occupancy and use fixed by law.

Resolved by the House of Representatives, the Senate concurring:

SECTION 1. That a joint committee, consisting of five members of the House to be appointed by its Speaker and of three senators to be appointed by its President, be appointed to take this matter into consideration and report as early as practicable:

Joint committee to consider matter and report.

(a) The amount of space in the different State buildings available for the use of the State departments;

Space available.

(b) The amount of space needed for the several departments of the State government for a proper and efficient conduct of the business entrusted to them;

Space needed.

(c) And if practicable an allotment of the different buildings and rooms to each department;

Allotment of space.

(d) The changes in buildings and equipment necessary to be made in any State building by reason of any proposed change of occupancy and as nearly as possible the probable cost of such changes as well as the loss in equipment and furniture now in use.

Changes in buildings and equipment.

In the General Assembly read three times and ratified, this the 10th day of February, 1913.

RESOLUTION No. 19.

A JOINT RESOLUTION RELATIVE TO INVESTIGATING THE SOUTH ATLANTIC AND WESTERN RAILROAD COMPANY.

WHEREAS, by chapter three hundred and five of the Private Laws of North Carolina, session one thousand nine hundred and five, entitled "An act to incorporate the Waynesville Railway and Power Company"; and whereas, at the session of one thousand nine hundred and seven the said charter of the Waynesville Railway and Power Company was amended by chapter four hundred and ninety-three of said Private Laws of one thousand nine hundred and seven, changing the name of said railway corporation to the Tennessee Coal Field and South Atlantic Transcontinental Railway Company; and whereas, a certificate was filed in the office of the Secretary of State September twelfth, one thou-

Preamble: successive changes of name.

sand nine hundred and seven, amending the said charter and changing the name of the Tennessee Coal Field and South Atlantic Transcontinental Railway Company to the name of the South Atlantic Transcontinental Railroad Company; and whereas, on the eleventh day of February, one thousand nine hundred and twelve, a certificate was filed in the office of the Secretary of State changing the name of the said South Atlantic Transcontinental Railroad Company to South Atlantic and Western Railroad Company; and whereas, the State is furnishing convicts at its own expense to aid in the construction of said road; and whereas, it is apparent that said railroad company has no means, either visible or invisible, or otherwise, to complete said road, and that the said railroad company has worked for about eighteen months, and is now working about eighteen convicts obtained from the State, and without a sufficient force of free labor to ever construct the aforesaid lines of railroad from the coal fields in Tennessee to Greenville, South Carolina, and to Southport or Wilmington, North Carolina; and whereas, it appears by the charter of said railroad company that the State is to receive first mortgage bonds or stock in said railroad company for the use and services and expenses of said convicts; and whereas, it is apparent that first mortgage bonds or stock therein have never had nor at any future time will they ever have any value: Now, therefore, be it

Resolved by the House of Representatives, the Senate concurring:

Court of inquiry.

SECTION 1. That it shall be the duty of the Speaker of the House to appoint a special committee of three, upon the part of the House, and that the President of the Senate shall appoint a committee of two, upon the part of the Senate, who shall sit together in joint session, and who shall be constituted a court of inquiry, and further the committee sitting as a court of inquiry shall issue notice to the said South Atlantic Railroad Company to appear and show, if it so desires, its financial ability to construct the said railroad, and that its stocks and bonds, having sufficient value to justify the State to furnish convict labor, and take such stock or mortgage bonds, and who shall have the right and power to subpoena witnesses anywhere in the State and compel their attendance, and said committee shall have power to issue subpoenas of *duces tecum* compelling any witness to bring any papers or records relating to the subject of this inquiry, and to produce said papers or records as evidence before said committee, if so required. That this committee shall have its sittings and make its report to the General Assembly on or before the twenty-fifth day of February, one thousand nine hundred and thirteen.

Notice to appear and show cause.

Powers of committee.

Time for report.

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

In the General Assembly read three times and ratified, this the 10th day of February, 1913.

RESOLUTION No. 20.

A JOINT RESOLUTION RELATIVE TO INVESTIGATION OF THE TAX COLLECTIONS OF STATE TAXES.

WHEREAS, the people of North Carolina are looking to this General Assembly to find a way to give them a six months school and at the same time not to cripple the other State institutions; and

Preamble: six months school term.

WHEREAS, it appears from the State Treasurer's report that nine thousand dollars was collected in one thousand nine hundred and eleven from the inheritance tax as levied by the State, and that only six thousand dollars was collected from the same source in one thousand nine hundred and twelve; and

Preamble: amount of inheritance tax.

WHEREAS, it appears from the same report that certain counties have not returned any Schedule B and C taxes and others seemingly grossly inadequate amounts; and

Preamble: returns on schedules B and C.

WHEREAS, it is absolutely necessary for the State to raise more revenue: Now, therefore, be it

Preamble: more revenue necessary.

Resolved, by the House of Representatives, the Senate concurring:

That a joint committee of three, two on the part of the House and one on the part of the Senate, be appointed respectively by the Speaker of the House and the President of the Senate to investigate the books, records, etc., of the officers charged with the reporting and collection of these taxes, of any county that they may see fit, and report their findings to this General Assembly.

Joint committee.

Powers.

Report.

In the General Assembly read three times and ratified this the 12th day of February, 1913.

RESOLUTION No. 21.

RESOLUTION TO PAY MEMBERS AND SENATORS WHO VISITED DEAF AND DUMB ASYLUM AT MORGANTON.

Resolved by the House, the Senate concurring:

SECTION 1. That one hundred and forty-nine dollars and thirty-five cents (\$149.35) is hereby appropriated to pay the expenses of the House and Senate subcommittees of ten (10) which visited and inspected the School for the Deaf and Dumb at Morganton, and the Auditor is hereby authorized to issue his warrant on the Treasurer, payable to Representative James Long, who will distribute the same as follows:

Appropriation.

Senator Payne	\$14.75	Itemized statement.
Senator Davis	12.95	
Senator Coffey	13.65	

Senator Scott	\$15.00
Senator Hawes	15.00
Representative Long	17.00
Representative Koonce	17.00
Representative Mull	11.50
Representative Cromartie	16.50
Representative Grier	16.00

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

In the General Assembly read three times and ratified this the 14th day of February, 1913.

RESOLUTION No. 22.

A RESOLUTION APPROPRIATING NOT EXCEEDING ONE HUNDRED AND FIFTY DOLLARS TO PAY FOR ASSISTANCE AND EXPENSES FOR SENATE AND HOUSE COMMITTEES ON JUDICIAL DISTRICTS.

Resolved by the Senate, the House of Representatives concurring:

Appropriation.

That an amount not exceeding one hundred and fifty dollars (\$150) be, and the same is, hereby appropriated out of moneys not otherwise appropriated, to the Senate committee on judicial districts and House committee on courts and judicial districts to be paid for assistance and expenses in lieu of clerk hire on the written approval of the chairmen of said committees.

In the General Assembly read three times and ratified this the 14th day of February, 1913.

RESOLUTION No. 23.

JOINT RESOLUTION ENLARGING THE POWERS OF THE COMMISSION APPOINTED BY THE GOVERNOR RELATIVE TO THE FREIGHT RATE SITUATION.

Preamble: report made.

WHEREAS, the commission appointed by the Governor, relative to the freight rate situation in North Carolina, made a report on February fourteenth, one thousand nine hundred and thirteen, which said report was spread upon the Journals of the House; and

Preamble: powers should be enlarged.

WHEREAS, it appears to the General Assembly after receiving said report that the powers of the said commission should be enlarged and its duties extended: Therefore, be it

Resolved, by the House of Representatives, the Senate concurring:

That the said commission be, and it is, hereby empowered and directed to confer with the railroad companies in North Carolina and hear any suggestions or propositions that may be made by such companies to relieve the present freight situation in North Carolina, and the said commission will make report to the present session of the General Assembly of its proceedings and make such recommendations as it may deem proper. *Resolved, second,* That N. B. Broughton, a member of said commission, be paid for his services out of moneys in the State Treasury the sum of four dollars per day for each day he is engaged in the performance of his duties as a member of said commission, said amount to be paid on the order of the Governor.

Powers enlarged and extended.

Pay for commissioners.

In the General Assembly read three times and ratified this the 17th day of February, 1913.

RESOLUTION No. 24.

A RESOLUTION EXPRESSIVE OF THE THANKS OF THE GENERAL ASSEMBLY TO COL. ASHLEY HORNE FOR DONATING TO THE STATE A MONUMENT TO THE NORTH CAROLINA WOMEN OF THE CONFEDERACY.

WHEREAS, the Hon. Ashley Horne, whose long career of patriotic services to his native State, in war and in peace, and whose virtues as a private citizen have won for him the love and esteem of his fellow citizens, has still further endeared himself to the people of North Carolina by presenting to the State, at a cost of ten thousand (\$10,000) dollars, a beautiful memorial to North Carolina's heroic women of the Confederacy, soon to be erected on the Capitol Square in the city of Raleigh: Now, therefore, be it

Preamble: gift to State.

Resolved by the Senate, the House of Representatives concurring:

SECTION 1. That the General Assembly, in the name of the people of North Carolina, express to Colonel Horne their sincere thanks for this generous gift and their deep and unfeigned appreciation of the exalted patriotism which inspired it.

Thanks for gift and appreciation of patriotism.

SEC. 2. That the President of the Senate and the Speaker of the House be requested to transmit a copy of this resolution to Colonel Horne.

Copy of resolution.

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

In the General Assembly read three times and ratified this the 17th day of February, 1913.

RESOLUTION No. 25.

A RESOLUTION EXPRESSIVE OF THE APPRECIATION AND THANKS OF THE GENERAL ASSEMBLY TO HON. KEMP P. BATTLE FOR HIS SERVICES TO THE STATE IN THE PUBLICATION OF HIS HISTORY OF THE UNIVERSITY OF NORTH CAROLINA.

Preamble: re-opening of University.

University re-established.

History of University crowning labor.

WHEREAS, the Hon. Kemp P. Battle, whose unwearying labors in behalf of the University of North Carolina, after its doors had been closed and its halls deserted as a result of Civil War and Reconstruction, succeeded in 1875 in reopening that historic institution to the youth of the State; whose wise policies as president of the University reestablished it on a firm foundation in the affections of the people of North Carolina, and whose work as a professor in the classroom has inspired more than one generation of North Carolina youth with state pride and love of country, has crowned the labors of a long life spent in the service of the University and of the State by the writing and publication of a History of the University of North Carolina from 1789 to 1912, the final volume of which has just been issued from the press, thereby placing under still further obligation to him every lover of the State of North Carolina and its great University, whose history for one hundred and twenty-three years has been coincident with the history of the State: Therefore, be it

Resolved by the House of Representatives, the Senate concurring:

Thanks for patriotic work.

Appreciation of long and faithful services.

SECTION 1. That the General Assembly of North Carolina desires to take this opportunity to express its thanks to Dr. Battle for his patriotic work in the writing and publication of his History of the University, and its sincere appreciation of his long and faithful services to that institution whose annals have been so greatly enriched by his labors and personality.

SEC. 2. That the President of the Senate and the Speaker of the House of Representatives be requested to transmit a copy of this resolution to Dr. Battle.

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

In the General Assembly read three times and ratified this the 18th day of February, 1913.

RESOLUTION No. 26.

A JOINT RESOLUTION RELATING TO PAYMENT OF A NOTE
OF THE FISH COMMISSIONER.

SECTION 1. WHEREAS, the General Assembly of North Carolina of one thousand nine hundred and nine appointed a special joint committee of the House of Representatives and the Senate to investigate the fisheries of North Carolina and to make a report in the form of a bill to the General Assembly of North Carolina of one thousand nine hundred and eleven, which investigation was made and report submitted; Preamble: appointment of committee.

AND WHEREAS, neither this report or any part of it was adopted by the General Assembly of one thousand nine hundred and eleven, and in consequence of this the Fish Commission of North Carolina was placed in a very embarrassing position as its launch, the Gretchen, which the Fish Commissioner was authorized to purchase, was not paid for, but a note was given for its purchase, and this note was due; Preamble: report not adopted.

AND WHEREAS, in order to prevent the sale of the launch, which would have crippled the work of the Fish Commission, members of this joint committee and others interested in the fishing industries of North Carolina endorsed a new note of the Fish Commissioner to cover the indebtedness incurred by the Fish Commission for the launch the Gretchen, the following being the endorsers of the note: W. W. Kitchin, W. C. Newland, A. W. Graham, E. L. Travis, R. A. Doughton, C. S. Vann, F. R. Hewitt, Jos. Hyde Pratt, and thus enabled the Fish Commissioner to keep on with his work; Preamble: endorsement of note.

AND WHEREAS, this note, which is held by the Citizens National Bank of Raleigh, North Carolina, will soon be due: Therefore, be it Preamble: maturity of note.

Resolved, That there shall be and there is hereby appropriated out of the moneys in the public treasury not otherwise appropriated the sum of three thousand three hundred and seventy-seven dollars and sixty-six cents (\$3,377.66) for the purpose of paying off this note of the Fish Commissioner, which is endorsed by the men named in this section, and the State Auditor is hereby authorized and instructed to draw a warrant in favor of the Citizens National Bank of Raleigh, North Carolina, for the sum of three thousand three hundred and seventy-seven dollars and sixty-six cents with which to pay off the note. Appropriation for payment.

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

In the General Assembly read three times and ratified this the 19th day of February, 1913.

RESOLUTION No. 27.

JOINT RESOLUTION IN FAVOR OF O. A. BARBOUR TO PAY HIS EXPENSES IN VISITING THE STATE HOSPITAL.

Be it Resolved by the Senate, the House of Representatives concurring:

Payment directed. 1. That the Treasurer of the State of North Carolina be, and he is, hereby authorized and directed to pay upon the warrant of the Auditor of the State the sum of \$15.50 to O. A. Barbour, the expense incurred by him in visiting the State Hospital at Morganton.

Amount.

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

In the General Assembly read three times and ratified this the 25th day of February, 1913.

RESOLUTION No. 28.

A JOINT RESOLUTION REQUESTING THE PRESIDENT OF THE UNITED STATES NOT TO VETO THE WEBB-KENYON BILL.

Resolved by the House of Representatives, the Senate concurring:

Action of representatives endorsed.

Message to be sent.

That the General Assembly of North Carolina endorse the action of North Carolina's Representatives in the Congress of the United States in voting for the Webb-Kenyon bill, and that a message be sent to the President of the United States informing him of the passage of this resolution.

In the General Assembly read three times and ratified this the 25th day of February, 1913.

RESOLUTION No. 29.

RESOLUTION TO PAY THE EXPENSES OF THE MEMBERS OF THE SUBCOMMITTEE ON EDUCATION VISITING THE EAST CAROLINA TEACHERS' TRAINING SCHOOL.

Resolved by the Senate, the House of Representatives concurring:

Warrant for payment.

SECTION 1. That the Auditor be, and he is, hereby authorized and directed to draw his warrant on the Treasurer of North Carolina for the sum of sixteen dollars and ninety-five cents, in favor of T. T. Thorne, chairman of committee on education of

the Senate, to pay the actual expenses of the subcommittee visiting the East Carolina Teachers' Training School, such amount be disposed of as follows:

Gallatin Roberts	\$5.65	Itemized account.
Geo. C. Pickard.....	5.65	
T. T. Thorne.....	5.65	
<hr/>		
Total	\$16.95	

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

In the General Assembly read three times and ratified this the 26th day of February, 1913.

RESOLUTION No. 30.

A JOINT RESOLUTION RELATING TO THE INVESTIGATION OF THE SALE OF THE STATE'S STOCK IN THE ATLANTIC AND NORTH CAROLINA RAILROAD.

WHEREAS, there has been made to the Governor of North Carolina and transmitted by him to the General Assembly a proposition looking to the purchase of the State's stock in the Atlantic and North Carolina Railroad; and Preamble: proposition for purchase.

WHEREAS, it is apparent that this General Assembly will not have time to give to this proposition the due and careful consideration which its importance deserves: Now, therefore, be it Preamble: lack of time for consideration.

Resolved by the House of Representatives, the Senate concurring:

SECTION 1. That there shall be created a committee of eight, five to be appointed by the Speaker of the House of Representatives, three to be appointed by the President of the Senate from the members of their respective bodies, and that the Governor of North Carolina shall be *ex officio* chairman of said committee. Committee created. Governor chairman ex officio.

SEC. 2. That it shall be the duty of the said committee to thoroughly investigate the proposition made for the purchase of said stock and report said investigation together with their recommendations to the adjourned, called or next session of this General Assembly. Committee to investigate proposition. Report.

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

In the General Assembly read three times and ratified this the 1st day of March, 1913.

RESOLUTION No. 31.

JOINT RESOLUTION ADOPTING THE REPORT OF THE COMMISSION RELATIVE TO THE ADJUSTMENT OF INTER-STATE FREIGHT RATES.

Resolved by the House of Representatives, the Senate concurring:

Report adopted.

First: That the report of the commission composed of E. J. Justice, chairman; W. B. Council and N. B. Broughton, which report was this day filed, be, and the same is, adopted, and it is ordered that it be spread upon the journals of the Senate and House, together with the Exhibits "A," "B," and "C" thereto attached.

To be spread on journals.

Commission continued.

Second: That the said commission be continued, and that His Excellency the Governor be, and he is, hereby invited to continue to act with it.

Commission to carry out plans.

Third: That the said commission be, and it is, authorized to carry out the plans indicated in the report of the commission this day filed, and exhibits thereto attached.

Appropriation for expenses.

Fourth: That out of any funds in the State Treasury there shall be paid by the State Treasurer, upon the request of the special commission and upon the order of the Governor, to be made in his discretion, any such sums as the said special commission and the Governor may consider necessary in the employment of a clerk and rate experts and for such other necessary expenses as the commission may think proper and the Governor may approve.

Expenses and allowances to commissioners

Fifth: That the actual expenses of the members of the commission while engaged in the performance of their duties, and such further sum as the Governor, in his discretion, may think just for the time occupied and the services rendered by the said commission in carrying out this resolution, shall be paid them upon the order of the Governor, out of any funds in the State Treasury not otherwise appropriated.

Corporation Commission to co-operate.

Sixth: That the North Carolina Corporation Commission be respectfully requested to aid the Governor and special commission in carrying out these resolutions.

Seventh: That this resolution shall be in force from and after its ratification.

In the General Assembly read three times and ratified this the 1st day of March, 1913.

RESOLUTION No. 32.

RESOLUTION CORRECTING JOURNALS OF HOUSE AND SENATE RELATIVE TO THE ELECTION OF JAMES A. GRAY, JR., AS A TRUSTEE OF THE UNIVERSITY OF NORTH CAROLINA.

WHEREAS, it appears that a clerical error was made in the report of the tellers appointed to report the result of the election of the trustees of the University of North Carolina and a consequent error in the journals of the House and Senate with reference to the election of James A. Gray, Jr., of Forsyth County, who was elected as a trustee for the term expiring November thirtieth, one thousand nine hundred and twenty-one; and

WHEREAS, the journals of the House and Senate show he was elected for the term expiring November thirtieth, one thousand nine hundred and thirteen: Now, therefore, be it

Resolved by the House of Representatives, the Senate concurring:

That said journals be corrected and the proper entries be made therein correcting said clerical error and showing that said James A. Gray, Jr., was elected for the term expiring November thirtieth, one thousand nine hundred and twenty-one.

In the General Assembly read three times and ratified this the 3d day of March, 1913.

RESOLUTION No. 33.

RESOLUTION OF RESPECT IN REGARD TO THE DEATH OF PROF. J. A. BIVINS, SUPERVISOR OF TEACHER TRAINING OF THE STATE DEPARTMENT OF PUBLIC INSTRUCTION.

WHEREAS, the General Assembly of the State of North Carolina has heard with deep regret of the death of Prof. J. A. Bivins, Supervisor of Teacher Training, of the State Department of Public Instruction; and whereas, the deceased had served the State in this capacity with unusual fidelity, efficiency and ability since one thousand nine hundred and nine, and won and merited the love, esteem and gratitude of all whom he served: Now, therefore,

Resolved by the House of Representatives, the Senate concurring:

That, as a token of respect and of appreciation of his patriotic loyal and unselfish service to the State, it is ordered that the State flag be put at half mast during the day; that when the General Assembly adjourns today it do adjourn in honor of his

Resolution and assurance of sympathy to be sent to widow.

memory, and that the Speaker of the House of Representatives be requested to communicate this resolution to his widow, with the assurances of our heartfelt sympathy in her great loss and affliction.

In the General Assembly read three times and ratified this the 5th day of March, 1913.

RESOLUTION No. 34.

RESOLUTION TO PAY EXPENSES OF VISITING COMMITTEE TO THE STATE HOSPITALS AT MORGANTON AND GOLDSBORO, BY HOUSE COMMITTEE.

Resolved by the House of Representatives, the Senate concurring:

Payment authorized.

That the Auditor be authorized to issue his warrants on the Treasurer for the following amounts to the persons hereafter named to defray the actual expenses incurred by the committee:

Itemized account.

E. D. Crisp.....	\$13.50
J. K. Dixon.....	13.50
J. D. Stevenson.....	13.50
H. L. Price.....	13.50
I. J. Young.....	13.50
E. A. Stevens.....	15.90
J. C. Pickard.....	2.40
S. M. Faircloth.....	2.40
J. W. Bunn.....	2.40
C. M. Wilson.....	2.40

In the General Assembly read three times and ratified this the 5th day of March, 1913.

RESOLUTION No. 35.

JOINT RESOLUTION TO PAY THE EXPENSES OF THE COMMITTEE TO VISIT THE STATE SCHOOL FOR THE FEEBLE MINDED AT KINSTON, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Appropriation.

SECTION 1. That thirty-five dollars and ninety cents (\$35.90) be, and the same is, hereby appropriated out of the State Treasury to pay the expenses of the committee that visited the State School for the Feeble Minded at Kinston, North Carolina, and that the various amounts be paid as shown in the following itemized statement:

FOR HOUSE OF REPRESENTATIVES.

W. P. White, chairman, railroad fare and hotel bills.....	\$5.55	Itemized statement.
J. L. Sheek, railroad fare and hotel bills.....	5.95	
G. D. Gatling, railroad fare and hotel bills.....	5.95	
J. T. Williams, railroad fare and hotel bills.....	5.95	
R. E. Austin, railroad fare, hotel bills and phone message	6.15	
D. R. Noland, railroad fare and hotel bills.....	5.95	
Total	\$35.90	

SEC. 2. This act shall be in force from and after its ratification. In the General Assembly read three times and ratified this the 5th day of March, 1913.

RESOLUTION No. 36.

JOINT RESOLUTION TO PAY THE EXPENSES OF THE HOUSE AND SENATE EDUCATIONAL SUBCOMMITTEE WHILE VISITING THE CULLOWHEE NORMAL AND INDUSTRIAL SCHOOL AT CULLOWHEE.

Resolved by the House of Representatives, the Senate concurring:

SECTION 1. That the sum of one hundred and eighteen dollars and eighty cents is hereby appropriated to pay the expenses of the subcommittee on education of the House of Representatives and Senate while visiting the Cullowhee Normal and Industrial School at Cullowhee, and the Auditor is hereby authorized to issue his warrant on the State Treasurer for one hundred and eighteen dollars and eighty cents, payable to A. Cromartie, who will distribute the same to the several members of the subcommittee as follows:

M. L. Davis.....	\$28.80	Itemized statement.
W. D. Wike.....	30.00	
G. P. Ferguson.....	30.00	
A. Cromartie	30.00	

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

In the General Assembly read three times and ratified this the 5th day of March, 1913.

RESOLUTION No. 37.

JOINT RESOLUTION TO PAY EXPENSES OF THE COMMITTEE APPOINTED UNDER JOINT RESOLUTION NUMBER 29, SESSION 1911, TO INVESTIGATE AND REPORT UPON THE ADVISABILITY OF THE ESTABLISHMENT OF A HOME FOR THE DEPENDENT WIVES AND WIDOWS OF CONFEDERATE SOLDIERS IN NORTH CAROLINA.

Resolved by the Senate, the House of Representatives concurring therein:

Appropriation.

SECTION 1. That thirty-five and twenty-five-hundredth dollars is hereby appropriated to pay the actual expenses incurred by the joint committee appointed by the President of the Senate and the Speaker of the House, under the direction of the joint resolution number twenty-nine of the General Assembly of one thousand nine hundred and eleven, to investigate and report upon the needs and desirability of establishing a home for the dependent wives and widows of Confederate soldiers in North Carolina; and the Auditor is hereby authorized to issue his warrant on the Treasurer, payable to T. T. Thorne, chairman of said joint committee, who will distribute same as follows:

Itemized
statement.

M. L. Davis.....	\$7.50
John E. Spainhour.....	18.00
A. D. McGill.....	9.75
	<hr/>
Total	\$35.25

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

In the General Assembly read three times and ratified this the 5th day of March, 1913.

RESOLUTION No. 38.

RESOLUTION TO PAY THE EXPENSES OF THE JOINT COMMITTEE ON PENAL INSTITUTIONS INCURRED IN VISITING THE PENITENTIARY FARM.

Resolved by the Senate, the House of Representatives concurring:

Appropriation.

That H. P. Grier, chairman of the House committee on penal institutions, be, and he is, hereby allowed the sum of fifty-one dollars and three cents, the same being the expenses of said

committee incurred in visiting the penitentiary farm, and to be apportioned as follows:

Senator Woodley, of Chowan.....	\$8.50	Itemized statement.
Senator Washington, of Wilson.....	7.53	
Representative Grier, of Iredell.....	8.60	
Representative Killian, of Lincoln.....	8.95	
Representative Perry, of Pasquotank.....	8.85	
Representative Etheridge, of Dare.....	8.60	
	<hr/>	
Total	\$51.03	

And the State Treasurer is hereby authorized to pay said amounts upon warrant of the State Auditor.

In the General Assembly read three times and ratified this the 6th day of March, 1913.

RESOLUTION No. 39.

RESOLUTION AUTHORIZING THE PLACING OF A BRONZE STATUE OF CHARLES BRANTLEY AYCOCK IN THE CAPITOL SQUARE.

Resolved by the House of Representatives, the Senate concurring:

SECTION 1. That permission be, and it is, hereby granted to the committee or association having the matter in charge to place in the Capitol Square at Raleigh a bronze statue of the late Charles Brantley Aycock. Permission granted.

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

In the General Assembly read three times and ratified this the 7th day of March, 1913.

RESOLUTION No. 40.

A RESOLUTION TO INVITE THE PRESIDENT OF THE UNITED STATES AND THE GOVERNORS OF CERTAIN STATES TO PARTICIPATE IN THE EXERCISES AT THE UNVEILING OF THE STATUE OF GENERAL NATHANAEL GREENE AT THE GUILFORD BATTLE GROUND.

WHEREAS, the Congress of the United States has appropriated thirty thousand (\$30,000) dollars for the erection at Guilford Battle Ground of an equestrian statue of General Nathanael Greene in memory of that distinguished soldier and of the heroic

Preamble: appropriation by Congress.

troops from the states of North Carolina, South Carolina, Virginia, Maryland, and Delaware, which composed his army in the memorable battle fought there March, fifteenth, one thousand seven hundred and eighty-one; and

Preamble: erection and unveiling.

WHEREAS, this monument is to be erected and unveiled during the year one thousand nine hundred and fourteen: Therefore, be it

Resolved by the Senate, the House of Representatives concurring:

Invitation extended.

SECTION 1. That in the name of the people of North Carolina this General Assembly extend a cordial invitation to the President of the United States to be present on that occasion and participate in the exercises in commemoration of that soldier of the Revolution, whose services were second only to those of Washington in the cause of American independence.

Invitation to governors of states participating in battle.

SEC. 2. *Resolved, further,* That an invitation be extended to the Governors of South Carolina, Virginia, Maryland and Delaware to attend and participate in these exercises, which will be held not only in honor of General Greene, but also in commemoration of the heroism and sacrifices of the soldiers of their respective commonwealths.

Invitation to governors of Rhode Island and Georgia.

SEC. 3. *Resolved, further,* That an invitation to attend and participate in these exercises be, and it is, hereby extended to the Governor of Rhode Island, in which State General Greene was born, and to the Governor of Georgia, where General Greene passed the last years of his life and where his body was buried.

Governor to send copies.

SEC. 4. *Resolved, further,* that the Governor of this State be, and he is, hereby requested to send copies of these resolutions, under the great seal of the State, to the President of the United States and to the Governors of the states mentioned above.

SEC. 5. *Resolved,* That these resolutions be in force from and after their ratification.

In the General Assembly read three times and ratified this the 7th day of March, 1913.

RESOLUTION No. 41.

A RESOLUTION TO PAY THE EXPENSES OF THE SUBCOMMITTEE FROM THE GENERAL COMMITTEE ON EDUCATION VISITING THE STATE NORMAL AND INDUSTRIAL COLLEGE.

Resolved by the Senate, the House of Representatives concurring:

Appropriation.

SECTION 1. That the Auditor be, and he is, hereby authorized and directed to draw his warrant on the Treasurer of North Carolina for the sum of thirty-two dollars, in favor of T. T.

Thorne, chairman of the committee on education, to pay the actual expenses of the subcommittee who visited the State Normal and Industrial College at Greensboro, such amount to be distributed as follows:

Senator Woodley	\$8.00	Itemized state-
Senator Phillips	8.00	ment.
Representative Cox	8.00	
Representative Seawell	8.00	
	<hr/>	
Total	\$32.00	

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

In the General Assembly read three times and ratified this the 8th day of March, 1913.

RESOLUTION No. 42.

RESOLUTION TO PAY THE EXPENSES OF THE SUBCOMMITTEE FROM THE JOINT COMMITTEE ON EDUCATION TO VISIT THE UNIVERSITY OF NORTH CAROLINA.

Resolved by the Senate, the House of Representatives concurring:

SECTION 1. That the Auditor be, and he is, hereby authorized and directed to draw his warrant on the Treasurer of North Carolina for the sum of six dollars and fifty cents in favor of T. T. Thorne, chairman of the Senate committee on education, to pay the actual expenses of the subcommittee who visited the University of North Carolina, such amount to be distributed as follows: Appropriation.

Senator Daniel	\$1.30	Itemized account.
Senator Council	1.30	
Representatives Hodges	1.30	
Representative Pickard	1.30	
Representative Gibbs	1.30	
	<hr/>	
Total	\$6.50	

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

In the General Assembly read three times and ratified this the 8th day of March, 1913.

RESOLUTION No. 43.

RESOLUTION OF THANKS TO THE RALEIGH POST OFFICE.

Resolved by the House of Representatives, the Senate concurring:

Thanks extended.

That the General Assembly of North Carolina hereby extends its thanks to the postmaster, Mr. W. G. Briggs, and to Mr. Bedford Brown, postmaster of Station A, and their efficient, courteous and gentlemanly assistants for their services during this session. Be it further

Copies to be forwarded.

Resolved, That a copy of this resolution be forwarded to the Postmaster General of the United States by the Secretary of State, and a copy be sent to Willis G. Briggs and Bedford Brown.

In the General Assembly read three times and ratified this the 8th day of March, 1913.

RESOLUTION No. 44.

RESOLUTION OF THE GENERAL ASSEMBLY OF NORTH CAROLINA REQUESTING THE SENATORS AND REPRESENTATIVES FROM NORTH CAROLINA TO USE THEIR INFLUENCE TO SECURE AN APPROPRIATION TO DEFRAY THE EXPENSES OF EX-CONFEDERATE VETERANS ATTENDING THE CELEBRATION OF THE 50TH ANNIVERSARY OF THE BATTLE OF GETTYSBURG.

Preamble: celebration of anniversary.

WHEREAS, in July, one thousand nine hundred and thirteen, there will be celebrated at the battlefield of Gettysburg, Pennsylvania, the fiftieth anniversary of the famous battle fought there; and

Preamble: desire of soldiers to revisit field where they distinguished themselves.

WHEREAS, the North Carolina soldiers greatly distinguished themselves on that occasion, and many old soldiers desire to revisit the battlefield who are not financially able to do so: Therefore, be it

Resolved by the House of Representatives, the Senate concurring:

Request to senators and representatives

First: That our Senators and Representatives in Congress be requested to use their united influence to secure an appropriation for the purpose of defraying the actual necessary expenses of all ex-Confederate veterans who desire to attend the celebration of the semi-centennial of the battle of Gettysburg.

Copies of resolution to be sent.

Second: That a copy of this resolution be sent to each of our Senators and Representatives in Congress.

In the General Assembly read three times and ratified this the 8th day of March, 1913.

RESOLUTION No. 45.

RESOLUTION REQUESTING THE POSTMASTER GENERAL OF THE UNITED STATES TO ESTABLISH A SUBSTATION OF THE POST OFFICE AT RALEIGH, NORTH CAROLINA, IN THE STATE CAPITOL, DURING THE PROPOSED EXTRA SESSION, IF ONE SHOULD BE CALLED.

Resolved by the Senate, the House of Representatives concurring:

SECTION 1. That the Postmaster General of the United States be requested, in the event that an extra session of this General Assembly should be called by the Governor, to establish a substation of the post office at Raleigh, North Carolina, in the State Capitol during the said proposed extra session. Request to Postmaster General.

SEC. 2. That the Secretary of State is directed to forward to the Postmaster General at Washington, D. C., a copy of this resolution under the seal of the State. Secretary of State to forward copy.

In the General Assembly read three times and ratified this the 12th day of March, 1913.

RESOLUTION No. 46.

JOINT RESOLUTION RELATIVE TO COMPENSATION OF H. R. WILLIAMSON.

Resolved by the House of Representatives, the Senate concurring:

SECTION 1. That H. R. Williamson be, and he is, hereby allowed the sum of twenty-five dollars as compensation for his faithful and efficient services to the House committee on finance and the joint meetings of the Senate and House committee on finance, the same to be paid as other expenses of the House are. Allowance. Amount.

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

In the General Assembly read three times and ratified this the 11th day of March, 1913.

RESOLUTION No. 47.

JOINT RESOLUTION CONCERNING COTTON TARE.

WHEREAS, the deduction for "tare" from the weight of bales of cotton is thought to deprive the farmers who produce cotton of several million dollars each year; Preamble: deprivation of farmers by cotton tare.

Resolved by the Senate, the House concurring:

That the Senators and Representatives of this State in the Congress of the United States are requested to give their support to Request to senators and representatives.

the enactment of any measure proposed for the settlement of this question in an amicable manner to all parties concerned by an international convention of all parties duly interested in the matter, called by the United States, or any other satisfactory measure for the purpose desired.

Secretary of State
to forward copies.

That the Secretary of State shall furnish each of our senators and representatives with a copy of this resolution.

This resolution shall be in effect from and after its ratification.

In the General Assembly read three times and ratified this the 11th day of March, 1913.

RESOLUTION No. 48.

A RESOLUTION IN REGARD TO THE ATLANTIC AND YADKIN RAILWAY COMPANY.

Preamble: incor-
poration of
company.

WHEREAS, the General Assembly of one thousand eight hundred and eighty-nine, by chapter ninety-eight of the Private Laws of North Carolina, duly chartered and incorporated the Atlantic and Yadkin Railway Company, vesting it with certain powers and rights; and

Preamble: line of
railway owned by
company.

WHEREAS, at the time of the incorporation of said railway company the said incorporators had become purchasers and owners of a line of railway extending from Wilmington via Fayetteville and Sanford to Mount Airy, which line of railway at the time it was purchased by the said Atlantic and Yadkin Railway Company was a continuous line of railway; and

Preamble: dis-
memberment of
line.

WHEREAS, after the purchase of the said line of railway by the Atlantic and Yadkin Railway Company, the same was dismembered by selling a part thereof to the Wilmington and Weldon Railroad Company, and another part to the Southern Railway Company, which act many patrons of the road claim as illegal and renders transportation over said line inefficient: Be it

Resolved by the House of Representatives of North Carolina, the Senate concurring:

Corporation
Commission to
investigate sale.

SECTION 1. That the Corporation Commission be, and it is, hereby authorized, empowered and directed, without unnecessary delay, to investigate fully any matters pertaining to the sale of any part of the said Atlantic and Yadkin Railway Company to the Wilmington and Weldon Railroad Company, and to the Southern Railway Company, and in order to obtain information concerning the same the said Corporation Commission is empowered to subpoena witnesses and examine them, and to cause persons or corporations to produce books or other documents in their possession with reference to the sale or transfer of any portion of said railway.

Powers in securing
evidence.

SEC. 2. That the facts disclosed by such investigation shall be laid before the Attorney-General, and if in his opinion an action can likely be maintained, he shall institute on behalf of the State a suit in the State courts, or present such facts accompanied by his opinion to the Attorney-General of the United States with request that he institute on behalf of the government a suit against the Atlantic and Yadkin Railroad Company and its successors in title, and against all other necessary persons or corporations for the purpose of setting aside and declaring void such sale and dismemberment.

Facts to be laid before Attorney-General.

Action if facts sustain suit.

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

In the General Assembly read three times and ratified this the 11th day of March, 1913.

RESOLUTION No. 49.

RESOLUTION INSTRUCTING THE SECRETARY OF STATE RELATIVE TO THE PUBLICATION OF H. B. 636, S. B. 150.

Be it Resolved by the House of Representatives, the Senate concurring

That in preparing the laws of the General Assembly of the session of one thousand nine hundred and thirteen for printing and publication the Secretary of State be, and he is, hereby authorized and instructed to omit H. B. 636, S. B. 150, entitled "An act to consolidate and amend the laws relating to the Wilson graded school district for Wilson County," it being one hundred and twenty-three of his record of enrolled acts and it being a duplicate of H. B. 362, S. B. 329, number eighty-one of the record of enrolled bills in the office of the Secretary of State.

Duplicate act to be omitted.

In the General Assembly read three times and ratified this the 11th day of March, 1913.

RESOLUTION No. 50.

JOINT RESOLUTION IN REGARD TO EXTRA PAY FOR THE PAGES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES.

Resolved by the House of Representatives, the Senate concurring:

SECTION 1. That the pages of the House and of the Senate be, and they are, hereby allowed fifty (50) cents per day extra to the amount allowed and their actual railroad fare from their respective homes to the city of Raleigh and return.

Extra allowance.

SEC. 2. The principal clerks of the House and Senate are hereby authorized to issue their vouchers, and the State Auditor

Vouchers.

shall issue his warrants for the same, which shall be paid by the State Treasurer.

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

In the General Assembly read three times and ratified this the 11th day of March, 1913.

RESOLUTION No. 51.

A RESOLUTION TO COMMEMORATE THE SERVICES OF THE NORTH CAROLINA SOLDIERS AT THE BATTLE OF GETTYSBURG.

Preamble: preparation for celebration.

WHEREAS, the governments of the United States and of the State of Pennsylvania are preparing to hold a grand celebration and reunion at Gettysburg on the fiftieth anniversary of the great battle fought there between the armies of the United States and the Confederate States, July first, second and third, one thousand eight hundred and sixty-three; and

Preamble: heroism of North Carolina troops.

WHEREAS, the North Carolina troops bore the brunt of the fighting for the Confederate Army in that great contest, and by their heroism, as revealed in their unparalleled losses in killed and wounded, brought imperishable renown and glory to this commonwealth; and

Preamble: desire to honor memory of brave men and show appreciation of services.

WHEREAS, this General Assembly desires to honor the memory of these brave men and to show to the thousands who will attend the aforesaid celebration her appreciation of the sacrifices her sons so willingly made at her command: Therefore, be it

Resolved by the Senate, the House of Representatives concurring:

Commission to visit battlefield and mark positions.

SECTION 1. That the Governor of this State be requested and authorized to appoint five Confederate soldiers, three or more of whom participated in the battle of Gettysburg, who, together with the members of the North Carolina Historical Commission, shall constitute a commission, which commission shall be authorized and directed to visit the battlefield of Gettysburg, and to identify and mark in some inexpensive way the various positions occupied by the North Carolina troops during the three days' battle of July first through the third, one thousand eight hundred and sixty-three.

Expenses of commission.

SEC. 2. That the expenses of said commission, upon the approval of the Governor and Council of State, shall be paid out of any funds in the hands of the State Treasurer not otherwise appropriated.

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

In the General Assembly read three times and ratified this the 12th day of March, 1913.

RESOLUTION No. 52.

RESOLUTION APPOINTING A COMMISSION RELATIVE TO THE STATE PUBLISHING SCHOOL BOOKS AND SELLING THEM TO THE CITIZENS OF THE STATE AT COST.

WHEREAS, many of the people of the State believe that the State can publish and sell to its citizens the school books used in the schools of the State at much less than what they are now paying: Therefore, be it

Preamble.

Resolved by the House of Representatives, the Senate concurring:

SECTION 1. That a commission be, and it is, hereby created, consisting of three members, who shall act without compensation, one to be appointed by the Speaker of the House of Representatives, one to be appointed by the President of the Senate, and that J. Y. Joyner be, and he is, hereby appointed as the third member of said commission.

Commission to act without compensation.

SEC. 2. That full power and authority be, and the same is, hereby conferred upon the said commission to investigate and make its report to the General Assembly of North Carolina of one thousand nine hundred and fifteen, or at an extra session in case such session be held, together with the recommendations as to the advisability and the practicability of the State of North Carolina printing and furnishing or selling to the citizens of the State all books used in the public schools of the State at actual cost.

Power and authority of commission. Report and recommendations.

In the General Assembly read three times and ratified this the 12th day of March, 1913.

RESOLUTION No. 53.

JOINT RESOLUTION TO PAY THE EXPENSES OF THE INAUGURATION COMMITTEE AND OTHER EXPENSES INCURRED IN THE INAUGURATION OF HON. LOCKE CRAIG.

Resolved by the House of Representatives, the Senate concurring:

SECTION 1. That one hundred and ninety-seven dollars and fifty-five cents be, and the same is, hereby appropriated out of the State Treasury to pay the expenses of the inauguration committee of the General Assembly and other expenses incurred in connection with the inauguration of Governor Locke Craig, and the Auditor is hereby authorized and directed to issue his warrant upon the Treasurer, payable to Zebulon Weaver, chairman of said committee, for the purpose of paying off and discharging said expenses.

Appropriation.

SEC. 2. That said expenses so incurred are as follows:
 Railroad fare of members of the Senate and House committees
 on inauguration, to wit:

Itemized
 statement.

Zebulon Weaver	\$5.75
T. T. Thorne.....	5.75
W. T. Woodley.....	5.75
J. P. Cook.....	5.75
Geo. B. McLeod.....	1.30
J. W. Bunn.....	5.75
I. J. Young.....	5.75
R. R. Williams.....	5.75
H. A. Page.....	5.75
H. P. Grier.....	5.75
R. E. Austin.....	5.75
J. K. Dixon.....	5.75
Total	\$64.55

Livery and badges:

J. G. Ball, livery.....	\$113.00
Misses Badger and Denton, badges.....	18.00
E. M. Uzzell & Company, badges.....	2.00
Total	\$197.55

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

In the General Assembly read three times and ratified this the
 12th day of March, 1913.

RESOLUTION No. 54.

RESOLUTION RELATIVE TO FILLING VACANCIES ON COM-
 MITTEE ON CONSTITUTIONAL AMENDMENTS.

Resolved by the House, the Senate concurring:

SECTION 1. That in the event of a vacancy occurring in the
 committee to consider the amendments to the Constitution and
 report to a special session of the General Assembly, that such
 vacancy shall be filled in the following manner: If the vacancy
 be by reason of any member of the House who is a member of
 the said committee ceasing to be a member of said committee,
 the vacancy shall be filled by appointment of Hon. Geo. W. Con-
 nor, Speaker of the House of Representatives; and if a vacancy
 occurs on account of any member of the Senate ceasing to be a
 member, the Hon. E. L. Daughtridge, Lieutenant-Governor, shall

Vacancies filled by
 Speaker.

Vacancies filled by
 Lieutenant-
 Governor.

appoint to fill the vacancy; and any other vacancy shall be filled by appointment of the Governor. Vacancies filled by Governor.

SEC. 2. That this resolution shall be in effect from the date of its ratification.

In the General Assembly read three times and ratified this the 12th day of March, 1913.

RESOLUTION No. 55.

RESOLUTION IN BEHALF OF THE CLERKS OF THE GENERAL ASSEMBLY.

WHEREAS, the clerks of the House of Representatives and Senate have been true and faithful servants of the General Assembly and have discharged the arduous duties incumbent upon them in a faithful and efficient manner; and Preamble: faithful discharge of duties.

WHEREAS, the work of the General Assembly has increased to such an extent that they have been required to work both day and night in order to keep up their work, and prepare their records: Be it Preamble: increase of work.

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, his assistants, the reading clerks of both branches of the General Assembly, the engrossing clerk of the House and his assistants, and enrolling clerk and four assistants, and the present engrossing clerk of the Senate and his assistants be, and they are, hereby allowed the sum of one dollar per day extra for thirty days in addition to their salary as now allowed by law. Clerks' allowed extra pay.

SEC. 2. That the principal clerks of the House of Representatives and the Senate, respectively, are hereby authorized and directed to issue vouchers therefor. Vouchers.

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

In the General Assembly read three times and ratified this the 12th day of March, 1913.

RESOLUTION No. 56.

RESOLUTION TO INCREASE THE PAY OF LABORERS OF THE SENATE AND HOUSE OF REPRESENTATIVES.

WHEREAS, the laborers of the Senate and House have faithfully performed all the duties required of them; and whereas, the cost of living is much higher than it was during any previous session of the General Assembly; and whereas, there has been a great deal of sickness among the laborers: Therefore, be it Preamble: faithful discharge of duties. Preamble: high cost of living. Preamble: sickness among laborers.

Resolved by the House of Representatives, the Senate concurring:

Additional
allowance.

SECTION 1. That an additional ten dollars each and actual railroad fare shall be allowed the laborers of the Senate and the House of Representatives.

SEC. 2. That this resolution shall be effective from and after its ratification.

In the General Assembly read three times and ratified this the 12th day of March, 1913.

RESOLUTION No. 56½.

**JOINT RESOLUTION RELATIVE TO THE INDEBTEDNESS
OF THE STATE TO THE STATE'S PRISON.**

Resolved by the Senate, House of Representatives concurring:

Payment to credit
of general fund.

SECTION 1. That the board of directors of the State's prison be authorized and directed to pay to the State Treasurer earnings represented by certificates of railroad stock in the sum of one hundred and fifty thousand (\$150,000) dollars, which sum shall be placed to the credit of the general fund.

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

In the General Assembly read three times and ratified this the 12th day of March, 1913.

RESOLUTION No. 57.

JOINT RESOLUTION TO UNITED STATES CONGRESS.

Preamble: question
of good roads.

WHEREAS, the question of good roads has engaged the attention of the State with great anxiety, and believing that the solution can best be reached by national aid;

Preamble: farm life.

AND WHEREAS, all good roads will tend to stop the tide that flows yearly from the country to the cities by making farm life more attractive and contented;

Preamble: dependence of nation on farmers.

AND WHEREAS, this republic must depend in a great measure for its future greatness upon the intelligent and home-loving people who reside mainly in rural districts not now receiving direct benefit of the money appropriated from the United States Treasury;

Preamble: increase of farm values.

AND WHEREAS, the result of road improvement wherever and whenever tried has been to increase the value of farm lands and encourage home seekers;

Preamble: toiling millions patriotic.

AND WHEREAS, no people are more loyal, more patriotic, more law-abiding, wealth-producing than the toiling millions engaged in agriculture;

AND WHEREAS, the government has established free delivery mail service and the parcels post and no legislation is nearer the hearts of the people, and to carry the benefit of this wise legislation with effectiveness into the rural districts, it is needed that the general government should aid in constructing post roads and highways;

Free mail delivery and parcels post.

AND WHEREAS, to raise a sufficient amount of money to build roads and highways without the aid of government would require exorbitant rate of taxation upon the States: Therefore be it

Preamble: aid of government necessary.

Resolved by the House of Representatives, the Senate concurring:

That our Representatives and Senators in Congress be, and they are, hereby requested to support and if possible secure the passage of a law in Congress appropriating funds from the National Treasury of the United States to aid the several States in road building.

Request to senators and representatives

In the General Assembly read three times and ratified this the 12th day of March, 1913.

RESOLUTION No. 58.

A JOINT RESOLUTION RELATIVE TO THE COMMITTEE TO BE APPOINTED FOR THE PURPOSE OF MAKING AN INVESTIGATION OF THE SALE OF THE STOCK IN THE ATLANTIC AND NORTH CAROLINA RAILROAD COMPANY OWNED BY THE STATE OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That each member of the committee to be appointed by the President of the Senate and the Speaker of the House of Representatives, pursuant to House resolution one thousand four hundred and ninety, Senate resolution one thousand and ten, ratified on the . . . day of March, one thousand nine hundred and thirteen, shall be paid the sum of four dollars per day for each day he is actively engaged in the performance of the duties imposed upon him by the said resolution: *Provided*, the said days shall not exceed fourteen and such actual expenses as may be incurred: *Provided*, the said amount is approved by the Governor.

Per diem.

Proviso: limit.

Proviso: amount approved by Governor.

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

In the General Assembly read three times and ratified this the 12th day of March, 1913.

RESOLUTION No. 59.

JOINT RESOLUTION EMPOWERING THE GOVERNOR TO CALL TOGETHER FOR THE PURPOSE OF ORGANIZATION THE COMMITTEE ON CONSTITUTIONAL AMENDMENTS APPOINTED BY RESOLUTION OF THIS SESSION OF THE GENERAL ASSEMBLY.

Resolved by the Senate, the House of Representatives concurring:

Call of meeting for organization.

SECTION 1. That the Governor is hereby authorized and empowered to call together, at such time as he may deem proper, for the purpose of organization, the committee on constitutional amendments appointed in pursuance of a resolution passed by this session of the General Assembly, and ratified on the sixth day of February, one thousand nine hundred and thirteen.

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

In the General Assembly read three times and ratified this the 12th day of March, 1913.

RESOLUTION No. 60.

JOINT RESOLUTION RELATIVE TO EMPLOYEES OF THE GENERAL ASSEMBLY, EXTRA SESSION, TO BE CALLED BY THE GOVERNOR.

Be it Resolved by the House of Representatives, the Senate concurring:

Employees to be notified to attend.

That at the extra session of the General Assembly, to be called by the Governor, only such clerks and employees of the respective houses shall be expected or required to attend and perform their duties at such extra session as may be notified by the respective presiding officers of the two houses and requested to attend such extra session.

In the General Assembly read three times and ratified this the 12th day of March, 1913.

STATE OF NORTH CAROLINA,
OFFICE OF SECRETARY OF STATE,
RALEIGH, May 1, 1913.

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.

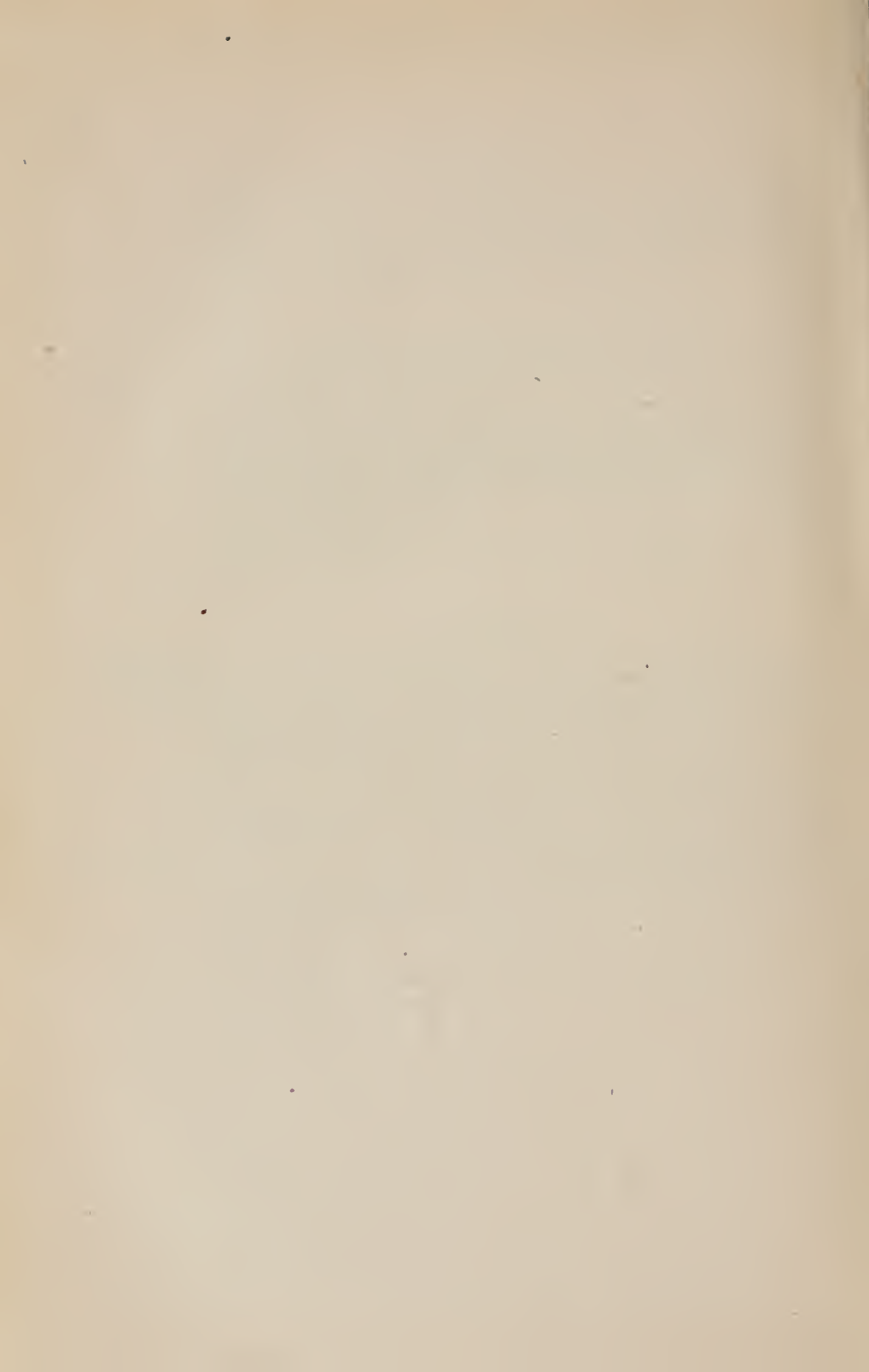
NOTE

In 1909 the General Assembly of North Carolina passed an act entitled "An act to amend section 5349 of The Revisal of 1905, and provide for the classification and publication of the acts of the General Assembly into Public, Public-Local, and Private Laws."

Laws classified and published in three separate volumes.

In compliance with this law the acts of 1913 have been classified into Public, Public-Local, and Private Laws. All laws of Statewide application have been classed as public; laws of a public nature but of only local application have been classed as public-local; and all charters and laws in relation to cities and towns are classed as private.

J. BYAN GRIMES,
Secretary of State.



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