



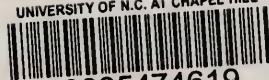
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PUBLIC LAWS AND RESOLUTIONS

OF THE

STATE OF NORTH CAROLINA

PASSED BY THE

GENERAL ASSEMBLY

AT ITS

SESSION OF 1917

BEGUN AND HELD IN THE CITY OF RALEIGH

ON

WEDNESDAY, THE THIRD DAY OF JANUARY, A. D. 1917


PUBLISHED BY AUTHORITY

RALEIGH

EDWARDS & BROUGHTON PRINTING COMPANY, STATE PRINTERS AND BINDERS

1917





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# OFFICIAL REGISTER

FOR 1917

## STATE GOVERNMENT.

### EXECUTIVE DEPARTMENT.

THOMAS W. BICKETT.....	Governor.....	Franklin.
O. MAX GARDNER.....	Lieutenant Governor.....	Cleveland.
J. BRYAN GRIMES.....	Secretary of State.....	Pitt.
WILLIAM P. WOOD.....	State Auditor.....	Randolph.
BENJAMIN R. LACY.....	State Treasurer.....	Wake.
JAMES S. MANNING.....	Attorney-General.....	Wake.
JAMES Y. JOYNER.....	Superintendent of Public Instruction.....	Guilford.
WILLIAM A. GRAHAM.....	Commissioner of Agriculture.....	Lincoln.
MITCHELL L. SHIPMAN.....	Commissioner of Labor and Printing.....	Henderson.
B. S. ROYSTER.....	Adjutant-General.....	Granville.
GEO. L. PETERSON.....	Assistant Adjutant-General.....	Sampson.
MILES O. SHERRILL.....	State Librarian.....	Catawba.
JAMES R. YOUNG.....	Insurance Commissioner.....	Vance.
SANTFORD MARTIN.....	Private Secretary to Governor.....	Forsyth.
MRS. HATTIE S. GAY.....	Executive Secretary.....	Wayne.
MISS MAMIE TURNER.....	Stenographer.....	Wake.
JOSEPH E. SAWYER.....	Corporation Clerk, Secretary of State.....	Caswell.
F. W. BROWN.....	Grant Clerk, Secretary of State.....	Pitt.
MISS MINNIE M. BAGWELL.....	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.
H. R. WILLIAMSON.....	Clerk of Institutions.....	Sampson.
HOMER PEELE.....	Teller.....	Martin.
MISS MOZELLE BAILEY.....	Clerk and Stenographer.....	Wake.
R. H. SYKES.....	Assistant Attorney-General.....	Durham.
MISS LILLIAN TURNER.....	Stenographer.....	Wake.
W. H. PITTMAN.....	Chief Clerk, Supt. Public Instruction.....	Edgecombe.
E. E. SAMS.....	Supervisor Teacher Training.....	Madison.
A. S. BROWER.....	Clerk of Loan Fund.....	Cabarrus.
N. C. NEWBOLD.....	Associate Supervisor Rural Schools.....	Beaufort.
MISS ANNIE TRAVIS.....	Stenographer.....	Halifax.
MISS CARRIE E. BROUGHTON.....	Assistant Librarian.....	Wake.
GEORGE B. JUSTICE.....	Assistant Commissioner of Labor and Ptg.....	Mecklenburg.
G. FRED HALE.....	Clerk and Stenographer.....	Bertie.
STACEY W. WADE.....	Chief Deputy, Insurance Commissioner.....	Carteret.
SILAS F. CAMPBELL.....	Chief Clerk.....	Harnett.
F. B. GERHARD.....	Deputy and Actuary.....	Wake.
E. E. GRAY, JR.....	Deputy.....	Forsyth.
W. A. SCOTT.....	Deputy.....	Guilford.
F. M. JORDAN.....	Deputy.....	Buncombe.
SHERWOOD BROCKWELL.....	Deputy Fire Prevention Expert.....	Wake.
ELLIS CANNADY.....	State Electrical Inspector.....	Granville.
JUDSON PEELE.....	License Clerk.....	Harnett.
MISS IDA MONTGOMERY.....	Cashier.....	Warren.
MISS EVA B. POWELL.....	Bookkeeper.....	Wake.
MISS PATTIE JORDAN.....	Stenographer.....	Caswell.
T. R. ROBERTSON.....	Supt. Public Buildings and Grounds.....	Wake.
E. M. UZZELL & Co.....	State Printers.....	Wake.
EDWARDS & BROUGHTON PTG. Co.....	State Printers.....	Wake.

## JUDICIAL DEPARTMENT.

## JUSTICES OF THE SUPREME COURT.

WALTER CLARK.....	Chief Justice.....	Raleigh.....	Wake.
PLATT D. WALKER.....	Associate Justice.....	Charlotte.....	Mecklenburg.
GEORGE H. BROWN.....	Associate Justice.....	Washington.....	Beaufort.
WILLIAM A. HOKE.....	Associate Justice.....	Lincolnton.....	Lincoln.
W. R. ALLEN.....	Associate Justice.....	Goldsboro.....	Wayne.

## OFFICIALS OF THE SUPREME COURT.

J. L. SEAWELL.....	Clerk.....	Raleigh.....	Wake.
R. H. BRADLEY.....	Marshal and Librarian.....	Raleigh.....	Wake.
ROBERT C. STRONG.....	Reporter.....	Raleigh.....	Wake.

## JUDGES OF THE SUPERIOR COURTS.

W. M. BOND.....	Edenton.....	Chowan.
GEORGE W. CONNOR.....	Wilson.....	Wilson.
JOHN H. KERR.....	Warrenton.....	Warren.
F. A. DANIELS.....	Goldsboro.....	Wayne.
H. W. WHEDBEE.....	Greenville.....	Pitt.
OLIVER H. ALLEN.....	Kinston.....	Lenoir.
ALBERT L. COX.....	Raleigh.....	Wake.
W. P. STACY.....	Wilmington.....	New Hanover
C. C. LYON.....	Elizabethtown.....	Bladen.
W. A. DEVIN.....	Oxford.....	Granville.
H. P. LANE.....	Reidsville.....	Rockingham.
THOMAS J. SHAW.....	Greensboro.....	Guilford.
W. J. ADAMS.....	Carthage.....	Moore.
W. F. HARDING.....	Charlotte.....	Mecklenburg
B. F. LONG.....	Statesville.....	Iredell.
J. L. WEBB.....	Shelby.....	Cleveland.
E. B. CLINE.....	Hickory.....	Catawba.
M. H. JUSTICE.....	Rutherfordton.....	Rutherford.
FRANK CARTER.....	Asheville.....	Buncombe.
G. S. FERGUSON.....	Waynesville.....	Haywood.

## SOLICITORS.

J. C. B. EHRLINGHAUS.....	Elizabeth City.....	Pasquotank.
RICHARD G. ALLSBROOK.....	Tarboro.....	Edgecombe.
GARLAND MIDYETTE.....	Jackson.....	Northampton.
WALTER D. SILER.....	Siler City.....	Chatham.
CHARLES L. ABERNETHY.....	Beaufort.....	Carteret.
H. E. SHAW.....	Kinston.....	Lenoir.
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H. L. LYON.....	Whiteville.....	Columbus.
S. B. MCLEAN.....	Maxton.....	Robeson.
S. M. GATTIS.....	Hillsboro.....	Orange.
S. P. GRAVES.....	Mount Airy.....	Surry.
JOHN C. BOWER.....	Lexington.....	Davidson.
W. E. BROCK.....	Wadesboro.....	Anson.
G. W. WILSON.....	Gastonia.....	Gaston.
HAYDEN CLEMENT.....	Salisbury.....	Rowan.
R. L. HUFFMAN.....	Morganton.....	Burke.
JOHNSON J. HAYES.....	North Wilkesboro.....	Wilkesboro.
MICHAEL SCHENCK.....	Hendersonville.....	Henderson.
J. E. SWAIN.....	Asheville.....	Buncombe.
G. L. JONES.....	Franklin.....	Macon.



## CORPORATION COMMISSION.

E. L. TRAVIS.....	Chairman.....	Halifax.
W. T. LEE.....	Commissioner.....	Haywood.
GEORGE P. PELL.....	Commissioner.....	Forsyth.
A. J. MAXWELL.....	Chief Clerk.....	Craven.
MISS E. G. RIDDICK.....	Assistant Clerk.....	Gates.
MISS META ADAMS.....	Assistant Clerk.....	Haywood.
S. A. HUBBARD.....	State Bank Examiner.....	Rockingham.
H. L. NEWBOLD.....	Assistant State Bank Examiner.....	Wake.
JOHN G. NICHOLS.....	Assistant State Bank Examiner.....	Rutherford.
J. S. GRIFFIN.....	Tax Clerk.....	Guilford.
O. S. THOMPSON.....	Assistant Clerk.....	Wake.
MISS MYRTLE GATES.....	Assistant Clerk.....	Durham.
MISS H. BARNES.....	Stenographer.....	Wake.
W. G. WOMBLE.....	Rate Clerk.....	Wake.
W. G. BARNES.....	Stenographer.....	Wilson.

## STATE BOARD OF AGRICULTURE.

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C. W. MITCHELL.....	Aulander.....	Second District.
R. L. WOODARD.....	Pamlico.....	Third District.
CLARENCE POE.....	Raleigh.....	Fourth District.
R. W. SCOTT.....	Haw River.....	Fifth District.
A. T. MCCALLUM.....	Red Springs.....	Sixth District.
C. C. WRIGHT.....	Hunting Creek.....	Seventh District.
WILLIAM BLEDSOE.....	Gale.....	Eighth District.
W. J. SHUFORD.....	Hickory.....	Ninth District.
A. CANNON.....	Horse Shoe.....	Tenth District.

# GENERAL ASSEMBLY

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

## SENATORS

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

DISTRICT	NAME OF SENATOR	POSTOFFICE	COUNTY
1	E. R. JOHNSON.....	Currituck.....	Currituck.
1	JAMES S. McNIDER.....	Hertford.....	Perquimans.
2	LINDSAY C. WARREN.....	Washington.....	Beaufort.
2	W. S. DAVENPORT.....	Mackeys.....	Washington.
3	W. H. S. BURGWIN.....	Woodland.....	Northampton.
4	GEORGE A. HOLDERNESS.....	Tarboro.....	Edgecombe.
4	W. L. LONG.....	Roanoke Rapids.....	Halifax.
5	F. C. HARDING.....	Greenville.....	Pitt.
6	T. T. ROSS.....	Nashville.....	Nash.
6	W. M. PERSON.....	Louisburg.....	Franklin.
7	F. BROCK.....	Trenton.....	Jones.
7	W. D. POLLOCK.....	Kinston.....	Lenoir.
8	M. H. ALLEN.....	Goldsboro.....	Wayne.
9	J. H. BURNETT.....	Burgaw.....	Pender.
10	E. H. CRANMER.....	Southport.....	Brunswick.
11	A. M. KELLY.....	Bladenboro.....	Bladen.
12	FRANK GOUGH.....	Lumberton.....	Robeson.
13	JOHN A. OATES.....	Fayetteville.....	Cumberland.
14	J. A. McLEOD.....	Lillington.....	Harnett.
14	EZRA PARKER.....	Benson.....	Johnston.
15	J. W. BUNN.....	Raleigh.....	Wake.
16	R. S. McCOIN.....	Henderson.....	Vance.
17	E. J. TUCKER.....	Roxboro.....	Person.
18	BENNEHAN CAMERON.....	Stagville.....	Durham.
18	J. ELMER LONG.....	Graham.....	Alamance.
19	J. R. JOYCE.....	Reidsville.....	Rockingham.
20	A. M. SCALES.....	Greensboro.....	Guilford.
21	W. N. EVERETT.....	Rockingham.....	Richmond.
21	L. M. BLUE.....	Gibson.....	Scotland.
22	J. D. GREGG.....	Liberty.....	Randolph.
23	R. E. LITTLE.....	Wadesboro.....	Anson.
23	C. M. THOMPSON.....	Lexington.....	Davidson.
24	CHASE BRENIZER.....	Charlotte.....	Meckleburg.
24	JOHN A. BARNHARDT.....	Pioneer Mills.....	Cabarrus.
25	STAHLIE LINN.....	Salisbury.....	Rowan.
26	J. A. GRAY, JR.....	Winston-Salem.....	Forsyth.
27	J. W. HALL.....	Danbury.....	Stokes.
28	S. C. WILLIAMS.....	Yadkinville.....	Yadkin.
29	W. D. TURNER.....	Statesville.....	Iredell.
30	C. A. JONAS.....	Lincolnton.....	Lincoln.
31	ROBERT R. RAY.....	McAdenville.....	Gaston.
32	G. C. HARRELL.....	Rutherfordton.....	Rutherford.
32	J. FOY JUSTICE.....	Hendersonville.....	Henderson.
33	C. P. MATHESON.....	Taylorsville.....	Alexander.

## SENATORS—CONTINUED

DISTRICT	NAME OF SENATOR	POSTOFFICE	COUNTY
33	J. L. NELSON.....	Lenoir.....	Caldwell.
34	EUGENE TRANSOU.....	Sparta.....	Alleghany.
35	J. D. BRASWELL.....	Bakersville.....	Mitchell.
36	THOMAS A. JONES.....	Asheville.....	Buncombe.
37	KELLEY E. BENNETT.....	Bryson City.....	Swain.
38	A. G. DEWEESE.....	Murphy.....	Cherokee.

## SENATE OFFICERS

NAME	POSITION	POSTOFFICE
O. MAX GARDNER.....	President.....	Shelby.
R. O. SELF.....	Principal Clerk.....	Webster.
J. J. MACKAY, JR.....	Journal Clerk.....	Raleigh.
R. T. WADE.....	Disbursing Clerk.....	Morehead City.
JOHN WATTS.....	Calendar Clerk.....	Huntersville.
W. H. SANDERS.....	Assistant Clerk.....	Hamlet.
WM. G. MORDECAI.....	Assistant Clerk.....	Durham.
C. C. BROUGHTON.....	Reading Clerk.....	Troy.
I. W. HUGHES.....	Engrossing Clerk.....	Washington.
W. D. GASTER.....	Sergeant-at-Arms.....	Fayetteville.
J. W. ALEXANDER.....	Assistant Sergeant-at-Arms.....	Hayesville.
MISS BETTIE RUSS.....	Stenographer.....	Raleigh.

## GENERAL ASSEMBLY

## REPRESENTATIVES

HON. WALTER MURPHY, SPEAKER, SALISBURY

NAME	POSTOFFICE	COUNTY
R. T. KERNODLE.....	Burlington.....	Alamance
S. T. CROWSON.....	Taylorsville.....	Alexander
R. A. DOUGHTON.....	Sparta.....	Alleghany
J. D. HORNE.....	Wadesboro.....	Anson
AMROSE CLARK.....	Lansing.....	Ashe
T. C. HICKS.....	Elk Park.....	Avery
W. M. BUTT.....	Bonnerton.....	Beaufort
J. H. MATTHEWS.....	Windsor.....	Bertie
A. McK. COUNCIL.....	White Oak.....	Bladen
D. L. HEWETT.....	Shallotte.....	Brunswick
GALLATIN ROBERTS.....	Asheville.....	Buncombe
R. C. CROWELL.....	Acton.....	Buncombe
J. H. PEARSON.....	Morganton.....	Burke
THOMAS WIDENHOUSE.....	Kannapolis.....	Cabarrus
E. G. SUTTLEMYRE.....	Granite Falls.....	Caldwell
M. W. FERREBEE.....	Camden.....	Camden
N. H. RUSSELL.....	Beaufort.....	Carteret
P. M. SOMERS.....	Altamahaw.....	Caswell
J. YATES KILLIAN.....	Newton.....	Catawba
A. C. RAY.....	Pittsboro.....	Chatham
J. H. McCALL.....	Murphy.....	Cherokee
E. J. GRIFFIN.....	Edenton.....	Chowan
N. N. ROGERS.....	Shooting Creek.....	Clay
W. A. MAUNEY.....	King's Mountain.....	Cleveland
DONALD MACRACKAN.....	Whiteville.....	Columbus
GEORGE W. DAIL.....	New Bern.....	Craven
ABNER B. BREECE.....	Fayetteville.....	Cumberland
WM. D. COX.....	Moyock.....	Currituck
ISAAC P. DAVIS.....	Wanchese.....	Dare
JOHN R. McCRAVY.....	Lexington.....	Davidson
BURR C. BROCK.....	Farmington.....	Davie
GEORGE R. WARD.....	Wallace.....	Duplin
L. P. McLENDON.....	Durham.....	Durham
J. ED. PEGRAM.....	Durham.....	Durham
T. JONES TAYLOR.....	Bethel.....	Edgecombe
R. M. COX.....	Rural Hall.....	Forsyth
J. T. FARISH.....	Winston-Salem.....	Forsyth
S. A. NEWELL.....	Louisburg.....	Franklin
J. F. PUETT.....	Dallas.....	Gaston
A. J. RANKIN.....	Belmont.....	Gaston
C. R. HINTON.....	Gatesville.....	Gates
P. M. SAWYER.....	Robbinsville.....	Graham
DENNIS G. BRUMMITT.....	Oxford.....	Granville
JOHN C. DANIEL.....	Walstonburg.....	Greene
CARTER DALTON.....	High Point.....	Guilford
CLEM G. WRIGHT.....	Greensboro.....	Guilford
W. A. BOWMAN.....	Liberty.....	Guilford
F. M. TAYLOR.....	Brinkleyville.....	Halifax
J. H. DARDEN.....	Spring Hill.....	Halifax
G. K. GRANTHAM.....	Dunn.....	Harnett
D. R. NOLAND.....	Crabtree.....	Haywood
BROWNLOW JACKSON.....	Hendersonville.....	Henderson
STANLEY WINBORNE.....	Murfreesboro.....	Hertford

## REPRESENTATIVES—CONTINUED

NAME	POSTOFFICE	COUNTY
W. T. COVINGTON.....	Raeford.....	Hoke
J. M. CLAYTON.....	Englehard.....	Hyde
H. P. GRIER.....	Statesville.....	Iredell
W. L. MATHESON.....	Mooreville.....	Iredell
GEORGE W. SUTTON.....	Sylva.....	Jackson
RUFUS SANDERS.....	Four Oaks.....	Johnston
J. W. BARNES.....	Clayton.....	Johnston
B. B. COLLINS.....	Maysville.....	Jones
S. R. HOYLE.....	Sanford.....	Lee
H. W. BROTHERS.....	LaGrange.....	Lenoir
EDGAR LOVE.....	Lincolnton.....	Lincoln
J. FRANK RAY.....	Franklin.....	Macon
GEORGE M. PRITCHARD.....	Marshall.....	Madison
HARRY W. STUBBS.....	Williamston.....	Martin
MILES P. FLACK.....	Vein Mountain.....	McDowell
EDGAR W. PHARR.....	Charlotte.....	Mecklenburg
T. J. RENFROW.....	Matthews.....	Mecklenburg
W. R. MATTHEWS.....	Charlotte.....	Mecklenburg
JOHN C. MCBEE.....	Bakersville.....	Mitchell
B. S. HURLEY.....	Troy.....	Montgomery
HENRY A. PAGE.....	Aberdeen.....	Moore
GRAY R. KING.....	Nashville.....	Nash
R. M. MOORE.....	Whitakers.....	Nash
L. CLAYTON GRANT.....	Wilmington.....	New Hanover
W. H. JOYNER.....	Graysburg.....	Northampton
H. V. GRANT.....	Snead's Ferry.....	Onslow
LUEGO LLOYD.....	Chapel Hill.....	Orange
F. B. HOOKER.....	Oriental.....	Pamlico
E. S. SCOTT.....	Elizabeth City.....	Pasquotank
J. B. SCOTT.....	Rocky Point.....	Pender
W. F. MORGAN.....	Winfall.....	Perquimans
J. C. PASS.....	Roxboro.....	Person
J. C. GALLOWAY.....	Grimesland.....	Pitt
D. M. CLARK.....	Greenville.....	Pitt
W. F. SWANN.....	Lynn.....	Polk
JAMES F. PICKETT.....	Liberty.....	Randolph
ALFRED BALDWIN.....	Ellerbe.....	Richmond
J. S. OLIVER.....	Marietta.....	Robeson
G. B. SELLARS.....	Maxton.....	Robeson
J. M. PRICE.....	Leaksville.....	Rockingham
J. L. ROBERTS.....	Reidsville.....	Rockingham
WALTER MURPHY.....	Salisbury.....	Rowan
OSCAR PHILLIPS.....	Salisbury.....	Rowan
J. P. D. WITHROW.....	Hollis.....	Rutherford
OTIS WARD.....	Dunn, R. 6.....	Sampson
A. E. SHAW.....	Laurinburg, R. F. D.....	Scotland
T. R. FORREST.....	Albemarle.....	Stanly
EDWIN KISER.....	King.....	Stokes
R. L. HAYMORE.....	Mount Airy.....	Surry
GOLA P. FERGUSON.....	Bryson City.....	Swain
G. W. WILSON.....	Brevard.....	Transylvania
H. L. SWAIN.....	Columbia.....	Tyrrell
R. F. BEASLEY.....	Monroe.....	Union
J. V. PRICE.....	Monroe, R. F. D.....	Union



## REPRESENTATIVES—CONTINUED

NAME	POSTOFFICE	COUNTY
R. G. KITTRELL.....	Henderson.....	Vance
T. E. HOLDING.....	Wake Forest.....	Wake
K. B. JOHNSON.....	Cardenas.....	Wake
R. W. WINSTON, JR.....	Raleigh.....	Wake
S. G. DANIEL.....	Littleton.....	Warren
J. C. COGGINS.....	Plymouth.....	Washington
BLAINE COFFEY.....	Boone.....	Watauga
M. McI. TATE.....	Mount Olive.....	Wayne
W. ARCHIE DEES.....	Goldsboro.....	Wayne
JOSEPH M. PREVETTE.....	Wilkesboro.....	Wilkes
JOHN L. BAILEY.....	Elm City.....	Wilson
J. B. STIMSON.....	Siloam.....	Yadkin
G. ELLIS GARDNER.....	Burnsville.....	Yancey

## HOUSE OFFICERS

NAME	POSITION	POSTOFFICE
WALTER MURPHY.....	Speaker.....	Salisbury.
ALEX. LASSITER.....	Principal Clerk.....	Aulander.
TOM MOORE.....	Journal Clerk.....	Webster.
H. E. ECKARD.....	Calendar Clerk.....	Hickory.
W. A. BOBBITT.....	Pay Clerk.....	Kinston.
D. P. DELLINGER.....	Reading Clerk.....	Gastonia.
VERNON LASSITER.....	Assistant Clerk.....	Aulander.
W. L. DANIEL.....	Assistant Clerk.....	Winton.
R. R. KING.....	Assistant Clerk.....	Greensboro.
ROY C. HUFFMAN.....	Chief Stenographer.....	Hickory.
MISS LUCILE COBB.....	Assistant Stenographer.....	Morganton.
MRS. T. A. GRIFFIN.....	Assistant Stenographer.....	Clayton.
MRS. A. B. JONES.....	Assistant Stenographer.....	Southport.
Y. B. HOWELL.....	Helper.....	Troy.
J. H. MORING.....	Sergeant-at-Arms.....	Morrisville.
E. J. JENKINS.....	Assistant Sergeant-at-Arms.....	Franklin, R.F.D.
O. P. SHELL.....	Engrossing Clerk.....	Dunn.

## ENROLLING DEPARTMENT.

NAME	POSITION	COUNTY
EDMUND B. NORVELL.....	Chief Clerk.....	Cherokee.
MRS. J. M. WINFREE.....	Assistant.....	Wake.
JOHN T. JOHNSTON.....	Assistant.....	Orange.

COMMISSIONERS OF AFFIDAVITS FOR NORTH CAROLINA RESIDENT  
IN OTHER STATES.

NAME	ADDRESS	EXPIRATION OF TERM
THOMAS CATO WORSFORD.....	9 Staple Inn, London, W. C., England ...	June 22, 1917
LOUIS KARSTAEDT.....	Philadelphia, Pa.....	Feb. 8, 1919
JOHN S. WURTS.....	Philadelphia, Pa.....	Sept. 12, 1918
THOMAS J. HUNT.....	Philadelphia, Pa.....	Nov. 16, 1917
FREDERICK M. LEONARD.....	Philadelphia, Pa.....	Jan. 14, 1918
PEARCE HORNE.....	Washington, D. C.....	Jan. 22, 1918
WILLIAM E. SCHUL.....	Baltimore, Md.....	Nov. 17, 1917
CHARLES E. A. MCCARTHEY.....	New York, N. Y.....	July 1, 1918
GEORGE H. COREY.....	New York, N. Y.....	Oct. 25, 1917
M. V. COLLINS.....	San Francisco, Cal.....	April 20, 1917
E. G. BAGLEY.....	Danville, Va.....	Mar. 25, 1918
J. L. BAGBY.....	Danville, Va.....	Feb. 12, 1918
S. T. STANCELL.....	Norfolk, Va.....	May 11, 1918
S. B. PARKINSON.....	Norfolk, Va.....	Aug. 23, 1917
D. O. NEWBERRY.....	Norfolk, Va.....	Nov. 3, 1917
ROBERT GILLIAM.....	Petersburg, Va.....	Aug. 2, 1917



# CAPTIONS

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## SESSION 1917

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# CONSTITUTION

## OF THE

# STATE OF NORTH CAROLINA

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### PREAMBLE.

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

### ARTICLE I.

#### DECLARATION OF RIGHTS.

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

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

The equality and rights of men.

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

Political power and government.

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

Internal government of the State.

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

That there is no right to secede.

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 of emancipation of any slave; nor shall the General Assembly assume or pay, or authorize the collection of any tax to pay, either directly or indirectly, expressed or implied, any debt or bond incurred, or issued, by authority of the Convention of the year one thousand eight hundred and sixty-eight, nor any debt or bond incurred or issued by the Legislature of the year one thousand eight hundred and sixty-eight, either at its special session of the year one thousand eight hundred and sixty-eight, or at its regular sessions of the years one thousand eight hundred and sixty-eight, and one thousand eight hundred and sixty-nine, and one thousand eight hundred and seventy, except the bonds issued to fund the interest on the old debt of the State, unless the proposing to pay the same shall have first been submitted to the people and by them ratified by the vote of a majority of all the qualified voters of the State, at a regular election held for that purpose.

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

Exception.

Exclusive emoluments, etc.

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

The legislative, executive and judicial powers distinct.

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

Of the power of suspending laws.

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

Elections free.

SEC. 10. All elections ought to be free.

In criminal prosecutions.

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

Answers to criminal charges.

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

Right of jury.

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 26. All men have a natural and inalienable right to worship Almighty God according to the dictates of their own con- Religious liberty.

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

## ARTICLE II.

## LEGISLATIVE DEPARTMENT.

Two branches.	SECTION 1. The legislative authority shall be vested in two distinct branches, both dependent on the people, to wit, a Senate and House of Representatives.
Time of assembling.	SEC. 2. The Senate and House of Representatives shall meet biennially on the first Wednesday after the first Monday in January next after their election; and, when assembled, shall be denominated the General Assembly. Neither house shall proceed upon public business unless a majority of all the members are actually present.

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

Number of senators

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

Regulations in relation to districting the State for senators.

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

Regulations in relation to apportionment of representatives.

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

Ratio of representation.

SEC. 7. Each member of the Senate shall 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.



Private laws in relation to names of persons, etc.

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

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

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

Vacancies.

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

Revenue.

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

Entails.

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

Journals.

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

Protest.

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

Officers of the House.

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

President of the Senate.

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

Other senatorial officers.

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

Style of the acts.

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

Powers of the General Assembly.

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

Bills and resolutions to be read three times, 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.

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.

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

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.

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.

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

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

### ARTICLE III.

#### EXECUTIVE DEPARTMENT.

Officers of the  
Executive Depart-  
ment.

Terms of office.

Qualifications of  
Governor and  
Lieutenant-  
Governor.

Returns of elec-  
tions.

Oath of office for  
Governor.

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.

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

SEC. 3. The returns of every election for officers of the Executive Department shall be sealed up and transmitted to the seat of government by the returning officers, directed to the Speaker of the House of Representatives, who shall open and publish the same in the presence of a majority of the members of both Houses of the General Assembly. The persons having the highest number of votes respectively shall be declared duly elected; but if two or more be equal and highest in votes for the same office, one of them shall be chosen by joint ballot of both Houses of the General Assembly. Contested elections shall be determined by a joint ballot of both Houses of the General Assembly in such manner as shall be prescribed by law.

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



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

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

Duties of Governor.

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

Reprieves, commutations and pardons.

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

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

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

Commander in chief.

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

Extra sessions of General Assembly.

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

Officers whose appointments are not otherwise provided for.

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

Duties of the Lieutenant-Governor.

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

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

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

Duties of other  
executive officers.

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

Council of State.

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

Compensation of  
executive officers.

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

Seal of State.

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

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

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

Department of  
Agriculture,  
Immigration and  
Statistics.

## ARTICLE IV.

### JUDICIAL DEPARTMENT.

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

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

Feigned issues abolished.

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

Division of judicial powers.

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

Trial court of impeachment.

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

Impeachment.

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

Treason against the State.

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

Supreme court justices.

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

Terms of the supreme court.

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

Jurisdiction of supreme court.

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

Claims against the State.

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

Judicial districts for superior courts.

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

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

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

Power to provide for special or emergency judges.

Power and authority of emergency judges.

Compensation.

Jurisdiction of courts inferior to supreme court.

SEC. 12. The General Assembly shall have no power to deprive the Judicial Department of any power or jurisdiction which rightfully pertains to it as a coördinate department of the government; but the General Assembly shall allot and distribute that portion of this power and jurisdiction which does not pertain to the Supreme Court among other courts prescribed by this Constitution or which may be established by law, in such manner as it may deem best; provide also a proper system of appeals, and regulate by law, when necessary, the methods of proceeding in the exercise of their powers of all the courts below the Supreme



Court, so far as the same may be done without conflict with other provisions of this Constitution.

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

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

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

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

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

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

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

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

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

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

SEC. 23. A solicitor shall be elected for each judicial district, by the qualified voters thereof, as is prescribed for members of Solicitors for each judicial district.

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.

Sheriffs and  
coroners.

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

Vacancies.

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

Terms of office of  
first officers under  
this article.

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

Jurisdiction of  
justices of the  
peace.

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

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

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

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

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

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

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

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

## ARTICLE V.

## REVENUE AND TAXATION.

Capitation tax.

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

Exemptions.

Application of proceeds of State and county capitation tax.

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

Taxation shall be by uniform rule and ad valorem.

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.

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

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 invasions or insurrections, unless it shall in the same bill levy a special tax to pay the interest annually. And the General Assembly shall have no power to give or lend the credit of the State in aid of any person, association or corporation, except to aid in the completion of such railroads as may be unfinished at the time of the adoption of this Constitution, or in which the State has a direct pecuniary interest, unless the subject be submitted to a direct vote of the people of the State, and be approved by the majority of those who shall vote thereon.

Property exemptions from taxation.

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.

Taxes levied by county commissioners.

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.



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

Acts levying taxes shall state objects, etc.

# ARTICLE VI.

## SUFFRAGE AND ELIGIBILITY TO OFFICE.

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

Qualifications of elector.

SEC. 2. He shall have resided in the State of North Carolina for two years, in the county six months, and in the precinct, ward or other election district, in which he offers his 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.

Qualifications of elector.

General Assembly to provide registration laws.

SEC. 4. Every person presenting himself for registration shall be able to read and write any section of the Constitution in the English language; and before he shall be entitled to vote he shall have paid, on or before the first day of May of the year in which he proposes to vote, his poll tax for the previous year as prescribed by Article V, sec. 1, of the Constitution. But no male person who was on January 1, 1867, or at any time prior thereto, entitled to vote under the laws of any State in the United States wherein he then resided, and no lineal descendant of any such person, shall be denied the right to register and vote at any election in this State by reason of his failure to possess the educational qualifications herein prescribed: *Provided*, he shall have registered in accordance with the terms of this section prior to December 1, 1908. The General Assembly shall provide for the registration of all persons entitled to vote without the educational qualifications herein prescribed, and shall, on or before November 1, 1908, provide for making a permanent record of such regis-

Qualifications of elector to register and vote.

Registration of persons entitled to vote without educational qualification.

Permanent record.

tration, and all persons so registered shall forever thereafter have the right to vote in all elections by the people in this State, unless disqualified under section 2 of this article: *Provided*, such person shall have paid his poll tax as above required.

Amendment  
indivisible.

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

Elections by peo-  
ple and General  
Assembly.

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

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

Oath of office.

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

Disqualification  
for office.

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

When amendment  
to take effect.

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

## ARTICLE VII.

### MUNICIPAL CORPORATIONS.

County officers.

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

Duty of county  
commissioners.

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

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

Counties to be divided into districts.

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

Said districts shall have corporate powers as townships.

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

Officers of townships.

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

Trustees shall assess property.

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

No debt or loan except by a majority of voters

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

Drawing of money.

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

Taxes to be ad valorem.

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

When officers enter on duty.

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

Governor to appoint justices.

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

Charters to remain in force until legally changed.

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.

Debts in aid of the rebellion not to be paid.

Powers of General Assembly over municipal corporations.

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

## ARTICLE VIII.

### CORPORATIONS OTHER THAN MUNICIPAL.

Restriction of legislative powers as to corporations.

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

General laws for organization of corporations.

Alteration or repeal of general or special acts.

Special acts for repeal of charters.

Debts of corporations, how secured.

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

What corporations shall include.

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

General laws for organization and government of municipalities.

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

## ARTICLE IX.

### EDUCATION.

Education shall be encouraged.

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

General Assembly shall provide for schools.

SEC. 2. The General Assembly at its first session under this Constitution shall provide by taxation and otherwise for a general and uniform system of public schools, wherein tuition shall be free of charge to all the children of the State between the ages of six and twenty-one years. And the children of the white race and the children of the colored race shall be taught in separate

Separation of the races.

public schools; but there shall be no discrimination in favor of or to the prejudice of either race.

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 afore-said requirements of this section they shall be liable to indictment.

Counties to be divided into districts.

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

What property shall be devoted to educational purposes.

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

County school fund.

Proviso.

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

Election of trustees and provisions for maintenance of the university.

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

Benefits 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.

First session of board.

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

Quorum.

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

Expenses.

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

Agricultural department.

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

Children must attend school.

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

## ARTICLE X.

### HOMESTEADS AND EXEMPTIONS.

Exemptions.

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

Homestead.

SEC. 2. Every homestead, and the dwellings and buildings used therewith, not exceeding in value one thousand dollars, to be selected by the owner thereof, or in lieu thereof, at the option of the owner, any lot in a city or village, with the dwellings and buildings used thereon, owned and occupied by any resident of this State, and not exceeding the value of one thousand dollars, shall be exempt from sale under execution or other final process

obtained on any debt. But no property shall be exempt from sale for taxes or for payment of obligations contracted for the purchase of said premises.

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

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

SEC. 5. If the 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. Benefit of widow.

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

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

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

## ARTICLE XI.

### PUNISHMENTS, PENAL INSTITUTIONS AND PUBLIC CHARITIES.

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



- Proviso. sentenced on a charge of murder, manslaughter, rape, attempt to commit rape, or arson: *Provided*, that no convict whose labor may be farmed out shall be punished for any failure of duty as a laborer except by a responsible officer of the State; but the convicts so farmed out shall be at all times under the supervision and control, as to their government and discipline, of the penitentiary board or some officer of the State.
- Death punishment. SEC. 2. The object of punishment being not only to satisfy justice, but also to reform the offender, and thus prevent crime, murder, arson, burglary and rape, and these only, may be punishable with death, if the General Assembly shall so enact.
- Penitentiary. SEC. 3. The General Assembly shall, at its first meeting, make provision for the erection and conduct of a State's Prison or penitentiary at some central and accessible point within the State.
- House of correction. SEC. 4. The General Assembly may provide for the erection of a house of correction, where vagrants and persons guilty of misdemeanors shall be restrained and usefully employed.
- House of refuge. SEC. 5. A house or houses of refuge may be established whenever the public interests may require it, for the correction and instruction of other classes of offenders.
- The sexes to be separated. SEC. 6. It shall be required by competent legislation that the structure and superintendence of penal institutions of the State, the county jails and city police prisons secure the health and comfort of the prisoners and that male and female prisoners be never confined in the same room or cell.
- Provision for the poor and orphans. SEC. 7. Beneficent provisions for the poor, the unfortunate and orphan being one of the first duties of a civilized and Christian State, the General Assembly shall, at its first session, appoint and define the duties of a Board of Public Charities, to whom shall be entrusted the supervision of all charitable and penal state institutions, and who shall annually report to the Governor upon their condition, with suggestions for their improvement.
- Orphan houses. SEC. 8. There shall also, as soon as practicable, be measures devised by the State for the establishment of one or more orphan houses where destitute orphans may be cared for, educated and taught some business or trade.
- Inebriates and idiots. SEC. 9. It shall be the duty of the Legislature, as soon as practicable, to devise means for the education of idiots and inebriates.
- Deaf-mutes, blind and insane. SEC. 10. The General Assembly may provide that the indigent deaf-mute, blind and insane of the State shall be cared for at the charge of the State.
- Self-supporting. SEC. 11. It shall be steadily kept in view by the Legislature and the Board of Public Charities that all penal and charitable institutions should be made as nearly self-supporting as is consistent with the purposes of their creation.

ARTICLE XII.

MILITIA.

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

Who are liable to militia duty.

Proviso.

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

Organizing, etc.

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

Governor commander in chief.

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

Exemptions.

ARTICLE XIII.

AMENDMENTS.

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

Convention, how called.

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

How the Constitution may be altered.

ARTICLE XIV.

MISCELLANEOUS.

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

Indictments.

Penalty for fighting duel.

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

Drawing money.

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

Mechanic's lien.

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

Governor to make appointments.

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

Seat of government.

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

Holding office.

SEC. 7. No person who shall hold any office or place of trust or profit under the United States, or any department thereof, or under this State, or under any other State or government, shall hold or exercise any other office or place of trust or profit under the authority of this State, or be eligible to a seat in either House of the General Assembly: *Provided*, that nothing herein contained shall extend to officers in the militia, justices of the peace, commissioners of public charities, or commissioners for special purposes.

Proviso.

Intermarriage of whites and negroes prohibited.

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

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- Levied by county commissioners, A. 5, S. 6.
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**PUBLIC LAWS**

**OF THE**

**State of North Carolina**

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**SESSION 1917**

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PUBLIC LAWS  
OF THE  
STATE OF NORTH CAROLINA

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SESSION 1917

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CHAPTER 1

AN ACT TO AMEND CHAPTER 264 OF THE PUBLIC LAWS OF 1915, PLACING SAMPSON IN THE LIST OF COUNTIES THAT ARE PERMITTED TO MAKE RULES AND ORDINANCES REGULATING THE USE OF PUBLIC ROADS AND BRIDGES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter two hundred and sixty-four of the Act extended. Public Laws of one thousand nine hundred and fifteen be amended by adding the word "Sampson" after the word "Duplin" in the last line of section four of said act.

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

Ratified this the 8th day of January, A. D. 1917.

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CHAPTER 2

AN ACT TO REPEAL THE COMPULSORY SCHOOL LAW FOR MACON COUNTY AND TO SUBSTITUTE IN ITS STEAD THE GENERAL COMPULSORY SCHOOL LAW OF THE STATE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter six hundred and forty-seven of the Law repealed. Public Laws of one thousand nine hundred and three, with all amendments thereto, be and the same is hereby repealed.

SEC. 2. That chapter one hundred and seventy-three of the General law Public Laws of one thousand nine hundred and thirteen shall in applicable. all respects be the law in Macon County as in other counties of the State.

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

Ratified this the 8th day of January, A. D. 1917.

## CHAPTER 3

AN ACT TO REPEAL CHAPTER 11, PUBLIC LAWS 1915, ENTITLED "AN ACT TO REGULATE THE NUMBER AND PROVIDE THE COMPENSATION OF PAGES AND LABORERS IN ATTENDANCE UPON THE GENERAL ASSEMBLY."

*The General Assembly of North Carolina do enact:*

Chapter repealed.

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

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

Ratified this the 6th day of January, A. D. 1917.

## CHAPTER 4

AN ACT TO AMEND CHAPTER 264 OF THE PUBLIC LAWS OF 1915, PLACING SAMPSON IN THE LIST OF COUNTIES THAT ARE PERMITTED TO MAKE RULES AND ORDINANCES REGULATING THE USE OF PUBLIC ROADS AND BRIDGES.

*The General Assembly of North Carolina do enact:*

Law extended.

SECTION 1. That chapter two hundred and sixty-four of the Public Laws of one thousand nine hundred and fifteen be amended by adding the word "Sampson" after the word "Duplin" in the last line of section four of said act.

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

Ratified this the 8th day of January, A. D. 1917.

## CHAPTER 5

AN ACT TO AMEND SECTION 4 OF CHAPTER 608 OF PUBLIC-LOCAL LAWS OF NORTH CAROLINA, SESSION 1915, RELATING TO THE SHOOTING OF FISH IN THE WATERS OF CHEROKEE COUNTY.

*The General Assembly of North Carolina do enact:*

Shooting fish.

SECTION 1. That section four of chapter six hundred and eight of the Public-Local Laws of nineteen hundred and fifteen be and the same is hereby repealed; that this act shall be in force and effect from and after its ratification.

Ratified this the 9th day of January, A. D. 1917.

## CHAPTER 6

AN ACT TO ENCOURAGE ROAD BUILDING IN NORTH  
CAROLINA BY STATE'S AID.

Whereas the welfare and industrial development of the State demands the construction and maintenance of public highways as commerce arteries and means of social intercourse; and where-  
as the State as a unit enjoys a borrowing credit at a less rate of interest than individual townships or counties; and whereas, by the use of "State's aid" money can be borrowed on township and county bonds at a saving in the rate of interest, and at no cost or risk to the State, thereby encouraging road building: Now, therefore,

Preamble:  
Necessity of  
highways.  
Preamble: Credit  
of State.  
Preamble: Saving  
in interest.

*The General Assembly of North Carolina do enact:*

SECTION 1. That for the purpose of creating a semiannual road fund, not to exceed four hundred thousand dollars, to be used by the several counties of the State for permanent road improvement upon the terms herein prescribed, the State Treasurer is hereby authorized and directed to issue bonds of the State of North Carolina, payable forty-one years after date of issue, which bonds shall be issued semiannually on the first days of January and July of each year. On the first day of July following the ratification of this act said State Treasurer shall issue bonds to an amount not to exceed four hundred thousand dollars, which bonds shall bear interest at a rate not exceeding four per cent per annum from date of issue until paid, which interest shall be payable semiannually on the first days of January and July of each year so long as any portion of said bonds shall remain due and unpaid.

Semiannual road  
funds.  
Limitation.  
Bond issue  
authorized.  
Maturity.  
Time of issue.  
First issue.  
Amount.  
Interest.

SEC. 2. That the proceeds received by the State Treasurer from the sale of said bonds shall be loaned to the several counties of the State, as hereinafter provided, to be used by said counties in the construction of macadam, sandclay, or other surfaced roads.

Loans to counties.

SEC. 3. Said counties shall pay to the State Treasurer five per cent interest per annum on the amount so loaned, to be paid semiannually on the first days of December and June of each and every year, for a period of forty-one years, or for such time thereafter as may hereinafter be required. From the five per cent interest received on such county bonds the State Treasurer shall pay the four per cent interest on the State bonds issued for this purpose, and the surplus shall become a part of the semi-annual road fund herein provided for.

Interest paid by  
counties.  
Payment of inter-  
est on State bonds.

SEC. 4. On January first following the first issue of bonds under this act the State Treasurer shall issue like bonds to an amount sufficient, when added to said surplus, to make an available fund of four hundred thousand dollars, or so much thereof

Second issue.

Loans on second issue.	as may be necessary to meet the demands made for loans, which said sum shall be loaned in the same manner as the proceeds arising from the first sale of bonds. Said bonds shall be the same in all respects as those first issued, and shall run for a period of forty-one years from date of issue, and bear interest at a like rate, which interest shall be payable on the first days of January and July of each year. If sufficient applications for loans to counties shall not be made under the provisions of this act to take up the surplus at any time, the State Treasurer is authorized to loan such remaining surplus, in such manner as he may deem best, at a rate of not less than five per cent per annum, payable semiannually on the first days of December and June of each year.
Investment of surplus.	
Continuous issues and loans.	SEC. 5. Each six months thereafter, for a period of forty-one years, said State Treasurer shall issue bonds of the same class, to run for a period of forty-one years from date of issue, to an amount sufficient, when added to said surplus, to create a fund of four hundred thousand dollars, or so much thereof as may be demanded, which amounts shall be loaned to the counties applying therefor under the conditions herein imposed.
Payment of bonds.	SEC. 6. At the expiration of said period of forty-one years the State Treasurer shall retire all of said bonds, as they mature, from the surplus remaining each six months after paying the semiannual interest on the bonds outstanding.
Fund for payment.	
Coupon bonds.	SEC. 7. That the bonds authorized and directed to be issued by this act shall be coupon bonds, and of the denominations of one hundred dollars, five hundred dollars, and one thousand dollars each, as may be determined by the said State Treasurer, and shall be signed by the Governor and the State Treasurer, and sealed with the Great Seal of the State, and shall be known as "North Carolina Highway Bonds." The coupons thereon may be signed by the State Treasurer alone, or may have a facsimile of his signature printed, engraved, or lithographed thereon; and the said bonds shall in all other respects be in such form as the said State Treasurer may direct, and the coupons thereon shall, after maturity, be received in payment of all taxes, debts, dues, licenses, funds, 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 a manner as in his judgment may seem to be most effectual to secure the best price. He is authorized to accept bids for the entire issue or any part thereof, and where the advantages 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. Any premium received by the State Treasurer from the sale of said bonds shall become a part of the surplus or sinking fund herein provided for.
Denominations.	
Authentication.	
Official entitlement.	
Coupons receivable for debts to State.	
Advertisement of sale.	
Preference of purchase.	
Premium added to road funds.	



SEC. 8. 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 purpose of general revenue or otherwise, and the interest 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 or capital stock of any bank, trust company, or other corporation, but when constituting a part of such surplus or capital stock shall be deducted from the total assets in order to ascertain the taxable value of such shares.

Exemption from taxation.

SEC. 9. It shall be lawful for all executors, administrators, guardians, and fiduciaries generally to invest in said bonds.

Investment of trust funds.

SEC. 10. That when as many as twenty-five per centum of the voters registered at the preceding general election in any county of the State shall sign and present a petition to the board of commissioners of such county, requesting said board to call an election for the purpose of securing State aid for the construction of highways in such county, under the provisions of this act, specifying in such petition the amount to be so borrowed, and asking that the special tax necessary to meet the payments herein provided for be levied and collected and used for said purpose, if a majority of the votes cast shall favor such loan, said board shall call an election for that purpose, which shall be held on the second Tuesday in April or the second Tuesday in October of that year. A special registration of voters shall be required before any such election is held. Such registration and election shall be conducted under the provisions of the general election law. When calling said election, the board of commissioners shall specify in such call the amount to be voted upon, accompanied by a statement to the effect that a favorable vote thereon shall carry the power and duty on the part of such board of commissioners to levy and collect the special tax herein required for the purposes herein named, and such election shall be conducted in the same manner, as near as may be, as elections for members of the General Assembly.

Petition for election by counties.

Call of election.  
Election days.

Law governing election.

Matters specified in call.

SEC. 11. At such election those qualified voters who are in favor of securing State aid for road building shall vote a ballot upon which shall be written or printed the words "For Good Roads," and those who oppose such State aid shall vote a ballot upon which shall be written or printed the words "Against Good Roads." The result of said election shall be certified by the returning board to the board of county commissioners. If a majority of the votes cast shall be "For Good Roads," the board of commissioners of such county shall execute a bond payable to the State of North Carolina, in form to be approved by the State Treasurer and Attorney-General, for the amount so voted, which bond shall be signed by the chairman of the board of county commissioners and countersigned by the register of deeds, and

Ballots.

Certificate of results.  
Bond to State.

Obligation of bond.	sealed with the seal of the county, and shall be immediately delivered to the State Treasurer. Said bond shall obligate said county to pay to the State Treasurer five per cent interest per annum on the amount thus loaned, payable semiannually on the first days of December and June of each year for a period of
Discharge of bond.	forty-one years. At the expiration of forty-one years said county bond shall be returned by the State Treasurer, and said county shall be discharged from further liability on said bond: <i>Provided</i> , that if upon the maturity of any series of State bonds issued in pursuance of this act the State shall not have sufficient funds to retire the same derived from the difference in interest herein provided, owing to its inability to keep such difference in interest continually invested, or on account of expenses or delay incident to its investment, then and in that event any such deficiency shall be made good by the counties participating in the original proceeds of any such State bonds in proportion to the amount of such proceeds received by any such county.
Proviso: deficiency prorated.	
Collection of interest.	SEC. 12. Said interest shall constitute a special State tax, which shall be collected and accounted for under the same penalties as other State taxes, except that said State Treasurer shall also be required to collect, in addition to said five per cent to be paid semiannually, a penalty of one-half of one per cent of the interest due for each day the same shall remain unpaid after the first
Penalty.	days of December and June of each year. One-half of such penalty shall be paid by the county and one-half by the sheriff of such delinquent county. If any county which has obtained money from the State under the provisions of this act shall fail or refuse to pay the interest due on such loan or loans for a period of thirty days, the amount due by such county, together with the penalty, shall at once become due and payable, and the State Treasurer is authorized to proceed to collect the same from such delinquent county.
Apportionment of penalty.	
Principal due on default in payment of interest.	
Estimates filed with treasurer.	SEC. 13. At the time of filing said bond with the State Treasurer said board of commissioners shall also file an estimate of the amount of money which will be actually needed for the following six months; and semiannually thereafter, on the first days of May and November, they shall file with said Treasurer an estimate of the amount needed for the ensuing six months until said loan has been exhausted. Each six months after securing a State
Semiannual statements by counties.	loan the board of county commissioners shall publish a sworn statement showing in detail all receipts and expenditures, to whom paid and for what purpose, during the preceding six months, which shall also be filed with the State Treasurer.
Loans reduced pro rata.	SEC. 14. If the aggregate of the estimates by the several boards of commissioners which vote for State aid under this act shall exceed the sum of four hundred thousand dollars, the State Treasurer shall reduce all loans pro rata for the following six months. If such estimates shall not amount to four hundred thousand
Reduction of bond issues.	dollars, then the bonds to be issued and sold for that period shall be reduced accordingly.

SEC. 15. From the first to the thirtieth days of January and July of each year, and at no other time, the State Treasurer shall loan to the several counties which have complied with the provisions of this act the amounts asked for by each: *Provided*, that interest shall be charged and collected from the first day of the month: *Provided further*, that the aggregate of such loans shall not exceed four hundred thousand dollars; and each six months thereafter, at the time herein prescribed, for a period of forty-one years and as long thereafter as the amount so loaned is unpaid, said counties shall pay to the State Treasurer five per cent interest on the amount so loaned.

Times for loans.

Proviso: Interest runs.

Proviso: Aggregate of loans.

Payment by counties.

SEC. 16. Additional loans may be made to counties within the limit prescribed by section nineteen of this act if another election shall have been held therefor, as is herein provided, and if a majority of the votes cast shall have been "For Good Roads."

Additional loans.

SEC. 17. If a majority of the votes cast at any such election shall be "Against Good Roads," no loan shall be made to that county: *Provided, however*, that said board of commissioners shall order another election for the same purpose after the lapse of one year upon having presented to it a petition signed by twenty-five per cent of the voters as herein provided.

Loans not approved.

Proviso: Further elections.

SEC. 18. There shall be levied by the proper authorities in each and every county accepting a loan or loans, as provided for in this act, at the same time other taxes are levied, a special annual tax for a period of forty-one years, to be known as the "Road Loan Tax," which shall be sufficient to pay, and which shall be collected by the sheriff and be used in paying the semiannual interest on said loan or loans at five per centum per annum. Said tax shall be sufficient to cover the cost of collection and disbursement and the penalty herein provided for, in case such penalty should be incurred, in addition to the five per centum per annum which shall be paid to the State Treasurer by the sheriff of the county semiannually on the first days of December and June of each year. And a vote authorizing the issuance of bonds under this act shall be understood and construed to authorize and empower a levy of said tax. That there shall also be annually levied by said board of county commissioners at the times herein specified a separate special tax for the maintenance of the roads built from moneys procured under the provisions of this act, which special tax shall be sufficient, after paying the costs of collection and disbursement, to equal each year, for the first four years after such loan is made, four per centum of the amount so borrowed; each year for the next four years, eight per centum of the amount so borrowed; and thereafter, each year, ten per centum of the amount so borrowed, so long as any of said loan remains due and unpaid to the State. That if any board of county commissioners whose duty it is to levy any tax or taxes under the provisions of this act shall fail or refuse to make such levy, or to make such rate of levy as is required by this act, they

Special taxes.

Collection and use of tax.

Amount of tax.

Tax for maintenance of roads.

Amount.

Failure to levy tax a misdemeanor.

Punishment. and each of the members thereof shall be guilty of a misdemeanor, and, upon conviction, shall be fined personally and severally not less than two hundred dollars (\$200) each, nor more than one thousand dollars (\$1,000) each, or be imprisoned not exceeding one year, in the discretion of the court.

Limitation on loan to county. SEC. 19. No county shall be allowed to borrow money under the provisions of this act to an amount which, added to the other bonded indebtedness, exceeds six per cent of the assessed valuation of the property of the county.

Townships and road districts. SEC. 20. Townships, and road districts created by special act of the General Assembly, may avail themselves of the benefits of this act upon compliance with the requirements herein set out:

Proviso: Bonds of townships and road districts. *Provided*, that the bond or undertaking filed with the State Treasurer shall be executed by the board or boards of county commissioners of the county or counties in which such township or road district is situated. It shall be the duty of such commissioners to levy and the duty of the sheriff to collect such special taxes and make payment thereof in the manner and under the penalty set out in section eighteen of this act.

Levy and collection of tax.

SEC. 21. That this act shall be in force from and after its ratification.

Ratified this the 21st day of February, A. D. 1917.

## CHAPTER 7

### AN ACT TO ADD ONE WEEK TO THE JANUARY-FEBRUARY TERM OF HAYWOOD COUNTY SUPERIOR COURT.

*The General Assembly of North Carolina do enact:*

Term extended.

SECTION 1. That chapter one hundred and ninety-six of the Public Laws of nineteen hundred and thirteen be and the same is hereby amended by striking out the word "three" after the word "for" and before the word "weeks" in line seventeen from the end of section one in said chapter one hundred and ninety-six, and insert in lieu thereof the word "four."

Jury.

SEC. 2. That it shall be the duty of the judge holding the January-February term, nineteen hundred and seventeen, of the Superior Court of Haywood County to direct the sheriff of said county to summon eighteen good and lawful men to serve as jurors at the fourth week of the said term of court established by this act, if in his discretion the public interest requires the holding of said fourth week at the said January-February term.

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

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

Ratified this the 17th day of January, A. D. 1917.



## CHAPTER 8

AN ACT TO AMEND CHAPTER 132 OF PUBLIC LAWS OF 1913,  
RELATING TO OFFICERS COLLECTING REWARDS IN  
WAKE COUNTY.*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter one hundred and thirty-two, Public Laws of one thousand nine hundred and thirteen, be amended by adding to the end of the first section thereof the following words, namely: "*Provided further*, that the foregoing proviso shall not apply to Wake County; and that in Wake County, upon conviction of convict of an escape, the reward paid to the sheriff or other officer for the apprehension of said escaped convict shall be taxed against the said convict in the bill of costs."

Proviso: Wake  
county excepted.  
Reward taxed  
as costs.

SEC. 2. This act shall be in force from and after its ratification.  
Ratified this the 9th day of January, A. D. 1917.

## CHAPTER 9

AN ACT TO CORRECT A CLERICAL ERROR IN STATE  
GRANT NO. 1171, ISSUED IN JACKSON COUNTY.*The General Assembly of North Carolina do enact:*

That whereas, on the tenth day of April, eighteen hundred and seventy-nine, the State issued its patent number eleven hundred and seventy-one to J. A. and C. G. Hooper, assignees of W. S. F. Wood, for three hundred and eighty acres of land in Jackson County; and whereas there is no such person as "C. G. Hooper," but the said grant was intended to be issued to J. A. Hooper and C. L. Hooper, the "G" used as an initial being an error of the copyist copying it "C. G." when it should have been "C. L. Hooper," and it being desired hereby to correct said error:

Preamble: issue  
of grant.

Preamble: error  
in grant.

SECTION 1. That State Grant number eleven hundred and seventy-one in Jackson County, issued on April tenth, eighteen hundred and seventy-nine, to J. A. Hooper and C. G. Hooper, assignees of W. S. F. Wood, be and the same is hereby corrected to read "J. A. Hooper and C. L. Hooper."

Correction.

SEC. 2. That this act shall have no application to pending suits and shall not affect purchasers for a valuable consideration from the donor, bargainor, or lessor, but from the ratification hereof.

Existing suits  
and purchasers  
for value.

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

Ratified this the 9th day of January, A. D. 1917.

## CHAPTER 10

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

*The General Assembly of North Carolina do enact:*

Appointments.

SECTION 1. That the following named persons be and they are hereby appointed justices of the peace for their respective counties and townships in North Carolina for a term of six years, except when a different length of time is named herein, said terms to begin the first day of April, one thousand nine hundred and seventeen or when term of office expires and they shall have sixty days in which to qualify from the ratification of this act, or from the expiration of their present term of office:

Terms.

Alamance.

## ALAMANCE COUNTY.

*Newlin Township*—J. A. Winningham.

*Burlington Township*—W. Luther Gates.

*Graham Township*—A. J. Morrison, Lewis H. Holt.

Alexander.

## ALEXANDER COUNTY.

*Taylorsville Township*—G. W. Thompson, two years.

*Gwaltney Township*—L. L. Walker, two years.

Alleghany.

## ALLEGHANY COUNTY.

*Cranberry Township*—J. J. Miller.

*Cherry Lane Township*—Floyd Roberts, Jack Spicer, Coy McGann.

*Glade Creek Township*—A. O. Carrico, J. W. Blevins.

Anson.

## ANSON COUNTY.

*Lanesboro Township*—C. S. Redfearn.

*Burnsville Township*—J. D. Hyatt.

*Wadesboro Township*—E. K. Dunlap.

*Ansonville Township*—B. D. Nelms.

*White Store Township*—J. W. Jones, F. H. Morgan.

*Lilesville Township*—A. J. Allen.

*White Store Township*—J. T. Leonard.

*Burnsville Township*—S. J. Turner, S. L. Thomas.

*Macforlen Township*—H. E. Braswell.

*Launsboro Township*—J. C. Goodman, two years.

Ashe.

## ASHE COUNTY.

*Grassy Creek Township*—J. C. Waddell, Eli Francis.

*Clifton Township*—R. R. Trivett.



*Horse Creek Township*—Calvin Barker, Adolphus Shepherd, Monroe Welch.

*Jefferson Township*—George S. Bare, F. L. Colvard, J. M. Hamby, Alex Rose.

## AVERY COUNTY.

Avery.

*Cranberry Township*—A. S. Hicks, two years; Clifton Palmer, two years.

*Banners Elk Township*—J. B. Miller, two years.

*Linville Township*—J. W. Coffee, two years; Donald Baird, two years; Joe Martin, two years.

*Roaring Creek Township*—Mack McCoury, two years; W. I. Cooper, two years.

*Toe River Township*—Marshal Greer, two years.

*Newland Township*—G. W. Harris.

## BEAUFORT COUNTY.

Beaufort.

## BERTIE COUNTY.

Bertie.

*Windsor Township*—Thomas Gilliam, M. E. Evans, J. H. White, W. T. Asbell, J. G. Mitchell.

*Merry Hill Township*—George A. Harden, S. A. Adams.

*Whites Township*—S. B. Adams, T. A. Perry.

*Colerain Township*—W. R. Rayner, H. E. Wilson, E. T. Forehand, Estus White, J. M. Perry, L. P. Freeman.

*Mitchell Township*—W. A. Jenkins, Josiah Early, W. M. Mitchell.

*Roxobel Township*—W. C. Evans, Wiley J. Parker, J. M. Jacobs.

*Woodville Township*—T. W. Griffin, E. C. Pittman, John L. Harrington, R. L. Lodge.

*Snakebite Township*—W. E. Harrell, J. R. Cherry, Levi Hoggard, W. F. Early.

*Indian Woods Township*—Charles Bond, C. E. Hobbs, E. D. Spruill.

## BLADEN COUNTY.

Bladen.

*Elizabethtown Township*—W. B. Hester, R. H. Marshburn.

## BRUNSWICK COUNTY.

Brunswick.

*Northwest Township*—W. G. Adams, F. M. Sykes, L. M. Williams, A. S. Kerby, D. W. Reynolds.

*Town Creek Township*—Jonathan Reid, J. P. Mintz, W. C. Savage, S. D. Swindell, George M. McKeithan.

*Smithville Township*—S. P. Thorp, Price Furpless, W. J. Weeks, A. D. Goldfinch, D. I. Watson, T. B. Carr.

*Lockwoodsfolly Township*—J. J. Hewett, James Holmes, Isaac Clemmons, J. M. D. Reaves, Alex. Roberson, C. A. Russ.

*Shallotte Township*—James Stanley, McD. McLamb.

*Waccamaw Township*—W. W. Phelps, David Ross, W. A. Mintz

Buncombe.

BUNCOMBE COUNTY.

*Asheville Township*—Charles W. Malone, B. L. Lyda, J. D. Der-  
mid, F. N. Waddell, J. D. Penland, A. L. Bright, J. A. McIntyre,  
W. A. James, Jr., M. A. Creaseman, E. B. Atkinson, Rev. James  
Crook.

*Upper Hominy Township, No. 1*—J. C. Bird, William E. Brooks,  
J. C. Waters.

*Upper Hominy Township, No. 2*—S. E. Curtis, Arthur J. Miller,  
R. L. Cathey, C. D. Mallonee.

*Lower Hominy Township*—R. L. Thrash, J. Arthur Penland.

*Ivy Township*—Baird Edwards, John M. Edwards, M. T. Arro-  
wood.

*Flat Creek Township*—A. F. Weaver, George W. Lankford,  
John Bell, L. W. Roberts.

*Fairview Township*—T. J. Pittillo, John L. Lankford, Charles  
L. Whittaker, B. T. Merrill.

*Black Mountain Township*—William Goodson, Alfred Tyson.

*Leicester Township*—Grover Robinson, Wess Rymer, Mark  
Roberts, Cancellor Morgan.

*Limestone Township*—R. C. Clayton, Miles Rickman.

*Averys Creek Township*—Zeb Green, Grover Glenn.

*French Broad Township*—Curtis Miles, James Sluder, Lon Slu-  
der, W. H. Hunter.

*Reims Creek Township*—Fabe Morris, Rufus Weaver, James  
Ray, John E. Roberts, Ed. Reeves.

*Swannanoa Township*—Allen Coggins, George Bartlett, Rufus  
Alexander, Charles Whitson.

*Haw Creek Township*—William Johnson, Frank Reeves.

*Sandy Mush Township*—W. I. Lee.

Burke.

BURKE COUNTY.

*Morganton Township*—Thomas L. Duckworth.

*Silver Creek Township*—S. C. Bennett.

*Upper Fork Township*—Waits Cook, A. L. Cook.

Cabarrus.

CABARRUS COUNTY.

Caldwell.

CALDWELL COUNTY.

*Patterson Township*—Roscoe Coffey.

*North Catawba Township*—W. J. Bean, Rome Kayler.

Camden.

CAMDEN COUNTY.

*Shiloh Township*—D. F. Bartlett, E. C. Bell.

*Courthouse Township*—E. L. Hale, J. E. Crook.

Carteret.

CARTERET COUNTY.

## CASWELL COUNTY.

Caswell.

*Locust Hill Township*—N. C. Hodges, Jessie Gunn, J. E. Worsham, T. C. Pedigrew.

*Dan River Township*—John F. Walters, F. B. Goodson.

*Leasbury Township*—Allen Hester, R. A. Pointer.

*Stoney Creek Township*—J. H. Smith, L. L. Lambeth, W. S. Underwood, T. C. Neal.

*Anderson Township*—J. S. Roscoe, D. P. Walker, W. E. Simmons, L. B. Fitch.

*Yanceyville Township*—J. H. Kerr, B. S. Graves.

*Pelham Township*—J. M. Yates, J. M. Hodges.

*Milton Township*—Osmond Smith, J. B. Yarborough, L. J. Whitlock, R. L. Dixon.

## CATAWBA COUNTY.

Catawba.

## CHATHAM COUNTY.

Chatham.

*Albright Township*—S. P. Teague, W. J. Thompson, two years.

*Bear Creek Township*—B. A. Phillips, two years.

*Gulf Township*—D. W. Tally, two years.

*Hadley Township*—Manly Lindley (two years), T. H. Perry (two years), Zebulon Dark (two years).

*Williams Township*—C. C. Edwards. Two years.

*Centre Township*—J. M. Keck. Two years.

## CHEROKEE COUNTY.

Cherokee.

*Valleytown Township*—James H. Bryson, John Leach, Joseph A. Parker, P. S. Russell.

*Murphy Township*—George Hembree, John M. Leatherwood, A. B. Wells, J. W. Martin, Burton Hall, T. N. Bates.

*Notla Township*—A. H. Davidson, A. M. Hatchett, P. A. Mauney, John Shields.

*Hothouse Township*—I. M. Gaddis, Thomas T. Johnson.

*Shoal Creek Township*—George W. Jones, R. R. Postell, Bert Sparks, Lon Raper (four years), Gay Coalmon (four years), Marion Underwood (four years).

*Beaver Dam Township*—G. J. Crow, John Whitcomb.

## CHOWAN COUNTY.

Chowan.

*Edenton Township*—W. S. Summerill.

*Number Two Township*—L. W. Belch.

## CLAY COUNTY.

Clay.

## CLEVELAND COUNTY.

Cleveland.

*Number Five Township*—C. Miller.

*Number Six Township*—S. B. Hamrick. Six years from May 1, 1917.

## Columbus.

## COLUMBUS COUNTY.

*Whiteville Township*—Bythel White, Bruce Pierce.

*Lees Township*—C. I. Ross, Volley White, E. G. Watts, Noah M. Ward.

*Tatums Township*—A. M. Benton, R. F. Covington.

*Western Prong Township*—J. T. Wooten.

*Fair Bluff Township*—J. B. High.

*Waccamaw Township*—J. C. Nye.

## Craven.

## CRAVEN COUNTY.

*Third Township*—J. R. Jolly, J. S. Robinson.

*Eighth Township*—M. C. Williams.

## Cumberland.

## CUMBERLAND COUNTY.

*Carver's Creek Township*—Alexander McArtan, Joseph Ray, D. L. Downing.

*Flea Hill Township*—L. R. Parker, H. H. Bolton, G. F. Hubbard.

*Pearces Mill Township*—J. A. McLean, H. McN. Ray.

*Cross Creek Township*—Edgar Allan Poe.

*Seventy-first Township*—A. J. McKethan, W. E. McGill, Colin Shaw, N. S. McArthur.

*Manchester Township*—N. D. M. Clark, D. M. Fairley.

## Currituck.

## CURRITUCK COUNTY.

*Moyock Township*—William Aydlette.

## Dare.

## DARE COUNTY.

## Davidson.

## DAVIDSON COUNTY.

*Jackson Hill Township*—J. L. Thompson.

*Conrad Hill Township*—A. S. Miller.

*Lexington Township*—J. F. Hedrick.

## Davie.

## DAVIE COUNTY.

*Calahaln Township*—N. T. Anderson (four years), James Glasscock, Jr., J. L. Cartner.

*Clarksville Township*—William A. Roberts (four years), A. W. Eaton, R. L. Booe.

*Farmington Township*—M. J. Hendricks (four years), Duke F. Taylor, F. H. Bahnson, L. J. Horn.

*Fulton Township*—J. L. Carter. Four years.

*Jerusalem Township*—T. I. Caudell (four years), W. A. Baker, P. S. Stewart.

*Shady Grove Township*—H. T. Smithfield (four years), C. J. Taylor.

*Mocksville Township*—J. H. Cain, G. G. Walker, J. B. Cain. Four years.

## DUPLIN COUNTY.

Duplin.

*Rose Hill Township*—J. B. Fussell.*Cypress Creek Township*—H. N. Fountain, W. R. Sholer, D. W. Maready.*Kenansville Township*—W. E. Powell.*Albertson Township*—M. W. Simmons.*Glissons Township*—S. R. Chesnutt.*Limestone Township*—A. G. Sloan, W. I. Thomas, I. S. Davis.*Wolfsrape Township*—Ashley H. Whitfield.

## DURHAM COUNTY.

Durham.

*Lebanon Township*—A. D. Eubanks.

## EDGECOMBE COUNTY.

Edgecombe.

*Number Three Township*—J. W. Whichard, L. H. Manning.

## FORSYTH COUNTY.

Forsyth.

## FRANKLIN COUNTY.

Franklin.

## GASTON COUNTY.

Gaston.

*Dallas Township*—Aubrey Costner. Two years.*Cherryville Township*—John A. Kiser (two years), E. L. McGinnas (six years), Dorus H. Dellinger (six years).*River Bend Township*—W. E. Rutledge. Six years.

## GATES COUNTY.

Gates.

*Reynoldson Township*—W. R. Felton, A. M. Carmeau (four years), J. T. Eure (two years).*Mintonsville Township*—W. H. Speight.

## GRAHAM COUNTY.

Graham.

*Cheoah Township*—John Phillips, John H. Hyde, Thomas Collins (two years).*Yellow Creek Township*—A. Wall, Jeff Millsaps Walter Prince.*Steoach Township*—J. D. Jenkins, D. A. Taylor, Nathan Buchanan.

## GRANVILLE COUNTY.

Granville.

*Fishing Creek Township*—E. C. Harris, Thomas G. Taylor, R. M. Hight, J. T. Averett, W. S. Howell.*Brassfield Township*—L. E. Adcock, E. J. Haswell, S. H. Mize, Alvis C. Wilson.*Dutchville Township*—R. G. Stem, J. L. Peed, Henry G. Aiken, John H. Perry.*Tally-Ho Township*—E. N. Clement, L. T. Williford, P. W. Knott, W. H. Washington.*Walnut Grove Township*—B. F. Dean, L. B. McFarland.

*Oak Hill Township*—L. S. Royster, L. D. Royster, D. T. Winston, J. S. Watkins.

*Sassafras Fork Township*—Goodridge Wilson, T. A. Royster.

*Oxford Township*—D. N. Hunt, E. D. Hunt.

# Guilford.

## GUILFORD COUNTY.

*Madison Township*—J. Richard Moore.

*Jefferson Township*—R. L. Davis.

*Monroe Township*—C. R. Elmoore, J. L. Hawkins, J. A. May.

*Gilmer Township*—T. G. McLean, C. M. Vanstory, J. B. Minor, J. R. Steele, A. L. Jones, B. F. Touchstone.

*Morehead Township*—J. G. Fowler.

*Sumner Township*—W. M. Clark, J. T. Hodgin, Ira T. Woody.

*Bruce Township*—C. H. Wilson, William Young.

*Friendship Township*—W. M. Hobbs, A. T. Millis.

*Jamestown Township*—C. L. Jackson, J. A. Suits, J. M. Davis, J. W. Foscue.

*Deep River Township*—A. B. Ingram, R. L. Smith.

*Oak Ridge Township*—J. M. McMichael, D. R. Lemmons.

*Greene Township*—W. A. Bowman.

*Rock Creek Township*—D. M. Davidson.

*Fentress Township*—A. M. Hemphill.

*High Point Township*—D. V. Cassady.

*Clay Township*—C. A. Shoffner.

# Halifax.

## HALIFAX COUNTY.

*Brinkleyville Township*—J. E. Ayers, Jr., Dr. J. H. Norman, Jr., F. M. Taylor.

*Butterwood Township*—A. E. Carter, W. H. Thomas.

*Conoconara Township*—J. H. Darden.

*Enfield Township*—S. B. Halaway (two years), George R. Bennett (two years).

*Faucett Township*—Thomas J. Barnes, A. G. Green.

*Littleton Township*—W. R. Harvey, C. D. House.

*Palmyra Township*—Henry White. Two years.

*Scotland Neck Township*—G. S. White, two years.

*Weldon Township*—D. E. Stainback, B. A. Pope (two years), J. W. Pierce (two years).

*Roanoke Rapids Township*—Hannibal Shearin.

# Harnett.

## HARNETT COUNTY.

*Anderson Creek Township*—H. D. McDonald, A. A. West.

*Averasboro Township*—V. L. Stephens, J. F. Wilson, R. W. Kenlaw.

*Barbecue Township*—John Darroch.

*Buckhorn Township*—L. S. Mann.



*Duke Township*—W. H. Lucas, E. W. Smith, L. E. Stancill, E. S. Yarboro, W. F. Blake.

*Hector's Creek Township*—D. R. Smith, A. A. Johnson.

*Lillington Township*—U. H. Parker, C. H. Biggs, J. N. Fuquay, J. E. Ligon, S. D. Brantley.

*Neill's Creek Township*—J. F. Jones, A. S. Johnson, N. I. Reardon, B. F. McLeod.

*Stewart's Creek Township*—S. M. Hobbs, C. M. Allen.

*Upper Little River Township*—W. A. Page, J. Blue McDonald.

## HAYWOOD COUNTY.

Haywood.

*White Oak Township*—Z. T. Clark, Caesar Ferguson.

*Finns Creek Township*—W. B. Noland, George A. Brown, Charlie McCracken, Spencer Green.

*Jonathan's Creek Township*—Robert Howell.

*Ivy Hill Township*—D. O. Plott, C. J. Setser, J. A. Low, J. A. Turner.

*Cecil Township*—J. F. Justice, James A. Moore, E. K. Chambers.

*Beavers Dam Township*—W. S. Smathers, W. E. Hall, L. H. Clark, J. Z. Smathers.

*Crabtree Township*—J. L. Walker, Ruphus McCracken.

## HENDERSON COUNTY.

Henderson.

*Mills River Township*—N. W. Posey, Sidney Gallamore, T. B. Allen.

*Hendersonville Township*—C. P. Rogers, Andy Davenport, J. A. Fletcher, G. J. Milward, A. J. Williams, G. P. Liverett.

*Hoofers Creek Township*—J. T. Sales, J. P. Fletcher.

*Blue Ridge Township*—W. A. King, A. S. Jackson.

*Clear Creek Township*—Samuel Pittillo, A. M. Maxwell, T. P. Rodgers.

*Green River Township*—J. O. Bell.

## HERTFORD COUNTY.

Hertford.

*Murfreesboro Township*—W. S. Nelson.

## Hoke County.

Hoke.

## HYDE COUNTY.

Hyde.

*Lake Landing Township*—W. C. Cox. Four years.

## IREDELL COUNTY.

Iredell.

*Elmwood Township*—R. W. Pue. Two years.

*Statesville Township*—G. W. McNeely (two years), D. L. Webb (two years), W. W. Turner (two years).

*Turnersburg Township*—R. F. Gaither.

*Sharpsburg Township*—Lee Millsaps.

## Jackson.

## JACKSON COUNTY.

*Dillsboro Township*—E. B. Monteith, T. H. Queen.

*Webster Township*—W. C. Cagle.

*Cullowhee Township*—James Cunningham.

*Cashiers Township*—W. T. Hawkins.

*Sylva Township*—B. H. Cathey, Jr., Webb R. Fisher.

*Hamburg Township*—D. P. Moss.

## Johnston.

## JOHNSTON COUNTY.

*Cleveland Township*—F. T. Booker.

*Elevation Township*—J. S. Johnson, Julian Goodwin, D. D. Medlin.

*Meadow Township*—T. L. Hudson.

*Boonchill Township*—D. T. Creech, George F. Woodard, W. G. Rowe.

*Beulah Township*—A. B. Richardson.

*Oneals Township*—W. E. Parker, L. H. Boykin, Waylon H. Brown.

*Wilders Township*—V. R. Turley, W. E. Eason.

*Bentonville Township*—H. V. Rose.

## Jones.

## JONES COUNTY.

## Lee.

## LEE COUNTY.

*West Sanford Township*—A. W. Wicker, Ralph Monger.

*Pocket Township*—J. B. Cameron.

*Deep River Township*—Gaston Johnston.

*Greenwood Township*—H. A. Matthews.

*Jonesboro Township*—W. W. Henley.

*Cape Fear Township*—Calvin Howard.

*East Sanford Township*—J. P. Campbell.

## Lenoir.

## LENOIR COUNTY.

## Lincoln.

## LINCOLN COUNTY.

*Catawba Springs Township*—Boon Sherrill, W. H. Lowe, Oscar Long, R. E. Proctor.

*Ironton Township*—W. A. Goodson, J. E. Cronland, John B. Dellinger, Lester C. Boyd.

*Lincolnton Township*—Luther A. Shrum, J. O. Allen, T. S. Ramsey.

*Howard's Creek Township*—Luther Sullivan, H. D. Warlick, Thomas M. Hoover.

*North Brook Township*—J. Calvin Martin, S. E. Peeler, C. L. Eaker, T. H. Baxter.

## MACON COUNTY.

Macon.

*Ellijay Township*—Abraham Young. Four years.*Sugar Fork Township*—George Green. Four years.

## MADISON COUNTY.

Madison.

*Number One Township*—Ward One: Barnett Fortener, C. B. Rhineheart; Ward Two: Morgan Ramsey, John S. Rice; Ward Three: George Robinson, E. L. Ball; Ward Four: C. M. Gage, Jesse Ammons.

*Number Two Township*—William Spencer Rice, Sanky Brigman.

*Number Three Township*—Larkin Roberts, Jr., Rufus Eller.

*Number Four Township*—Jim Dewese, Hiram Jarvis.

*Number Five Township*—W. W. Murray; Thor Higgins.

*Number Six Township*—Calvin Reeves, John Teague.

*Number Seven Township*—Willis Payne, Garrison Brown.

*Number Eight Township*—Ward One: H. S. Davis, Lon Ferguson; Ward Two: Isaac Brown, George Sawyer.

*Number Nine Township*—Steve Plemmons, N. J. Lance.

*Number Ten Township*—Henry Wallin, Winston Rice.

*Number Eleven Township*—Lee English, Ed. English.

*Number Twelve Township*—W. H. Roberts, Jr., Noah Bucken.

*Number Thirteen Township*—Nick Ebbs, J. B. White.

*Number Fourteen Township*—John Ammons, J. N. Riddle.

*Number Fifteen Township*—Len Huff, Roy Wall.

*Number Sixteen Township*—L. Peek, Lige Wilde.

## MARTIN COUNTY.

Martin.

*Bear Grass Township*—Mac. G. Taylor.

*Cross Roads Township*—George D. Gurganus.

## M'DOWELL COUNTY.

McDowell.

*Bracketts Township*—W. C. Raburn, George F. Rhom, J. W. Wise.

*Marion Township*—H. F. Little.

## MECKLENBURG COUNTY.

Mecklenburg.

*Charlotte Township*—George M. Phifer, J. C. Hunter, William D. Alexander, J. S. Myers, J. L. Brown, F. B. Alexander, W. J. McCall, W. R. Matthews, W. S. Huggins, J. T. A. Lawing, D. R. Yarboro.

*Berryhill Township*—B. T. Price.

*Steel Creek Township*—R. N. Capps, S. W. Whitesides, S. E. Price.

*Sharon Township*—W. S. Pharr, W. F. Baker, R. B. Hunter, T. J. Samonds.

*Providence Township*—C. B. Bryant, Dr. H. Q. Alexander.

*Clear Creek Township*—J. P. Flowe, C. P. Mungo.

*Crab Orchard Township*—M. E. Grier, C. B. Cross, J. Lindsey Carter, John Kirk.

*Mallard Creek Township*—W. W. Brown.

*Deweese Township*—J. Lee Sloan, R. J. White.

*Lemley Township*—W. H. White, J. A. Boyles, C. A. Sherrill,

*Long Creek Township*—C. R. Parks.

*Morning Star Township*—J. W. Phillips.

*Huntersville Township*—D. W. Mayes.

Mitchell.

#### MITCHELL COUNTY.

*Bakersville Township*—Colan F. Wilson, T. R. Barker, R. V. Wilson, R. E. Ellis.

*Cane Creek Township*—Fons Young, Aaron Buchanan, Eugene Young, Will Young.

*Little Rock Creek Township*—Charles McInturff, James Ledford, J. M. Ayers, Bascombe Woody.

*Fork Mountain Township*—Wallace Kanipe, Dee Phillips, John Slagle James Jones.

*Harrell Township*—Monroe Garland, Harrison Hill, Joseph Garland, Ed. J. Garland.

*Poplar Township*—W. H. Baucomb, Paul Peterson.

*Bradshaw Township*—J. H. Tipton, Sanders Hughes, Clingman Whitson, Charles Renfrow, William Tipton.

*Red Hill Township*—J. B. Yelton, Is. Masters.

*Snow Creek Township*—Squib Phillips, Gudger Fortner, Charles McNeill, D. J. English.

*Grassy Creek Township*—Dula Washburn, Conly McKinney, S. M. Collis, D. R. McKinney, Jr., Reuben Swann.

Montgomery.

#### MONTGOMERY COUNTY.

*Troy Township*—W. H. Reynonds.

*Biscoe Township*—A. B. McCaskill, H. C. Reece, W. A. McMillan.

*Eldorado Township*—J. F. Bruton, J. J. Russell.

*Uwharrie Township*—R. L. Morton.

Moore.

#### MOORE COUNTY.

Nash.

#### NASH COUNTY.

*Bailey Township*—J. S. Fulghum, M. F. Morgan.

*Griffin Township*—R. L. Avent, W. B. Bunting.

*North Whitakers Township*—E. W. Reid, S. B. Dozler.

*Rocky Mount Township*—Captain John H. Thorp.

## NEW HANOVER COUNTY.

New Hanover.

## NORTHAMPTON COUNTY.

Northampton.

*Jackson Township*—George Pollok Burgwyn, J. S. Grant.*Gaston Township*—E. M. Clements.*Kirby Township*—J. B. Stephenson, B. F. Martin, W. J. Beale, W. T. Bridgers, J. K. Revell.*Rich Square Township*—Albert Vann, W. E. Spivey, Isaac Carter.*Scaboard Township*—C. P. Stephenson, J. W. Rose.*Pleasant Hill Township*—J. W. Magee.*Occoneechee Township*—*Wiccanee Township*—J. H. Hogan, Columbus Deloatch, R. L. Boone, J. G. Bottoms.

## ONslow COUNTY.

Onslow.

*White Oak Township*—B. T. Jones (two years), J. E. Freeman (two years), W. C. Conway (two years).*Stumpsound Township*—Edgar Hines (two years), J. E. Sanders (two years), W. C. Allen (two years), W. H. Grant (two years).*Swansboro Township*—D. G. Ward (two years), C. S. Pittman (two years), J. H. Hancock (two years).*Richlands Township*—F. D. Shaw (two years), W. E. Cox (two years).*Jacksonville Township*—E. J. Scott. Two years.

## ORANGE COUNTY.

Orange.

*Chapel Hill Township*—C. R. Phipps, W. H. Boger.*Hillsboro Township*—O. B. Cates, William G. Strain, J. H. Evans.*Cedar Grove Township*—Vance Weeks, Ellis Coleman.*Cheek Township*—Richard Tupp.*Bingham Township*—John T. Sykes, H. M. Weaver.

## PAMLICO COUNTY.

Pamlico.

*Number One Township*—R. L. Scott, N. P. Dixon, R. C. Holton.*Number Two Township*—Harmon Cary, L. D. Spruill.*Number Three Township*—J. T. Swindell.*Number Four Township*—R. J. Robinson, James Campen.

## PASQUOTANK COUNTY.

Pasquotank

*Elizabeth City Township*—T. B. Wilson, N. R. Parker, D. C. Perry, J. W. Munden.*Mount Herman Township*—J. W. Perry, S. K. Simpson.*Providence Township*—Paul Brothers, S. B. Carter.

Pender.

## PENDER COUNTY.

*Burgaw Township*—James Bowden, B. C. Boney, Andrew Bowden.

*Grady Township*—O. D. Malpass.

*Holly Township*—J. C. Wooten, J. A. Lanier, Hyde Davis, F. S. Shepard.

Perquimans.

## PERQUIMANS COUNTY.

*Topsail Township*—Dally Futch, D. W. Mallard, Robert Atkinson.

*Long Creek Township*—T. J. Henry, M. F. Scott, D. J. Lewis.

*Union Township*—Theodore Rivenbark, J. P. Wells, Robert Hall.

*Canetuck Township*—L. V. Kelly, T. B. Long.

*Caswell Township*—S. H. Kelly, J. J. Pridgen.

*Hertford Township*—J. C. Darden, A. J. Parrish.

*Bethel Township*—William Harrell, Sydney Sutton.

*Belvidere Township*—J. H. Ward, John Stallings, J. H. Miller.

*Parkville Township*—T. C. Storey, Francis Nixon.

*New Holt Township*—W. E. Bogue, W. E. Wood.

Person.

## PERSON COUNTY.

*Allensville Township*—Finch Davis, John L. Gentry, W. T. Buchanan, J. J. Dixon.

*Bushy Fork Township*—Howard Hester, A. M. Long, C. A. Monk, W. M. Whitfield.

*Cunninghams Township*—J. J. Franklin, R. E. Pulliam, J. R. Long.

*Flat River Township*—S. A. R. Morton, Garland Chambers, N. R. Williams, R. I. Satterfield, W. F. Timberlake, Sam P. Jones.

*Mount Tirzah Township*—E. A. Fogleman, Luther Satterfield, J. W. Noell.

*Holloways Township*—Jule Woody, G. D. Neal, W. R. Seat, Stephan Gentry, Jr.

*Olive Hill Township*—T. C. Waystaff, George Foushee, C. E. Winston.

*Roxboro Township*—J. W. Younger, A. P. Clayton, J. M. O'Bryant, Davie Davis, C. G. Daniel, W. I. Newton.

*Woodsdale Township*—G. B. Williams, G. N. Cranshaw, W. H. Hall, J. S. Wrenn, B. E. Mitchell.

Pitt.

## PITT COUNTY.

*Chicod Township*—L. A. Stocks. Two years.

Polk.

## POLK COUNTY.

*Coopers Gap Township*—T. C. Laughter, Belt Jackson, Eli Jackson, Henry Garrett, D. H. Thompson.



*Saluda Township*—J. C. Thompson, J. H. Pace, J. A. Bishop.

*Columbus Township*—A. T. Hart (two years), John T. Smith (two years).

*Greens Creek*—E. P. Landman. Two years.

*White Oak Township*—A. M. Lynch.

#### RANDOLPH COUNTY.

Randolph.

*Asheboro Township*—John B. Ward, N. P. Cox, W. F. Redding, J. M. Burrows.

#### RICHMOND COUNTY.

Richmond.

*Steels Township*—A. J. Little, J. P. Hadley.

*Mineral Springs Township*—Martin McKinzie.

*Black Jack Township*—J. F. Capel.

*Beaver Dam Township*—I. A. Stewart.

*Rockingham Township*—Leak S. Covington, J. B. O'Brian, T. B. Baxley.

*Marks Creek Township*—J. E. Miliken, J. J. Peele.

#### ROBESON COUNTY.

Robeson

*Alfordsville Township*—G. E. Bond, Frank Sinclair.

*Back Swamp Township*—J. T. Singleterry, D. B. McIntyre, T. M. Moore.

*Britts Township*—W. L. Thompson, A. L. Stone, Okey Stephens.

*Brant Swamp Township*—J. S. Brown, J. A. McLeod, J. B. Humphry.

*Fairmont Township*—A. F. Floyd, C. B. Thompson, C. R. Fraynham.

*Gaddys Township*—N. J. Page, J. O. McArthur.

*Howellsville Township*—N. C. Graham. Six years, beginning May 1, 1917.

*Lumberton Township*—D. B. McNeill, Eli Phillips, H. M. McAllister, M. G. McKenzie (six years, beginning May 1, 1917).

*Lumber Bridge Township*—H. M. Johns, C. P. McGoogan.

*Maxton Township*—T. J. Wooten.

*Orrum Township*—M. W. Hedgepeth, Haynes Barnes.

*Parkton Township*—J. B. McCormick, J. D. Cobb.

*Pembroke Township*—A. B. Thaggard, A. M. Breece, W. A. Buie.

*Raft Swamp Township*—W. C. Townsend.

*Red Springs Township*—N. B. McArthur, D. P. McLeod, J. D. Callahan.

*Rowland Township*—C. D. Smith, C. J. McCollum, J. H. McArn.

*Rennert Township*—A. F. Tolar, D. F. Webster, R. D. Graham.

*Shannon Township*—J. F. Watters, J. D. Gibson.

*Smiths Township*—D. L. Stewart, H. A. McNeill, Donald Leach.

*Sterling Township*—J. W. Barnes, E. T. Lewis.

*St. Pauls Township*—J. A. Townsend, W. S. Johnson, Marcus Smith, L. McInnis.

*Thompsons Township*—J. M. McCall, Lindsey Normunt.

*White House Township*—Oliver Page, G. E. Morgan.

*Wisharts Township*—L. F. Martin, J. M. Smith (for six years, beginning May 1, 1917).

*Saddle Tree Township*—McG. Prevatt.

#### Rockingham.

#### ROCKINGHAM COUNTY.

*New Bethel Township*—W. P. Hudson, J. V. Price.

*Price Township*—J. T. Price.

*Ruffin Township*—J. J. Woodsham, Benton Stacey, James Hopper.

*Williamsburg Township*—J. R. Smith.

*Simpsonville Township*—J. H. Richardson, S. E. Gunn, Jack Sanders.

*Reidsville Township*—Robert P. Mitchell, J. H. Hamlin, G. M. Trent.

*Mayo Township*—R. S. Gibson, L. W. Matthews, John Barnes, T. L. Smith.

*Leaksville Township*—P. G. Kemp, W. W. Strong, C. J. Land, B. K. Terry, W. S. Hodges, E. E. Emerson, Smith Eggleston.

#### Rowan.

#### ROWAN COUNTY.

*Franklin Township*—J. C. Miller, Henry Ford.

*Unity Township*—I. S. Bailey, D. Click.

*Scotch-Irish Township*—Jonathan Riley, Jim Foster.

*Cleveland Township*—Frank Thompson, D. B. Renbor.

*Locke Township*—J. B. Lingle, N. I. Summers.

*Steele Township*—B. S. Carter, F. R. L. Shaffer.

*Mt. Ulla Township*—Spruce Heart, J. C. Shell.

*Atwell Township*—A. L. Deel, John Flemming.

*China Grove Township*—J. P. Lynn, Will Kimball.

*Litaker Township*—J. D. A. Fisher, W. H. Canup.

*Gold Hill Township*—Z. A. Kluttz, W. L. Shaver.

*Morgan Township*—J. W. Miller, Adolphus Morgan.

*Providence Township*—J. H. L. Lyerly, A. L. Lyerly.

#### Rutherford.

#### RUTHERFORD COUNTY.

*Rutherford Township*—J. P. Bean, Oscar Duncan.

*Green Hill Township*—C. C. Lovelace.

*Union Township*—G. A. Lollar.

*Sulphur Springs Township*—V. E. McKinney, J. W. Hill, M. B. Waters.

*High Shoal Township*—T. H. Ferree, A. L. Womack, J. W. Camp, M. L. Bridges.

*Colfax Township*—A. J. Blanton.

*Golden Valley Township*—A. S. Rollins, T. J. Stallings.

*Logans Store Township*—W. G. Grayson, Weldon Hardin, J. H. Price.

*Camp Creek Township*—W. G. Flack, W. M. Nanney.

*Morgan Township*—C. J. Flack, Govan Harris.

*Chimney Rock Township*—Frank Reynolds, W. E. Flack.

*Gilkey Township*—E. H. Logan, Zeno Black.

*Duncan Creek Township*—R. H. Weaver, J. M. Spofford.

## SAMPSON COUNTY.

Sampson.

*Westbrook Township*—J. R. Westbrook, Allen Daughtry, Sr.

## SCOTLAND COUNTY.

Scotland.

*Williamson Township*—J. Emmett Neal, H. D. Gibson, J. B. Usher, F. L. Rachels, D. T. Wright, D. B. Norton.

*Spring Hill Township*—A. E. Shaw, N. A. McKay, E. F. Murray, W. J. Matthews, D. C. Norton.

*Laurel Hill Township*—J. H. Threadgill, Henry Covington, L. T. Gibson, J. S. Jackson, Raymond Monroe.

*Stewartsville Township*—S. W. Covington, L. W. McKinnon, H. O. Covington, S. J. Silver, J. S. Thompson, J. W. Jernigan.

## STANLY COUNTY.

Stanly.

*North Albemarle Township*—J. Ed. Hartsell. Four years.

*Endy Township*—D. P. McSwain (four years), M. L. Harrington (four years).

*Furr Township*—R. W. Simpson (four years), Vernon L. Mills (four years).

*Big Lick Township*—D. E. Efird (four years), E. R. Whitley (four years), Q. E. C. Coble (four years).

*Almond Township*—G. Walter Sides (four years), J. L. Cauble (four years), M. M. Furr (four years).

*Center Township*—H. S. Freeman (four years), Ed M. Harris (four years).

## STOKES COUNTY.

Stokes.

*Danbury Township*—James F. Smith, C. C. Pitzer, J. C. Branson, R. C. White.

*Meadows Township*—J. B. Alley, W. A. Southern, E. W. Carroll, J. M. Redding, Milton Southern.

*Quaker Gap Township*—R. W. Hill, J. P. Slawter, L. W. McKinney, Presley Palmer, J. F. George.

*Big Creek Township*—J. C. Frans, T. L. Hart, C. R. Christian, M. C. Lawson, John W. Hill.

*Yadkin Township*—G. A. Jones, C. K. Boyles, W. A. Sullivan, John Wade Johnson, Gaston Meadows.

*Peters Creek Township*—J. S. Whitten, Homie Moore, J. L. Moore, Wiley Mabe, Herbert Rhodes.

*Beaver Island Township*—W. J. Atkins, J. Wilson Mitchell, R. N. Wall, J. C. Flinn.

*Snow Creek Township*—G. A. Hutcherson, W. E. Willis, Jr., J. A. Wall, W. T. Shelton, W. F. Campbell.

*Sauratown Township*—M. D. Linville, W. A. Lewis, J. I. Blackburn, A. A. Miller, E. C. Creakman, J. V. Marshall.

# Surry.

## SURRY COUNTY.

*Elkin Township*—W. V. Hunt.

*Marsh Township*—S. W. Garner.

*Rockford Township*—J. F. Burrus, J. Luther Wood.

*Eldora Township*—J. J. Simpson, W. S. Wall, G. F. Jones, A. A. Taylor.

*Siloam Township*—J. J. Stone, G. L. Matthews.

*Bryant Township*—J. A. J. Royal.

*Mount Airy Township*—A. L. Sparger, Thomas B. McCargo, Sr., Samuel G. Pace, R. A. Jarvis, A. M. Dray.

*Dobson Township*—J. F. Nance, C. W. Snow.

*Stewarts Creek Township*—Luther Boomer, A. C. Laudweth (six years).

*Little River Township*—Tom Thomas (six years), Claud Shufford (six years).

*Boyd Township*—D. R. Holliday. Six years.

*Brevard Township*—L. R. Scruggs (six years), Claude K. Osborne (six years), G. B. Ledbetter (six years).

# Swain.

## SWAIN COUNTY.

*Charleston Township*—Fate Shook, Clingam Nations.

*Ocana Lufly Township*—Dan Guess.

# Transylvania.

## TRANSYLVANIA COUNTY.

*Boyd Township*—F. L. Lyday (four years), Asa England, D. R. Holliday.

*Catheys Creek Township*—George W. Justice (six years), J. M. Zachary (six years).

*Hogback Township*—W. H. Hinkle (six years), Alfred Miller (six years).

*Estatoc Township*—E. H. Whitmire (six years), W. M. Meese (six years), B. A. Gillespie (six years).

*Gloucester Township*—J. M. Galloway (six years), J. Price (six years), J. H. House (six years).

*Dunns Rock Township*—Luther Wilson (six years), W. M. Maxwell (six years).

*Brevard Township*—G. B. Ledbetter, J. J. Patton, J. M. Hamlin.

*Little River Township*—Claude Shuford, Tom Thomas, John Hunt.

## TYRRELL COUNTY.

Tyrrell.

*Columbia Township*—C. A. Volva (six years), Savage Hopkins.

## UNION COUNTY.

Union.

*Monroe Township*—W. C. Sanders (six years), M. H. Richardson (six years), M. L. Flow (six years), J. W. Houston (six years).

*Sandy Ridge Township*—R. A. Hudson (six years), W. L. Hemby (six years), J. D. Hemby (six years).

*Jackson Township*—T. M. Crow (six years), L. M. Riner (six years), J. E. Boster (six years).

*Buford Township*—P. L. G. Whitley (six years), E. R. Starnes, T. C. Eubanks, Thomas L. Hinson, A. M. Eubanks, T. B. Davis, A. G. Hemby.

*Lanes Creek Township*—M. L. Baker.

*Marshville Township*—T. G. Collins.

*New Salem Township*—M. C. Austin.

*Goose Creek Township*—A. W. McManus, I. C. Clontz, I. A. Clontz, J. C. Little, Bland Roberson.

*Vance Township*—J. C. Ford.

## VANCE COUNTY.

Vance.

*Henderson Township*—Walter H. Grissom (six years), L. M. Harris (six years), A. E. Murphy (six years), J. T. Jones (six years), J. E. Hight (six years), T. L. Jones (six years), George Perry (six years).

*Kittrell Township*—J. B. Allen (six years), C. H. Williams (six years), B. B. Woodlief (six years), A. J. Perkinson (six years), M. D. Woodlief (six years), John Floyd (six years).

*Watkins Township*—R. G. Cawthorn (six years), H. D. Floyd (six years), R. P. Cunningham (six years).

*Dabney Township*—Lat Burroughs. Six years.

*Williamsburgh Township*—J. H. Rice (six years), C. C. O'Brien (six years), John Bullock (six years).

*Townsville Township*—J. M. B. Hunt (six years), N. D. Boyd (six years), Taylor Shortwell (six years).

*Nut Bush Township*—B. F. Fleming (six years), C. M. White (six years).

*Middleburg Township*—T. P. Parham (six years), E. L. Fleming (six years), L. H. Langford (six years).

*Sandy Creek Township*—J. N. Tunstoll (six years), Alex Owen (six years) D. H. Reaves (six years).

## Wake.

## WAKE COUNTY.

*Neuse River Township*—J. S. Harp. Six years.

*Wake Forest Township*—F. J. Duke (six years), W. R. Powell (six years), J. S. Harrison (six years).

*Middle Creek Township*—E. J. Ragsdale (six years), J. D. Balentine (six years), George M. McCullers, L. H. Smith, A. L. Tilley.

*New Light Township*—A. L. Wilson. Six years.

*St. Mary's Township*—Troy Pool. Six years.

*Raleigh Township*—Edward Murray, J. E. Owens, Logan Terrell, A. J. Wood.

*Bartons Creek Township*—L. L. Brogden, J. R. Ball, D. W. Hockaday.

*Little River Township*—W. A. Perry.

*Cedar Fork Township*—D. W. Mason.

*Cary Township*—N. G. Yarborough.

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## Warren.

## WARREN COUNTY.

*River Township*—J. J. Merick (six years), T. D. King (six years), H. L. Salmon (six years), R. D. Flemings (six years).

*Judkins Township*—D. L. Ryder (six years), J. L. Skinner (six years), C. N. Hardy (six years), W. A. Fishel (six years).

*Nutbush Township*—N. H. Paschall (six years), W. J. Cole (six years), Plummer Collins (six years).

*Roanoke Township*—W. W. Rainey (six years), W. H. Kidd (six years).

*Warrenton Township*—F. B. Newell (six years), J. D. Palmer (six years), Edward Petar (six years).

*Smith Creek Township*—J. A. Meeder (six years), A. G. Hayes (six years).

*Shocco Township*—G. G. Egerton (six years), J. W. Burroughs (six years).

*Fork Township*—W. J. Marshall (six years), J. T. Ascue (six years), S. W. Powell (six years).

*Sandy Creek Township*—S. E. Allen (six years), R. R. Rodwell (six years), A. J. Prichard (six years).

*Fishing Creek Township*—R. L. Capps (six years), J. F. King (six years), Walter Hardy (six years), J. C. Gupton (six years), J. O. Hardy (six years).

*Haw Tree Township*—A. S. Webb (six years), J. W. King (six years), H. C. Ellis (six years), W. W. Cowthorne (six years).

*Six-Pound Township*—C. H. Borrows (six years), George Roberson (six years).

## Washington.

## WASHINGTON COUNTY.

*Lees Mill Township*—Friley Chesson.

## Watauga.

## WATAUGA COUNTY.

*Laurel Creek Township*—D. C. Mast (six years), R. F. Billings (six years).



## WAYNE COUNTY.

Wayne.

*Goldsboro Township*—L. D. Summerlin. Six years.*Pikesville Township*—P. B. Scott. Six years.

## WILKES COUNTY.

Wilkes.

*Jobs Cabin Township*—B. C. Lee, Andrew Blackman, Commodore Baker. Six years.

## WILSON COUNTY.

Wilson.

## YADKIN COUNTY.

Yadkin.

*Forbush Township*—Reed Williams, John Long, E. T. Davis.*South Liberty Township*—D. I. Revis.*East Bend Township*—R. H. Davis, T. A. Poindexter.*Fall Creek Township*—K. A. Matthews, O. G. Hobson.*Little Yadkin Township*—A. Freeman, Orrin F. Strupe.*Knobs Township*—W. F. Swain, Clinton Holcomb.*Boonville Township*—J. H. Flemming.

## YANCEY COUNTY.

Yancey.

*Burnsville Township*—J. A. Peterson, J. J. Angel (four years), Nelson Brinkley (two years).*Crabtree Township*—L. H. Hutchins (six years), Gus Robinson (four years).*Pensacola Township*—John C. McPeeters (six years), W. E. Allen (six years), R. R. Ray (six years).*Ramseytown Township*—Wiley Tipton (six years), W. M. McIntosh (six years).*Egypt Township*—William Wheeler. Six years.*Cane River Township*—Molt Burton (six years), E. M. Proffit (six years).*Prices Creek Township*—Fuller Sams (six years), J. A. Parrott (six years).

Ratified this the 9th day of January, A. D. 1917.

## CHAPTER 11

AN ACT TO FIX THE SALARY OF THE GOVERNOR OF  
NORTH CAROLINA.*The General Assembly of North Carolina do enact:*

SECTION 1. That the Governor of North Carolina shall receive Salary. as salary the sum of sixty-five hundred dollars (\$6,500) per annum.

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

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

Ratified this the 9th day of January, A. D. 1917.

## CHAPTER 12

## AN ACT TO PROVIDE FOR HOLDING THE COURTS OF THE COUNTIES OF WILSON AND EDGECOMBE IN THE SECOND JUDICIAL DISTRICT.

*The General Assembly of North Carolina do enact:*

Term for Edge-  
combe county.  
Date.  
Jurisdiction.

SECTION 1. That a term of the Superior Court shall be held in the county of Edgecombe, to convene on the tenth Monday after the first Monday in September, to continue for two weeks, and be for the trial of civil actions exclusively.

Term for Wilson  
county.  
Date.  
Jurisdiction.

SEC. 2. That a term of the Superior Court shall be held in the county of Wilson, to convene on the eighth Monday after the first Monday in September, to continue for two weeks, and be for the trial of civil actions exclusively; that a term of the Superior Court shall be held in the county of Wilson, to convene on the tenth Monday after the first Monday in March, to continue for two weeks, the last week to be for the trial of civil actions exclusively.

Term for Wilson  
county.

Date.  
Jurisdiction.

Repealing clause.

SEC. 3. That all acts of the General Assembly in conflict with this act are hereby repealed.

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

Ratified this the 22d day of January, A. D. 1917.

## CHAPTER 13

## AN ACT TO AMEND CHAPTER 240 OF THE PUBLIC LAWS OF 1915 AS THE SAME APPLIES TO LENOIR COUNTY, WITH REFERENCE TO GIVING TO CRIMINAL TERMS OF THE SUPERIOR COURT OF LENOIR COUNTY AS DESIGNATED IN CHAPTER 240 OF THE PUBLIC LAWS OF 1915, JURISDICTION IN CIVIL MATTERS EXCEPT AS TO JURY TRIALS, AND WITH REFERENCE TO TRYING ANY CRIMINAL CASES AT A DESIGNATED TERM.

*The General Assembly of North Carolina do enact:*

Civil jurisdiction  
at criminal terms.

SECTION 1. At any term of the Superior Court of Lenoir County as designated by section one of chapter two hundred and forty of the Public Laws of one thousand nine hundred and fifteen for the trial of criminal cases it shall be lawful for any order, judgment, or decree, original, mesne, or final, to be entered in any civil cause pending upon the docket of the Superior Court of Lenoir County as fully and completely as the same may now be entered at the terms of court designated in said act for the trial

of civil cases in the Superior Court of Lenoir County, except no order, judgment, or decree shall be entered at said criminal terms in civil matters requiring a trial by jury at such criminal terms.

SEC. 2. It shall be lawful to try any criminal case in the Superior Court of Lenoir County during that term of court beginning on the sixth Monday after the first Monday in September, and designated in section one of chapter two hundred and forty of the Public Laws of one thousand nine hundred and fifteen for the trial of civil and jail cases. Criminal jurisdiction at fall term.

SEC. 3. All laws or clauses of laws in conflict with this act are hereby repealed. Repealing clause.

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

Ratified this the 22d day of January, A. D. 1917.

## CHAPTER 14

### AN ACT TO REPEAL A PART OF CHAPTER 184 OF THE PUBLIC LAWS OF 1913.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the name W. T. Pinner, in chapter one hundred and eighty-four (184) of the Public Laws of one thousand nine hundred and thirteen, in the subhead entitled "Brunswick County," in line six (6) on page two hundred and eighty-nine (289), be and the same is hereby stricken out. Appointment as justice rescinded.

SEC. 2. This act shall be in force from and after the fifteenth day of February, one thousand nine hundred and seventeen. When act effective.

Ratified this the 23d day of January, A. D. 1917.

## CHAPTER 15

### AN ACT TO REGULATE THE JURISDICTION OF THE SEVERAL TERMS OF SUPERIOR COURT OF ANSON 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 Anson County which it now has or may be hereafter given, whether 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 Return of process.  
Pleadings.  
Civil trials.

divorce cases, including jury trials in divorce cases, may be heard, and any other civil actions may be heard, by consent, at such terms.

Judgment 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 Anson County, without further notice than that contained in the summons.

Repealing clause.

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

When act effective.

SEC. 4. That this act 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 Anson County certified copy of this act immediately upon its ratification.

Certified copy.

Ratified this the 30th day of January, A. D. 1917.

## CHAPTER 16

AN ACT TO AMEND SUBSECTION 13 OF SECTION 3944, CHAPTER 87, REVISAL OF 1905, RELATING TO BULLETINS OF THE DEPARTMENT OF AGRICULTURE.

*The General Assembly of North Carolina do enact:*

Number of bulle-  
tins.

SECTION 1. That said section be amended by striking out "monthly" in line one and adding the letter "s" to the word "bulletin," which follows, so that the Department may determine the number of bulletins which shall be issued each year.

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

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

Ratified this the 2d day of February, A. D. 1917.

## CHAPTER 17

AN ACT RELATING TO PROFESSIONAL NURSING.

*The General Assembly of North Carolina do enact:*

Board of exam-  
iners.

SECTION 1. A board of examiners of trained nurses, composed of five members, two physicians and three registered nurses, to be elected by the Medical Society of the State of North Carolina and the North Carolina State Nurses' Association, respectively, except the first board, is hereby created, to be known by the title

"The Board of Examiners of Trained Nurses of North Carolina." Title.  
 Each member of said board shall serve a term of three years or Terms.  
 until his or her successor is appointed, except the first board  
 elected under this act, the members of which shall be and serve  
 as follows: For terms expiring July the first, nineteen hundred First board  
 and nineteen, or until their successors are qualified, Julia Libby, named.  
 R.N., of Mecklenburg, and Delia Dixon-Carroll, M.D., of Wake;  
 for terms expiring July the first, nineteen hundred and twenty,  
 or until their successors are qualified, Lois Toomer, R.N., of  
 New Hanover; Maria P. Allen, R.N., of Burke; and Thompson  
 Fraser, M.D., of Buncombe. The board shall fill any vacancy for Vacancies.  
 an unexpired term. An inspector of training schools for nurses Inspector of  
 shall be annually appointed by the North Carolina State Nurses' training schools.  
 Association, who shall report annually to the board of examiners.  
 Said inspector shall be a registered nurse, her duties and com- Qualifications,  
 pensation to be fixed by the board of nurse examiners. duties, and  
 salary.

SEC. 2. Three members of the board shall constitute a quorum, Quorum.  
 two of whom shall be nurses. The board shall adopt and have Seal, by-laws,  
 custody of a seal and shall frame by-laws and regulations for its and regulations.  
 own government and for the execution of the provisions of this  
 act. The officers of said board shall be a president and a secre- Organization.  
 tary-treasurer, both to be elected from its nurse members. The Treasurer to give  
 treasurer shall give bond in such sum as may be fixed in the bond.  
 by-laws, and the premium therefor to be paid from the treasury  
 of said board. The members of the board of examiners shall Pay of board.  
 each receive as compensation for his or her services four dollars  
 per diem and actual traveling and hotel expenses. The secretary- Salary of secre-  
 treasurer may receive an additional salary, to be fixed by the tary-treasurer.  
 board, not to exceed two hundred and fifty dollars per annum, Fees.  
 said expenses and salaries to be paid from fees received by the  
 board under the provisions of this act, and in no case to be Use of moneys.  
 charged upon the treasury of the State. All moneys received  
 in excess of said allowance, and other expenses provided for,  
 shall be held by the secretary-treasurer for the expenses of the  
 board and for extending nursing education in the States.

SEC. 3. The Board of Examiners of Trained Nurses of North Meetings of  
 Carolina shall convene not less frequently than once annually board.  
 and at any time ten or more applicants shall notify the secretary  
 that they desire an examination. Thirty days prior to such meet- Notice of meet-  
 ings notice stating time and place of examinations shall be ings.  
 published in one nursing journal and three daily State papers.  
 At such meetings it shall be the duty of the board of examiners Board to examine  
 to examine graduate nurses applying for license to practice their applicants.  
 profession in North Carolina. An applicant must prove to the  
 satisfaction of the board that he or she is twenty-one years of  
 age, is of good moral character, and has received at least one  
 year high school education or its equivalent. Applicants shall Qualifications  
 for nurses.



have graduated from a training school for nurses connected with a general hospital where a systematic course of practical and theoretical instruction covering a period of three years is given in the hospital, or from a training school connected with small or special hospitals and sanatoria meeting the aforesaid requirements by affiliation with one or more training schools.

Subjects of examination.

SEC. 4. Examinations shall be held in anatomy, physiology, materia medica, dietetics, hygiene and elementary bacteriology, obstetrical, medical, and surgical nursing, nursing of children, contagious diseases and ethics of nursing, and such other subjects as may be prescribed by the examining board. The subject of contagious diseases may be given in theory only. If on examination the applicant should be found competent, the board shall grant a license, authorizing him or her to register as herein provided, and to use the title "Registered Nurse," signified by the letters "R. N." Before an applicant shall be permitted to take such an examination he or she shall pay to the secretary of the examining board an examination fee of ten dollars. In the event of the failure of applicant to pass examination, one-half of the above named fee shall be returned to applicant.

Licenses.

Examination fee.

Return of one-half fee on failure.

Licenses without examination.

Proviso: standard of requirements.

SEC. 5. The board shall have authority to issue licenses, without examination, to nurses registered in other States, provided that said States shall maintain an equivalent standard of registration requirements. The examination fee shall accompany each such application for license.

Licenses to be obtained.

Certificate of registration.

Proviso: registration without examination.

SEC. 6. On and after the ratification of this act all "trained," "graduate," "licensed," or "registered" nurses must obtain license from the nurses' examining board before practicing their profession in this State, and before using the abbreviation "R. N." must obtain a certificate of registration from the clerk of the Superior Court of any county as hereinafter provided: *Provided*, that all nurses graduating prior to the ratification of this act who shall show to the satisfaction of the board of examiners that they are graduates, in good standing, and were engaged in the profession of nursing in the State of North Carolina before the ratification of this act, shall be entitled to registration without examination and without the payment of the examination fee, provided such application be made before June first, nineteen hundred and seventeen. It is provided, furthermore, that nothing contained in this section shall be construed as a requirement for renewal of license or registration of nurses already licensed and registered in North Carolina.

Proviso: time for application.

Proviso: construction of requirement.

Persons not affected.

SEC. 7. This act shall not be construed to affect or apply to the gratuitous nursing of the sick by friends or members of the family, or any hospital or sanatorium that send their nurses into private homes or elsewhere for hire during the time they are in said institution taking training, or to any person taking care of



the sick for hire, who does not represent himself or herself or in any way assume to practice as a "trained," "graduate," "licensed," or "registered nurse."

SEC. 8. The clerk of the Superior Court of any county upon presentation to him of a license from the State Board of Nurse Examiners issued at a date not more than twelve months previous, shall enter the date of registration and the name and residence of the holder thereof in a book to be kept in his office for this purpose and marked "Record of Registered Nurses," and shall issue to the applicant a certificate of such registration, under the seal of the Superior Court of the county, upon a form to be prescribed by the board of examiners. For such registration he shall charge a fee of fifty cents.

SEC. 9. The board shall have power to revoke the license of any registered nurse upon conviction of gross incompetence, dishonesty, intemperence, or any act derogatory to the morals or standing of the profession of nursing. No license shall be revoked except upon charges preferred. The accused shall be furnished a written copy of such charge and given not less than twenty days notice of the time and place when said board shall accord a full and fair hearing on the same. Upon the revocation of a license and certificate, the name of the holder thereof shall be stricken from the roll of registered nurses in the hands of the secretary of the board, and by the clerk of the Superior Court from his register, upon notification of such action by said secretary.

SEC. 10. That any person procuring license under this act by false representation or who shall refuse to surrender a license which has been revoked in the manner prescribed in section nine of this act or who shall use the title "trained" "graduate," "licensed," or "registered nurse," or the abbreviation "R. N.," without having first obtained a license, shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars or imprisoned not exceeding thirty days. Each act shall constitute a new offense.

SEC. 11. That chapter three hundred and fifty-nine of the Public Laws of nineteen hundred and three, and all acts amendatory thereof, and all other laws and clauses of laws in conflict with this act, be and the same are hereby repealed.

SEC. 12. That this act shall be in force from and after its ratification.

Ratified this the 2d day of February, A. D. 1917.

## CHAPTER 18

AN ACT TO AMEND CHAPTER 196 OF THE PUBLIC LAWS OF 1913, RELATING TO THE COURTS OF BRUNSWICK COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter one hundred and ninety-six (196) of the Public Laws of one thousand nine hundred and thirteen (1913), entitled "An act to divide the State into judicial districts and for holding the courts therein," ratified twelfth March, one thousand nine hundred and thirteen, be and the same is hereby amended as follows: Add after the word "September" in line three of paragraph three (3), on page three hundred and twenty-four (324) of said Public Laws, the said paragraph relating to Brunswick county, the following: "Fifteenth (15) Monday after the first Monday in March, for the trial of civil cases exclusively."

Term of court.

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

SEC. 3. This act shall be in force from and after its ratification. Ratified this the 5th day of February, A. D. 1917.

## CHAPTER 19

AN ACT TO AMEND CHAPTER 368 OF THE PUBLIC LAWS OF 1907, ENTITLED "AN ACT TO PREVENT THE MANUFACTURE OR SALE OF ADULTERATED, MISBRANDED, POISONOUS, OR DELETERIOUS FOODS, DRUGS, MEDICINES, OR LIQUORS."

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter three hundred and sixty-eight of the Public Laws of one thousand nine hundred and seven be amended as follows: By inserting in section seven, after the words "Pharmacopœia and National Formulary Preparations" in line ten of subsection "second" the following:

False or fraudulent statement.

"Third. If its package or label shall bear or contain any statement, design, or device regarding the curative or therapeutic effect of such article or any of the ingredients or substances contained therein which is false or fraudulent."

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

Ratified this the 5th day of February, A. D. 1917.

## CHAPTER 20

AN ACT TO AMEND CHAPTER 141, EXTRA SESSION LAWS  
OF 1908, IN REGARD TO COMPULSORY EDUCATION OF  
THE BLIND.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter one hundred and forty-one pertaining to compulsory education of the blind, be so amended that after section five (5) the following be inserted: "The sheriffs of the various counties of the State of North Carolina shall be required to enforce the provisions of this act in all cases of blind children not attending other institutions for the blind reported to them by the superintendent of the said State School for the Blind and the Deaf; that said sheriffs shall have authority to reimburse themselves for such services and expenses as are entailed upon them in executing the provisions of this act." And further, in order to aid the superintendent of the said School for the Blind and the Deaf in securing the attendance of blind children upon the said school, that the various railroads operating in the State of North Carolina may grant him transportation without charge.

Sheriffs to enforce law.  
Reimbursement of sheriffs.  
Transportation.

SEC. 2. That this paragraph shall be numbered section six (6) in said chapter one hundred and forty-one, and section six (6) of the said chapter shall be numbered seven (7).

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

Ratified this the 5th day of February, A. D. 1917.

## CHAPTER 21

AN ACT TO AUTHORIZE THE TREASURER OF NORTH  
CAROLINA TO PAY THE SUM OF \$15,000 BORROWED TO  
MEET THE EXPENSES OF MOBILIZING THE NATIONAL  
GUARD UNDER THE CALL OF THE PRESIDENT.

Whereas, under the call of the President dated June eighteen, one thousand nine hundred and sixteen, the following units of the National Guard were ordered to assemble at the State mobilization point, Camp Glenn, Morehead City, for muster into the service of the United States: First Brigade, consisting of First, Second, and Third Regiments of Infantry; Troops A and B, Cavalry; Field Hospital, No. 1; and Ambulance Company, No. 1; and whereas, immediately upon receipt of a telegram from the Secretary of War advising the Governor of this call, the neces-

Preamble: call of President.  
Preamble: order for assembling.

sary orders were issued to the several organizations named to assemble at their respective home stations at twelve o'clock noon on the nineteenth day of June, one thousand nine hundred and sixteen, preparatory to executing the order of the President; and whereas, by July first, one thousand nine hundred and sixteen, every organization called for by the President was in camp at Morehead City; and whereas, in order to comply with the call of the President it became necessary to incur certain expenses for which no provision is made by law; and whereas it became necessary to borrow money with which to pay these unusual and necessary expenses incurred as aforesaid; and whereas, at a meeting of the Council of State held in the Governor's office on July thirty-first, one thousand nine hundred and sixteen, and it appearing that bills for the extraordinary expenses incurred in the execution of said mobilization orders to the amount of ten thousand dollars were then outstanding, a resolution was adopted that the Adjutant General and the Paymaster General should borrow the sum of ten thousand dollars and execute their note therefor in order to meet these necessary and extraordinary expenses; and whereas it was ascertained later on that these unusual and extraordinary expenses incident to the mobilization of the troops under the call of the President would be in excess of ten thousand dollars, and therefore the Council of State on the fourth day of October, one thousand nine hundred and sixteen, directed the Adjutant General and the Paymaster General to borrow the sum of five thousand dollars in order to meet the extraordinary expenses as set out in the resolutions of the meeting of the Council of State held July thirty-first, one thousand nine hundred and sixteen, and to execute their note therefor; and whereas, pursuant to these resolutions, the adjutant General and the Paymaster General borrowed from the Citizens National Bank, Raleigh, N. C., the sum of ten thousand dollars and from the Commercial National Bank, Raleigh, N. C., five thousand dollars, executing to said banks their notes for said sums due and payable on the first day of February, one thousand nine hundred and seventeen; and whereas it is the duty of the State to provide for the payment of these notes when they fall due: Now, therefore,

Preamble: assembly.

Preamble: expense necessary.

Preamble: money borrowed.

Preamble: authorization of loan.

Preamble: authority for further loan.

Preamble: money borrowed.

Preamble: duty of state.

*The General Assembly of North Carolina do enact:*

Appropriation  
for payment.

SECTION 1. That the Treasurer of the State of North Carolina be and he is hereby authorized and directed to pay, upon warrants of the Auditor of the State, the sum of ten thousand dollars to the Citizens National Bank, Raleigh, N. C., and the sum of five thousand dollars to the Commercial National Bank, Raleigh, N. C., in payment of the notes executed to said banks by the Adjutant General and the Paymaster General, due and payable Febru-

ary first, one thousand nine hundred and seventeen: *Provided*, Proviso: reimbursement to general fund. that any and all funds received by the State from any source as a reimbursement for this expenditure be placed in the general fund of the State of North Carolina.

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

Ratified this the 5th day of February, A. D. 1917.

## CHAPTER 22

AN ACT TO VEST IN THE STATE HIGHWAY COMMISSION OF NORTH CAROLINA THE POWER AND AUTHORITY ON BEHALF OF THE STATE OF NORTH CAROLINA TO CO-OPERATE AND ACT WITH THE SECRETARY OF AGRICULTURE OF THE UNITED STATES OF AMERICA IN THE CONSTRUCTION AND MAINTENANCE OF ROADS.

*The General Assembly of North Carolina do enact:*

SECTION 1. The State of North Carolina, through its General Assembly, hereby assents to the provisions of the act of Congress known as the Federal Aid Road Act, approved July eleventh, nineteen hundred and sixteen, entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," Thirty-ninth United States Statutes at Large, page three hundred and fifty-five; and that the State Highway Commission of North Carolina be and the same is hereby vested with power and authority on behalf of the State of North Carolina to coöperate with the Secretary of Agriculture of the United States of America in the construction and maintenance of roads as defined and determined by said Federal Aid Road Act of Congress. The State Highway Commission is hereby authorized to enter into all contracts and agreements with the United States Government relating to the construction and maintenance of rural post roads under the provisions of said act of Congress; and is authorized to receive and disburse such funds as the State may be entitled to receive from the Federal Government under the provisions of the said Federal Aid Road Act, and is authorized to receive and disburse such funds as may be appropriated by counties, individuals, or other sources for co-operative road work in this State.

Assent to provisions of act.

State highway commission vested with power.

Contracts and agreements.

Receipt and disbursement of funds.

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

Ratified this the 5th day of February, A. D. 1917.



## CHAPTER 23

## AN ACT TO ALLOW ABSENT ELECTORS TO VOTE.

*The General Assembly of North Carolina do enact.*

Registration and  
voting by mail.

SECTION 1. That in all primaries and elections of every kind hereafter held in this State any elector who may be absent from the county in which he is entitled to vote shall be allowed to register and to vote by mail as hereinafter provided.

Registration.

SEC. 2. Any citizen of the State, not duly registered, who may be qualified to vote under the Constitution and laws of this State, and who expects to be absent from the county in which he lives during the usual period provided for registration of voters, may be registered as herein provided. The Secretary of State shall, within six months after the ratification of this act, furnish to the chairman of the county board of elections in each county a book for the registration of absent electors, which book shall contain separate columns for the name of elector, name of precinct in which elector resides, age, place of birth, race, and precinct in which elector last resided. It shall be the duty of the chairman of the board of elections in each county to register on said county registration book any qualified elector who presents himself for registration at any time other than the usual registration period, and who expects to be absent from the voting precinct in which he resides during the usual registration period, if found to be otherwise entitled to registration, in the same manner as now provided by law for the registration of voters before the precinct registrar in the usual registration period. The chairman of the county board of elections shall, immediately after the appointment of a registrar or registrars for any election to be held in his county, either legalized primary or general election, either for the county or for any political subdivision thereof, certify to the respective registrars in each of such precincts the names, age, and residence, place of birth, etc., of any electors registered on the said county registration book and thereby entitled to vote in such precinct; and it shall be the duty of the registrar in every such precinct to enter upon the regular registration book for such precinct the names of all such electors so certified to him by the chairman of the county board of elections, marking opposite the names of such electors the words "registered before chairman county board of elections"; and electors so registered shall be entitled to vote in any election in such precinct in the same manner as if registered by the precinct registrar.

Registration  
book.

Registration by  
chairman of board  
of elections.

Certificate to regis-  
trars.

Entry on precinct  
registration book.

Certificates and  
envelopes for  
absent electors.

SEC. 3. The State Board of Elections shall furnish to the county board of elections in each county, at the same time that tickets are furnished for any general or primary elections, certificates in blank, and return envelopes, to be used by absent electors. The said certificates to be in the form as follows:



.....State; Form of certificate.  
 .....P. O.; .....date.  
*To the Registrar and Judges of Election.....Precinct:*  
 I, ....., do hereby certify that I am a  
 duly qualified elector in .....Precinct.....  
 County, North Carolina, and I inclose herewith ballot or ballots  
 which I wish to vote in the election to be held.....19....  
 (Signed) .....

Witness: .....

The return envelopes to be printed in form as follows: Upper Form of envelope.  
 left hand corner, "Name....., postoffice  
 ..... Not to be opened till three p. m. on day of  
 election. Address....., Registrar, .....  
 Precinct, ..... P. O., .....County,  
 North Carolina."

SEC. 4. It shall be the duty of the chairman of the county board Ballots mailed to  
 of elections to mail to any voter absent from the county, on appli- voters.  
 cation for same, as soon as received from the State Board of  
 Elections, one of each form of ballot applied for to be voted in  
 such election, one blank certificate and one return envelope.

SEC. 5. It shall be the duty of the registrar in each precinct to Opening of votes  
 open at three p. m. on the day of election all such letters received of absentees.  
 from such absent voters. The right to vote of any such absent Challenges.  
 voter shall be subject to challenge in the same manner as if the  
 elector proposing to vote were present in person, and if found  
 entitled to vote under the provisions of this act and the laws of  
 the State, every such vote so received shall be deposited and Deposit and count  
 counted in the same manner as if the voter had been present and of vote.  
 cast his vote in person.

SEC. 6. The following fees shall be allowed as compensation for Fees.  
 services under this act: The chairman of the county board of Chairman of board  
 elections, for registering voters on the county registration book, of elections.  
 and certifying same to precinct registrars, twenty cents. The Precinct regis-  
 precinct registrars, for entering same on precinct registration trars.  
 book, the same fees allowed by law for registration of voters.  
 The chairman of the county board of elections, for mailing form Chairman for  
 of certificate, ballots, and return envelope, including postage, mailing forms.  
 five cents. The fees, including postage, shall be paid as provided Payment.  
 in regard to the expenses of the election or primary.

SEC. 7. All the provisions of this act, and all of the other Act liberally  
 election laws of this State, shall be liberally construed in favor construed.  
 of the right of the absent elector to vote and all laws and clauses Repealing clause.  
 of laws in conflict herewith are hereby repealed.

SEC. 8. This act shall be construed as a part of the election law Act part of elec-  
 of this State, and subject to the same punishment and penalties tion law.  
 for violation.

SEC. 9. This act shall be in force from and after its ratification. Punishment and  
 Ratified this the 7th day of February, A. D. 1917. penalties.

## CHAPTER 24

## AN ACT TO REQUIRE THE ERECTION OF GUIDE-POSTS AT THE FORKS AND CROSSINGS OF THE PUBLIC HIGHWAYS IN THE SEVERAL COUNTIES OF NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

Guide-posts to be erected and maintained.

Time.

Locations.

Inscriptions.

Specifications.

Payment.

Duties devolved.

Penalty for defacing or destroying.

Repealing clause.

SECTION 1. That the boards of county commissioners of the several counties of this State shall, within six months after the ratification of this act cause to be erected and maintained at the various crossings and forks of the public highways of each county guide-posts with proper inscriptions and devices thereon indicating the direction to and distance from the most important town or vicinity within ten miles of such guide-posts. Such post shall be of substantial timber and the lettering thereon shall be not less than two inches in height and of legible character.

SEC. 2. That the cost of the erection of such guide-posts shall be paid from the county road fund.

SEC. 3. That in those counties in which road commissions have been established by law the duty of the erection of such guide-posts shall devolve upon said road commissions instead of the board of county commissioners.

SEC. 4. That any person who shall willfully deface or destroy any such guide-post shall, upon conviction therefor, be fined not less than five dollars nor more than twenty-five dollars.

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.

Ratified this the 7th day of February, A. D. 1917.

## CHAPTER 25

## AN ACT TO AMEND SECTION 1561 OF THE REVISAL OF 1905 OF NORTH CAROLINA, RELATING TO GROUNDS FOR ABSOLUTE DIVORCE.

*The General Assembly of North Carolina do enact:*

Amendment.

SECTION 1. That section one thousand five hundred and sixty-one of the Revisal of one thousand nine hundred and five of North Carolina be and the same is hereby amended as follows: By striking out in line five the words "fornication and."

Repealing clause.

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

SEC. 3. This act shall be in force from and after its ratification. Ratified this the 7th day of February, A. D. 1917.

## CHAPTER 26

AN ACT TO AMEND SECTIONS 2037 AND 2038 OF THE RE-VISAL OF 1905, SO AS TO GIVE TO LODGINGHOUSE KEEPERS A LIEN ON BAGGAGE OF GUESTS UNTIL CHARGES ARE PAID.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section two thousand and thirty-seven of the Re-<sup>Retention of</sup>visal of one thousand nine hundred and five be amended by baggage. inserting after the word "keeper" in line two thereof and before the word "who" in said line the words, "and lodging-house keeper," and by inserting after the word "boarding-house" in line five thereof and before the word "until" in said line the words, "or lodging-house."

SEC. 2. That section two thousand and thirty-eight of the Re-Sale of baggage. visal of one thousand nine hundred and five be amended by inserting after the word "boarding-house" at the end of line two thereof and before the word "keeper" at the beginning of line three the words, "or lodging-house."

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

Ratified this the 7th day of February, A. D. 1917.

## CHAPTER 27

AN ACT TO PREVENT THE SALE, OFFERING FOR SALE, OR ADVERTISING CERTAIN PROPRIETARY OR PATENT MEDICINE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person, firm, asso-Sales forbidden. ciation, or corporation in the State, or any agent thereof, to sell or offer for sale any proprietary or patent medicine or remedy purporting to cure cancer, consumption, diabetes, paralysis, Bright's disease, or any other disease for which no cure has been found, or any mechanical device whose claims for the cure or treatment of disease are false or fraudulent; and that it shall be unlawful for any person, firm, association, or corporation in the State, or any agent thereof, to publish in any manner, or by any means, or cause to be published, circulated, or in any way placed before the public any advertisement in a newspaper or other publication or in the form of books, pamphlets, handbills, circulars, either printed or written, or by any drawing, map, <sup>Advertising for-</sup>bidden.

print, tag, or by any other means whatsoever any advertisement of any kind or description offering for sale or commending to the public any proprietary or patent medicine or remedy purporting to cure cancer, consumption, diabetes, paralysis, Bright's disease or any other disease for which no cure has been found, or any mechanical device for the treatment of disease, when the North Carolina Board of Health shall declare that such device is without value in the treatment of disease.

SEC. 2. That each sale, offer for sale, or publication of any advertisement for sale of any of the medicines, remedies, or devices mentioned in the foregoing section shall constitute a separate offense.

Separate offenses  
Misdemeanor.

SEC. 3. That any person, firm, association, or corporation violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding one hundred dollars for each offense.

Punishment.

Enforcement  
of act.

SEC. 4. To provide for the efficient enforcement of this act, the same shall be under the supervision and management of the North Carolina Board of Pharmacy.

Pharmacists to  
report violations.

SEC. 5. That it shall be the duty of all registered pharmacists to report immediately any violations of this act to the secretary of the Board of Pharmacy, and any willful failure to make such report shall have the effect of revoking his license to practice pharmacy in this State.

Penalty for  
failure.

Analyses.

SEC. 6. That the chemists and other experts of the Department of Agriculture shall, under such rules and regulations as may be prescribed by the Board of Pharmacy, and upon request of the secretary of said board, make an analytical examination of all samples of drugs, preparations, and compounds sold or offered for sale in violation of this act.

Repealing clause.

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 full force and effect from and after its ratification.

Ratified this the 12th day of February, A. D. 1917.

## CHAPTER 28

AN ACT TO AMEND CHAPTER 196, PUBLIC LAWS 1913, IN SO FAR AS IT RELATES TO SUPERIOR COURTS FOR THE COUNTY OF UNION.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter one hundred and ninety-six of the Public Laws of one thousand nine hundred and thirteen, section one, paragraph relative to Union County, be and the same is here-

by amended by striking out the word "exclusively" in line four of said paragraph and inserting in lieu thereof the words, "*Pro-Provido: calendar vided*, that if it shall appear to the clerk of the Superior Court <sup>of civil cases.</sup> of said county that the criminal docket shall not be sufficient to take up the entire term, he may make or cause to be made a calendar of civil cases as is made at other terms, and such cases shall be tried at said term in the same manner as if it was a civil term."

SEC. 2. That after "exclusively," the last word in said paragraph, there shall be added the words, "*Provided*, it shall appear <sup>Provido: drawing jurors.</sup> to the county commissioners for the said county of Union, prior to the drawing of a jury or grand jury for any criminal term of court that there is no prisoner in jail in said county or that the criminal docket at such term is not sufficient to justify the holding of any such term, that the clerk is not to make or cause to be made a calendar of civil cases to be tried at said term, then the county commissioners, within their discretion, may not draw a jury or grand jury for such term, and notice shall be im- <sup>Notice to judge.</sup> mediately given to the judge to hold said court."

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

Ratified this the 12th day of February, A. D. 1917.

## CHAPTER 29

AN ACT TO AMEND SECTION 3637 OF THE REVISAL OF 1905, BEING SECTION 2, CHAPTER 167 LAWS OF 1868-9, RELATING TO THE AGE OF CONSENT OF FEMALES IN THE CRIME OF RAPE.

*The General Assembly of of North Carolina do enact:*

SECTION 1. That section three thousand six hundred and thirty-seven (3637) of the Revisal of one thousand nine hundred and five (1905), being section two, chapter one hundred and sixty-seven of the Laws of one thousand eight hundred and sixty-eight and one thousand eight hundred and sixty-nine (1868-9), be and <sup>Age of consent.</sup> the same is hereby amended by striking out in line two of said section the word "ten" and inserting in lieu thereof the word "twelve," and by striking out in line five of said section the word "ten" and inserting in lieu thereof the word "twelve."

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

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

Ratified this the 12th day of February, A. D. 1917.



## CHAPTER 30

## AN ACT TO AMEND SECTION 3160 OF THE REVISAL OF 1905, REGARDING ARREST OF PERSONS CHARGED WITH FELONY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section three thousand one hundred and sixty of the Revisal of one thousand nine hundred and five be and the same is hereby amended by striking out the period after the word "county" in line ten and inserting therein a colon, and between the colon and the last sentence the following: "*Provided*, that an officer to whom a warrant charging the commission of a felony is directed, who is in the actual pursuit of the person known to him to be the one charged with the felony, may continue the pursuit without such indorsement."

Proviso: continu-  
ance of pursuit.

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

Ratified this the 12th day of February A. D. 1917.

## CHAPTER 31

## AN ACT TO ESTABLISH THE COUNTY LINE BETWEEN THE COUNTIES OF CLEVELAND AND GASTON.

Preamble: law  
providing for  
election.

Preamble: result  
of election.

Preamble: work  
done and expense  
incurred.

Preamble: effort  
to annul election.

Whereas the General Assembly of North Carolina, session one thousand nine hundred and fifteen, by chapter two hundred and three, Public Laws, provided for an election to be held in the territory therein described to decide upon a change of the boundary line between Gaston and Cleveland counties; and whereas said election was held on the fourth Saturday in April, one thousand nine hundred and fifteen, and at said election there were six hundred and eleven votes cast, three hundred and forty-one of which were in favor of Cleveland and only two hundred and seventy for Gaston, making a net majority of seventy-one votes cast in favor of Cleveland County; and whereas Cleveland County, after said election, in compliance with the promises made by each county before the election, that certain roads should be built through the territory involved in the event the election was favorable to that county, has built many miles of sand-clay roads through said territory and expended more than twenty-five thousand dollars in doing said work; and whereas, after said money has been expended and roads built and after more than nineteen months have elapsed since said election was held, an effort is



being made to annul said election and recover this territory from Cleveland County: Now, therefore,

*The General Assembly of North Carolina do enact:*

SECTION 1. That the county line between the counties of Cleveland and Gaston shall be and the same is hereby located and established to run as follows: Beginning at a stone on the county-line road leading from Kings Mountain to Cherryville, the corner of Number Four and Number Five townships of Cleveland County near Ebenezer Church, and running thence S. 67 E. 156.50 chains to a stone near James Payne's residence in Gaston County, thence S. 5 W. 444.00 chains to a stone on top of mountain, thence S. 10 W. 110.00 chains to a stone where the former, or old, county line between Gaston and Cleveland counties intersected the South Carolina line near John Wells' residence; and all that portion of the territory of Gaston county which was formerly between the above described line in Gaston County and the old county line between the counties of Cleveland and Gaston is transferred to Cleveland County, and is hereby declared to belong to and be a part of Cleveland County.

County line established.

Courses and distances.

Territory transferred.

SEC. 2. That that portion of the territory transferred from Gaston to Cleveland County as aforesaid shall assume liability for and be liable for all of its proportion of the outstanding bonded indebtedness of Gaston County existing on the first Monday in December, one thousand nine hundred and sixteen, and a commission shall be and is hereby created, consisting of two persons, one of whom shall be appointed by the county commissioners of Cleveland County and the other by the county commissioners of Gaston County, whose duty it shall be to ascertain definitely the amount of such bonded indebtedness for which the said territory and the county of Cleveland are liable to the county of Gaston, and the manner in which such liability shall be liquidated. In the event the two persons thus appointed fail to agree, they shall select a third person, not a resident of either county, who shall assist them in determining the liability as above provided for, and in case such third person cannot be agreed upon by the said commission, then such third person, or umpire, shall be appointed by the Governor of the State of North Carolina, and said person shall not be a resident either of the county of Cleveland or of the county of Gaston: *Provided*, that the board of commissioners of either county, in the event they are dissatisfied with the award of the commission, may appeal to the Superior Court of either county as provided for appeals from boards of county commissioners, and the same shall be heard as other cases, and may be removed to some other county upon motion and upon affidavit filed, if the judge presiding shall deem it proper or expedient to remove the same.

Obligation of county debt.

Commission for settlement of liability.

Arbitrator.

Proviso: right of appeal.

Repealing clause.

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

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

Ratified this the 12th day of February, A. D. 1917.

## CHAPTER 32

### AN ACT TO AMEND SECTION 1625 OF THE REVISAL OF 1905, RELATING TO ITEMIZED ACCOUNTS AS EVIDENCE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section one thousand six hundred and twenty-five 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 as follows:

Itemized accounts evidence.

"1625. *Itemized accounts evidence, when.* In any actions instituted in any court of this State upon an account for goods sold and delivered, for services rendered, or labor performed, or upon an oral contract for money loaned, a verified itemized statement of such account shall be received in evidence, and shall be deemed *prima facie* evidence of its correctness."

Prima facie correct.

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

Ratified this the 12th day of February, A. D. 1917.

## CHAPTER 33

### AN ACT TO AMEND SECTIONS 3 AND 17 OF CHAPTER 625, PUBLIC LAWS OF 1907.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section three of chapter six hundred and twenty-five of the Public Laws of one thousand nine hundred and seven of North Carolina be and the same is hereby amended as follows: Strike out the word "twenty" in lines thirteen and fourteen and insert in lieu thereof the word "fifteen"; strike out the word "fifteen" in line fifteen of said section and insert in lieu thereof the word "ten."

Number of pilots.

Exemptions.

SEC. 2. Add after the word "sea" in line two of section seventeen of said chapter the following: "and all vessels, barges, schooners, or other craft passing through the inland waterway

of this State, when bound to a port or ports in this or any other State, be and the same are hereby exempt from the operations of the pilot laws of North Carolina and are not compelled to take a State licensed pilot: *Provided*, that steam vessels not having a United States licensed pilot for the waters navigated on board shall be subject to the State pilot laws, as provided in section thirteen of the said chapter.” Proviso: steamers.

SEC. 3. That all laws and clauses of laws, general, special, or local, in conflict with this act, are hereby repealed. Repealing clause.

SEC. 4. That this act shall be in force from and after the first day of April, one thousand nine hundred and seventeen. When act effective.

Ratified this the 14th day of February, A. D. 1917.

### CHAPTER 34

#### AN ACT TO ESTABLISH THE WEIGHT OF A BUSHEL OF ONIONS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter two hundred and thirty, laws of one thousand nine hundred and fifteen, be amended by striking out “7 pounds” where it occurs as the weight of a bushel of onions and inserting “57 pounds” in lieu thereof, and fifty-seven pounds shall be the weight of a bushel of onions. Weight.

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

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

Ratified this the 14th day of February, A. D. 1917.

### CHAPTER 35

#### AN ACT TO AMEND CHAPTER 18, VOLUME II, OF THE REVISAL OF 1905, IN RELATION TO STATE SCHOOL FOR THE BLIND AND THE DEAF.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter eighteen, volume two, sections four thousand one hundred and eighty-seven, four thousand one hundred and eighty-nine, four thousand one hundred and ninety-one, four thousand one hundred and ninety-five, and four thousand one hundred and ninety-eight, relating to the management of the Superintendent.

State School for the Blind and the Deaf, be so amended as that the principal officer of the school under the board of directors shall be termed "superintendent," and that wherever the term "principal" occurs in said chapter it shall be changed to "superintendent."

Principal.

Principal of  
colored depart-  
ment.  
Allowance for  
clothing.

SEC. 2. That the board of directors of the said School for the Blind and the Deaf may term the head teacher of the white department "principal," and the chief officer at the colored department "principal of the colored department."

SEC. 3. That section four thousand one hundred and ninety-nine of the said chapter eighteen, volume two, of the Revisal be so amended as to insert "thirty dollars" in the last line of said section in lieu of "twenty dollars."

SEC. 4. This act shall be in force from and after its ratification. Ratified this the 14th day of February, A. D. 1917.

## CHAPTER 36

AN ACT TO AMEND SECTION 4383, REVISAL OF 1905, RELATING TO THE LICENSING OF EMBALMERS IN THE STATE OF NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

Qualification for  
license.

Proviso: persons  
now licensed.

Repealing clause.

SECTION 1. That section four thousand three hundred and eighty-eight, Revisal of nineteen hundred and five, be and the same is hereby amended by inserting in line thirteen thereof, between the word "disease," and the word "the," the following: "and has had a one-year special course in embalming in an approved school, or two years practical experience with a licensed and practical embalmer, who shall make affidavit upon the application that said applicant has had such experience under him: *Provided*, that this act shall not apply to any person or persons now engaged in the embalming business under a license."

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

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

Ratified this the 14th day of February, A. D. 1917.

## CHAPTER 37

## UNIFORM WAREHOUSE RECEIPTS ACT.

*The General Assembly of North Carolina do enact:*

## PART I.

*The Issue of Warehouse Receipts.*

SECTION 1. Warehouse receipts may be issued by any ware-houseman. Issuance.

SEC. 2. Warehouse receipts need not be in any particular form, Form.  
but every such receipt must embody within its written or printed Specifications.  
terms—

(a) The location of the warehouse where the goods are stored. Location.

(b) The date of issue of the receipt. Date.

(c) The consecutive number of the receipt. Number.

(d) A statement whether the goods received will be delivered Consignee.  
to the bearer, to a specified person, or to a specified person or his  
order.

(e) The rate of storage charges. Rate of charges.

(f) A description of the goods or of the packages containing Description.  
them.

(g) The signature of the warehouseman, which may be made Signature.  
by his authorized agent.

(h) If the receipt is issued for goods of which the warehouse- Ownership.  
man is owner, either solely or jointly or in common with others,  
the fact of such ownership; and

(i) A statement of the amount of advances made and of lia- Advances and  
bilities incurred for which the warehousman claims a lien. If liabilities.  
the precise amount of such advances made or of such liabilities  
incurred is at the time of the issue of the receipt unknown to  
the warehouseman or to his agent who issues it, a statement of  
the fact that advances have been made or liabilities incurred, and  
the purpose thereof, is sufficient. A warehouseman shall be Liability of ware-  
liable to any person injured thereby, for all damage caused by housemen.  
the omission from a negotiable receipt of any of the terms herein  
required.

SEC. 3. A warehouseman may insert in a receipt issued by him Terms and condi-  
any other terms and conditions, provided that such terms and tions.  
conditions shall not—  proviso: excep-  
tions.

(a) Be contrary to the provisions of this act.

(b) In any wise impair his obligation to exercise that degree  
of care in the safe-keeping of the goods entrusted to him which a  
reasonably careful man would exercise in regard to similar goods  
of his own.



Non-negotiable receipts.

SEC. 4. A receipt in which it is stated that the goods received will be delivered to the depositor, or to any other specified person, is a non-negotiable receipt.

Negotiable receipts.

SEC. 5. A receipt in which it is stated that the goods received will be delivered to the bearer, or to the order of any person named in such receipt, is a negotiable receipt. No provisions shall be inserted in a negotiable receipt that it is non-negotiable. Such provision, if inserted, shall be void.

Provisions void.  
Duplicates.

SEC. 6. When more than one negotiable receipt is issued for the same goods, the word "duplicate" shall be plainly placed upon the face of every such receipt, except the one first issued. A warehouseman shall be liable for all damage caused by his failure so to do to any one who purchased the subsequent receipt for value supposing it to be an original, even though the purchase be after the delivery of the goods by the warehouseman to the holder of the original receipt.

Liability of warehouseman.

Non-negotiable receipts.

SEC. 7. A non-negotiable receipt shall have plainly placed upon its face by the warehouseman issuing it "Non-negotiable," or "Not negotiable." In case of the warehouseman's failure so to do, a holder of the receipt who purchased it for value supposing it to be negotiable may, at his option, treat such receipt as imposing upon the warehouseman the same liabilities he would have incurred had the receipt been negotiable. This section shall not apply, however, to letters, memoranda, or written acknowledgments of an informal character.

Option of purchaser.

Exceptions.

## PART II.

### *Obligations and Rights of Warehousemen Upon Their Receipts.*

Obligation to deliver goods.

SEC. 8. A warehouseman, in the absence of some lawful excuse provided by this act, is bound to deliver the goods upon a demand made either by the holder of a receipt for the goods or by the depositor, if such demand is accompanied with—

Prerequisites.

Offer to satisfy lien.

Offer to surrender receipt.

(a) An offer to satisfy the warehouseman's lien;  
(b) An offer to surrender the receipt if negotiable, with such indorsements as would be necessary for the negotiation of the receipt; and

Acknowledgment of delivery.

(c) A readiness and willingness to sign, when the goods are delivered, an acknowledgment that they have been delivered, if such signature is requested by the warehouseman. In case the warehouseman refuses or fails to deliver the goods in compliance with a demand by the holder or depositor so accompanied, the burden shall be upon the warehouseman to establish the existence of a lawful excuse for such refusal.

Burden of proof.

Delivery of goods.

SEC. 9. A warehouseman is justified in delivering the goods, subject to the provisions of the three following sections, to one who is—



(a) The person lawfully entitled to the possession of the goods, or his agent; To owner or his agent.

(b) A person who is either himself entitled to delivery by the terms of a non-negotiable receipt issued for the goods or who has written authority from the person so entitled, either indorsed upon the receipt or written upon another paper; or On non-negotiable receipts.

(c) A person in possession of a negotiable receipt by the terms of which the goods are deliverable to him or order or to bearer, or which has been indorsed to him or in blank by the person to whom delivery was promised by the terms of the receipt or by his mediate or immediate indorsee. On negotiable receipts.

SEC. 10. Where a warehouseman delivers the goods to one who is not in fact lawfully entitled to the possession of them, the warehouseman shall be liable as for conversion to all having a right of property or possession in the goods if he delivered the goods otherwise than as authorized by sub-divisions (b) and (c) of the preceding section, and though he delivered the goods as authorized by said subdivisions, he shall be so liable if prior to such delivery he had either— Liability of warehouseman.

(a) Been requested, by or on behalf of the person lawfully entitled to a right of property or possession in the goods, not to make such delivery, or

(b) Had information that the delivery about to be made was to one not lawfully entitled to the possession of the goods.

SEC. 11. Except as provided in section thirty-six, where a warehouseman delivers goods for which he had issued a negotiable receipt, the negotiation of which would transfer the right to the possession of the goods, and fails to take up and cancel the receipt, he shall be liable, to any one who purchases for value in good faith such receipt, for failure to deliver the goods to him, whether such purchaser acquired title to the receipt before or after the delivery of the goods by the warehouseman. Liability of warehouseman.

SEC. 12. Except as provided in section thirty-six, where a warehouseman delivers part of the goods for which he had issued a negotiable receipt and fails either to take up and cancel such receipt, or to place plainly upon it a statement of what goods or packages have been delivered, he shall be liable, to any one who purchases for value in good faith such receipt, for failure to deliver all the goods specified in the receipt, whether such purchaser acquired title to the receipt before or after the delivery of any portion of the goods by the warehouseman. Liability of warehouseman.

SEC. 13. The alteration of a receipt shall not excuse the warehouseman who issued it from any liability if such alteration was— Alteration of receipt.

(a) Immaterial,

(b) Authorized, or

(c) Made without fraudulent intent.

- Material and fraudulent alterations. If the alteration was authorized, the warehouseman shall be liable according to the terms of the receipt as altered. If the alteration was unauthorized, but made without fraudulent intent, the warehouseman shall be liable according to the terms of the receipt, as they were before alteration. Material and fraudulent alteration of a receipt shall not excuse the warehouseman who issued it from liability to deliver, according to the terms of the receipt as originally issued, the goods for which it was issued, but shall excuse him from any other liability to the person who made the alteration and to any person who took with notice of the alteration. Any purchaser of the receipt for value without notice of the alteration shall acquire the same rights against the warehouseman which such purchaser would have acquired if the receipt had not been altered at the time of the purchase.
- Purchaser without notice. SEC. 14. Where a negotiable receipt has been lost or destroyed, a court of competent jurisdiction may order the delivery of the goods upon satisfactory proof of such loss or destruction and upon the giving of a bond with sufficient sureties, to be approved by the court, to protect the warehouseman from any liability or expense which he or any person injured by such delivery may incur by reason of the original receipt remaining outstanding. The court may also, in its discretion, order the payment of the warehouseman's reasonable costs. The delivery of the goods under an order of the court as provided in this section shall not relieve the warehouseman from liability to a person to whom the negotiable receipt has been or shall be negotiated for value without notice of the proceedings or of the delivery of the goods.
- Lost or destroyed receipts. SEC. 15. A receipt upon the face of which the word "Duplicate" is plainly placed is a representation and warranty by the warehouseman that such receipt is an accurate copy of an original receipt properly issued and uncanceled at the date of the issue of the duplicate, but shall impose upon him no other liability.
- Liability under order of court. SEC. 16. No title or right to the possession of the goods, on the part of the warehouseman, unless such title or right is derived directly or indirectly from a transfer made by the depositor at the time of or subsequent to the deposit for storage, or from the warehouseman's lien shall excuse the warehouseman from liability for refusing to deliver the goods according to the terms of the receipt.
- Duplicate. SEC. 17. If more than one person claims the title or possession of the goods, the warehouseman may, either as a defense to an action brought against him for nondelivery of the goods or as an original suit, whichever is appropriate, require all known claimants to interplead.
- Right of warehouseman. SEC. 18. If some one other than the depositor or person claiming under him has a claim to the title or possession of the goods, and the warehouseman has information of such claim, the ware-
- Interpleader. Adverse claims.

houseman shall be excused from liability for refusing to deliver the goods, either to the depositor or person claiming under him or to the adverse claimant, until the warehouseman has had a reasonable time to ascertain the validity of the adverse claim or to bring legal proceedings to compel all claimants to interplead.

SEC. 19. Except as provided in the two preceding sections and in sections nine and thirty-six, no right or title of a third person shall be a defense to an action brought by the depositor or person claiming under him against the warehouseman for failure to deliver the goods according to the terms of the receipt. Rights of third persons.

SEC. 20. A warehouseman shall be liable to the holder of a receipt for damages caused by the nonexistence of the goods or by the failure of the goods to correspond with the description thereof in the receipt at the time of its issue. If, however, the goods are described in a receipt merely by a statement of marks or labels upon them or upon packages containing them or by a statement that the goods are said to be goods of a certain kind, or that the packages containing the goods are said to contain goods of a certain kind, or by words of like purport, such statements, if true, shall not make liable the warehouseman issuing the receipt, although the goods are not of the kind which the marks or labels upon them indicate, or of the kind they were said to be by the depositor. Nonexistence and misdescription of goods.

SEC. 21. A warehouseman shall be liable for any loss or injury to the goods caused by his failure to exercise such care in regard to them as a reasonably careful owner of similar goods would exercise; but he shall not be liable, in the absence of an agreement to the contrary, for any loss or injury to the goods which could not have been avoided by the exercise of such care. Liability for loss or injury.

SEC. 22. Except as provided in the following section, a warehouseman shall keep the goods so far separate from goods of other depositors, and from other goods of the same depositor for which a separate receipt has been issued, as to permit at all times the identification and redelivery of the goods deposited. Separation of goods.

SEC. 23. If authorized by agreement or by custom, a warehouseman may mingle fungible goods with other goods of the same kind and grade. In such case the various depositors of the mingled goods shall own the entire mass in common and each depositor shall be entitled to such portion thereof as the amount deposited by him bears to the whole. Mingling of goods.

SEC. 24. The warehouseman shall be severally liable to each depositor for the care and redelivery of his share of such mass to the same extent and under the same circumstances as if the goods had been kept separate. Liability to several depositors.

SEC. 25. If goods are delivered to a warehouseman by the owner or by a person whose act in conveying the title to them to a purchaser in good faith for value would bind the owner, and a negotiable receipt is issued for them, they cannot thereafter, Attachment and levy.

while in the possession of the warehouseman, be attached by garnishment or otherwise, or be levied upon under an execution, unless the receipt be first surrendered to the warehouseman or its negotiation enjoined. The warehouseman shall in no case be compelled to deliver up the actual possession of the goods until the receipt is surrendered to him or impounded by the court.

Attachment of receipts.

SEC. 26. A creditor whose debtor is the owner of a negotiable receipt shall be entitled to such aid from courts of appropriate jurisdiction, by injunction and otherwise, in attaching such receipt or in satisfying the claim by means thereof as is allowed at law or in equity in regard to property which cannot readily be attached or levied upon by ordinary legal process.

Liens on deposits.

SEC. 27. Subject to the provisions of section thirty, a warehouseman shall have a lien on goods deposited or on the proceeds thereof in his hands, for all lawful charges for storage and preservation of the goods; also for all lawful claims for money advanced, interest, insurance, transportation, labor, weighing, cooping, and other charges and expenses in relation to such goods; also for all reasonable charges and expenses for notice and advertisements of sale, and for sale of the goods where default has been made in satisfying the warehouseman's lien.

Enforcement of liens.

SEC. 28. Subject to the provisions of section thirty, a warehouseman's lien may be enforced—

(a) Against all goods, whenever deposited, belonging to the person who is liable as debtor for the claims in regard to which the lien is asserted; and

(b) Against all goods belonging to others which have been deposited at any time by the person who is liable as debtor for the claims in regard to which the lien is asserted, if such person has been so entrusted with the possession of the goods that a pledge of the same by him at the time of the deposit to one who took the goods in good faith for value would have been valid.

Loss of lien.

SEC. 29. A warehouseman loses his lien upon goods—

(a) By surrendering possession thereof, or

(b) By refusing to deliver the goods when a demand is made with which he is bound to comply under the provisions of this act.

Enumeration of charges.

SEC. 30. If a negotiable receipt is issued for goods, the warehouseman shall have no lien thereon, except for charges for storage of those goods subsequent to the date of the receipt, unless the receipt expressly enumerate other charges for which a lien is claimed. In such case there shall be a lien for the charges enumerated so far as they are within the terms of section twenty-seven, although the amount of the charges so enumerated is not stated in the receipt.

Retention of goods.

SEC. 31. A warehouseman having a lien valid against the person demanding the goods may refuse to deliver the goods to him until the lien is satisfied.



SEC. 32. Whether a warehouseman has or has not a lien upon the goods, he is entitled to all remedies allowed by law to a creditor against his debtor for the collection from the depositor of all charges and advances which the depositor has expressly or impliedly contracted with the warehouseman to pay. Remedies allowed by law.

SEC. 33. A warehouseman's lien for a claim which has become due may be satisfied as follows: Proceedings for enforcement.

The warehouseman shall give a written notice to the person on whose account the goods are held, and to any other person known by the warehouseman to claim an interest in the goods. Such notice shall be given by delivery in person or by registered letter addressed to the last known place of business or abode of the person to be notified. The notice shall contain—

(a) An itemized statement of the warehouseman's claim, showing the sum due at the time of the notice and the date or dates when it became due; Specifications of notice.

(b) A brief description of the goods against which the lien exists;

(c) A demand that the amount of the claim as stated in the notice, and of such further claim as shall accrue, shall be paid on or before a day mentioned, not less than ten days from the delivery of the notice if it is personally delivered or from the time when the notice should reach its destination according to the due course of post if the notice is sent by mail; and

(d) A statement that unless the claims are paid within the time specified the goods will be advertised for sale and sold by auction at a specified time and place.

In accordance with the terms of a notice so given, a sale of the goods by auction may be had to satisfy any valid claim of the warehouseman for which he has a lien on the goods. The sale shall be had in the place where the lien was acquired, or, if such place is manifestly unsuitable for the purpose, at the nearest suitable place. Sale of goods.  
Place of sale.

After the time for the payment of the claim specified in the notice to the depositor has elapsed, an advertisement of the sale, describing the goods to be sold, and stating the name of the owner or person on whose account the goods are held, and the time and place of the sale, shall be published once a week for two consecutive weeks in a newspaper published in the place where such sale is to be held. Advertisement of sale.

The sale shall not be held less than fifteen days from the time of the first publication. If there is no newspaper published in such place, the advertisement shall be posted at least ten days before such sale in not less than six conspicuous places therein. From the proceeds of such sale the warehouseman shall satisfy his lien, including the reasonable charges of notice, advertisement, and sale. Proceeds of sale. The balance, if any, of such proceeds shall be held by the warehouseman, and delivered on demand to the person to whom he would have

Payment pending sale.	been bound to deliver or justified in delivering the goods. At any time before the goods are so sold any person claiming a right of property or possession therein may pay the warehouseman the amount necessary to satisfy his lien and to pay the reasonable expenses and liabilities incurred in serving notices and advertising and preparing for the sale up to the time of such payment.
Delivery or retention of goods.	The warehouseman shall deliver the goods to the person making such payment if he is a person entitled, under the provisions of this act, to the possession of the goods on payment of charges thereon. Otherwise, the warehouseman shall retain possession of the goods according to the terms of the original contract of deposit.
Perishable or dangerous goods.	SEC. 34. If goods are of a perishable nature, or by keeping will deteriorate greatly in value, or by their odor, leakage, inflammability, or explosive nature will be liable to injure other property, the warehouseman may give such notice to the owner, or to the person in whose name the goods are stored, as is reasonable and possible under the circumstances, to satisfy the lien upon such goods and to remove them from the warehouse and in the event of the failure of such person to satisfy the lien and to remove the goods within the time so specified, the warehouseman may sell the goods at public or private sale without advertising. If the warehouseman after a reasonable effort is unable to sell such goods, he may dispose of them in any lawful manner, and shall incur no liability by reason thereof. The proceeds of any sale made under the terms of this section shall be disposed of in the same way as the proceeds of sales made under the terms of the preceding section.
Disposition of proceeds.	
Other remedies.	SEC. 35. The remedy for enforcing a lien herein provided does not preclude any other remedies allowed by law for the enforcement of a lien against personal property nor bar the right to recover so much of the warehouseman's claim as shall not be paid by the proceeds of the sale of the property.
Release of warehouseman.	SEC. 36. After goods have been lawfully sold to satisfy a warehouseman's lien, or have been lawfully sold or disposed of because of their perishable or hazardous nature, the warehouseman shall not thereafter be liable for failure to deliver the goods to the depositor, or owner of the goods, or to a holder of the receipt given for the goods when they were deposited, even if such receipt be negotiable.

## PART III.

*Negotiation and Transfer of Receipts.*

Transfer by delivery and indorsement.

SEC. 37. A negotiable receipt may be negotiated by delivery—

(a) Where by the terms of the receipt the warehouseman undertakes to deliver the goods to the bearer; or

(b) Where by the terms of the receipt the warehouseman undertakes to deliver the goods to the order of a specified person,



and such person or a subsequent indorsee of the receipt has indorsed it in blank or to bearer.

Where by the terms of a negotiable receipt the goods are deliverable to bearer, or where a negotiable receipt has been indorsed in blank or to bearer, any holder may indorse the same to himself or to any other specified person, and in such case the receipt shall thereafter be negotiated only by the indorsement of such indorsee.

SEC. 38. A negotiable receipt may be negotiated by the indorsement of the person to whose order the goods are by the terms of the receipt deliverable. Such indorsement may be in blank, to bearer, or to a specified person. If indorsed to a specified person, it may be again negotiated by the indorsement of such person in blank, to bearer, or to another specified person. Subsequent negotiation may be made in like manner.

SEC. 39. A receipt which is not in such form that it can be negotiated by delivery may be transferred by the holder by delivery to a purchaser or donee. Transfer by delivery.

A non-negotiable receipt cannot be negotiated, and the indorsement of such a receipt gives the transferee no additional right.

SEC. 40. A negotiable receipt may be negotiated—

(a) By the owner thereof, or

(b) By any person to whom the possession or custody of the receipt has been entrusted by the owner, if by the terms of the receipt, the warehouseman undertakes to deliver the goods to the order of the person to whom the possession or custody of the receipt has been entrusted, or if at the time of such entrusting the receipt is in such form that it may be negotiated by delivery. Persons authorized to negotiate receipts.

SEC. 41. A person to whom a negotiable receipt has been duly negotiated acquires thereby— Rights acquired by negotiation.

(a) Such title to the goods as the person negotiating the receipt to him had or had ability to convey to a purchaser in good faith for value, and also such title to the goods as the depositor or person to whose order the goods were to be delivered by the terms of the receipt had or had ability to convey to a purchaser in good faith for value; and

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

SEC. 42. A person to whom a receipt has been transferred but not negotiated acquires thereby, as against the transferor, the title of the goods, subject to the terms of any agreement with the transferor. If the receipt is non-negotiable, such person also acquires the right to notify the warehouseman of the transfer to him of such receipt, and thereby to acquire the direct obligation of the warehouseman to hold possession of the goods for him Rights acquired by transfer.

Rights defeated  
by process prior  
to notice.

according to the terms of the receipt. Prior to the notification of the warehouseman by the transferor or transferee of a non-negotiable receipt, the title of the transferee to the goods and the right to acquire the obligation of the warehouseman may be defeated by the levy of an attachment or execution upon the goods by a creditor of the transferor, or by a notification to the warehouseman by the transferor or a subsequent purchaser from the transferor of a subsequent sale of the goods by the transferor.

Right to compel  
indorsement.

SEC. 43. Where a negotiable receipt is transferred for value by delivery, and the indorsement of the transferor is essential for negotiation, the transferee acquires a right against the transferor to compel him to indorse the receipt, unless a contrary intention appears. The negotiation shall take effect as of the time when the indorsement is actually made.

Warranties.

SEC. 44. A person who for value negotiates or transfers a receipt by indorsement or delivery, including one who assigns for value a claim secured by a receipt, unless a contrary intention appears, warrants—

(a) That the receipt is genuine;

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

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

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

Limit of liability.

SEC. 45. The indorsement of a receipt shall not make the indorser liable for any failure on the part of the warehouseman or previous indorsers of the receipt to fulfill their respective obligations.

Collection of debt  
secured by receipt.

SEC. 46. A mortgagee, pledgee, or holder for security of a receipt who in good faith demands or receives payment of the debt for which such receipt is security, whether from a party to a draft drawn for such debt or from any other person, shall not by so doing be deemed to represent or to warrant the genuineness of such receipt or the quantity or quality of the goods therein described.

Validity of nego-  
tiation not im-  
paired by fraud.

SEC. 47. The validity of the negotiation of a receipt is not impaired by the fact that such negotiation was a breach of duty on the part of the person making the negotiation, or by the fact that the owner of the receipt was induced by fraud, mistake, or duress to entrust the possession or custody of the receipt to such person, if the person to whom the receipt was negotiated, or a person to whom the receipt was subsequently negotiated, paid value therefor, without notice of the breach of duty, or fraud, mistake, or duress.

SEC. 48. Where a person having sold, mortgaged, or pledged goods which are in a warehouse and for which a negotiable receipt has been issued, or having sold, mortgaged, or pledged the negotiable receipt representing such goods, continues in possession of the negotiable receipt, the subsequent negotiation thereof by that person under any sale or other disposition thereof to any person receiving the same in good faith, for value and without notice of the previous sale, mortgage, or pledge, shall have the same effect as if the first purchaser of the goods or receipt had expressly authorized the subsequent negotiation. Rights of purchasers without notice.

SEC. 49. Where a negotiable receipt has been issued for goods, no seller's lien or right or stoppage *in transitu* shall defeat the rights of any purchaser for value in good faith to whom such receipt has been negotiated, whether such negotiation be prior or subsequent to the notification to the warehouseman who issued such receipt of the seller's claim to a lien or right of stoppage *in transitu*. Nor shall the warehouseman be obliged to deliver or justified in delivering the goods to an unpaid seller unless the receipt is first surrendered for cancellation. Seller's liens.

#### PART IV.

##### *Criminal Offenses.*

SEC. 50. A warehouseman, or any officer, agent, or servant of a warehouseman, who issues or aids in issuing a receipt knowing that the goods for which such receipt is issued have not been actually received by such warehouseman, or are not under his actual control at the time of issuing such receipt, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding five years or by a fine not exceeding five thousand dollars, or by both. Issuing receipt for goods not stored criminal.  
Punishment.

SEC. 51. A warehouseman, or any officer, agent, or servant of a warehouseman, who fraudulently issues or aids in fraudulently issuing a receipt for goods knowing that it contains any false statement, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding one year or by a fine not exceeding one thousand dollars, or by both. Receipts containing false statements.  
Punishment.

SEC. 52. A warehouseman, or any officer, agent, or servant of a warehouseman, who issues or aids in issuing a duplicate or additional negotiable receipt for goods, knowing that a former negotiable receipt for the same goods or any part of them is outstanding and uncanceled, without plainly placing upon the face thereof the word "Duplicate," except in the case of a lost or destroyed receipt after proceedings as provided for in section fourteen, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding five years or by a fine not exceeding five thousand dollars, or by both. Fraudulent issue of duplicate.  
Punishment.

Receipt must state interest of warehouseman, if any.

Punishment.

Delivery of goods when receipts are outstanding.

Punishment.

Fraudulent negotiation.

Punishment.

SEC. 53. Where there are deposited with or held by a warehouseman goods of which he is owner, either solely or jointly or in common with others, such warehouseman, or any of his officers, agents, or servants who, knowing this ownership, issues or aids in issuing a negotiable receipt for such goods which does not state such ownership, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding one year or by a fine not exceeding one thousand dollars, or by both.

SEC. 54. A warehouseman, or any officer, agent, or servant of a warehouseman, who delivers goods out of the possession of such warehouseman, knowing that a negotiable receipt the negotiation of which would transfer the right to the possession of such goods is outstanding and uncanceled, without obtaining the possession of such receipt at or before the time of such delivery, shall, except in the cases provided in sections fourteen and thirty-six, be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding one year or by a fine not exceeding one thousand dollars, or by both.

SEC. 55. Any person who deposits goods to which he has not title, or upon which there is a lien or mortgage, and who takes for such goods a negotiable receipt which he afterwards negotiates for value with intent to deceive and without disclosing his want of title or the existence of the lien or mortgage, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding one year or by a fine not exceeding one thousand dollars, or by both.

## PART V.

### *Interpretation.*

Basis governed by general law.

SEC. 56. In any case not provided for in this act, the rules of law and equity, including the law merchant, and in particular the rules relating to the law of principal and agent and to the effect of fraud, misrepresentation, duress or coercion, mistake, bankruptcy, or other invalidating cause, shall govern.

Uniformity of law.

SEC. 57. This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those States which enact it.

Terms defined.

SEC. 58. (1) In this act, unless the context or subject-matter otherwise requires—

Actions.

“Action” includes counterclaim, set-off, and suit in equity.

Delivery.

“Delivery” means voluntary transfer of possession from one person to another.

Fungible goods.

“Fungible goods” means goods of which any unit is, from its nature or by mercantile custom, treated as the equivalent of any other unit.

Goods.

“Goods” means chattels or merchandise in storage, or which has been or is about to be stored.

"Holder" of a receipt means a person who has both actual possession of such receipt and a right of property therein. Holder.

"Order" means an order by indorsement on the receipt. Order.

"Owner" does not include mortgagee or pledgee. Owner.

"Person" includes a corporation or partnership of two or more persons having a joint or common interest. Person.

To "purchase" includes to take as mortgagee or as pledgee. To purchase.

"Purchaser" includes mortgagee and pledgee. Purchaser.

"Receipt" means a warehouse receipt. Receipt.

"Value" is any consideration sufficient to support a simple contract. An antecedent or preëxisting obligation, whether for money or not, constitutes value where a receipt is taken either in satisfaction thereof or as security therefor. Value.

"Warehouseman" means a person lawfully engaged in the business of storing goods for profit. Warehouseman.

(2) A thing is done "in good faith" within the meaning of this act, when it is in fact done honestly, whether it be done negligently or not. In good faith.

SEC. 59. The provisions of this act do not apply to receipts made and delivered prior to the taking effect of this act. Receipts heretofore made.

SEC. 60. All acts or parts of acts inconsistent with this act are hereby repealed. Repealing clause.

SEC. 61. This act shall take effect on the first day of March, one thousand nine hundred and seventeen. When law effective.

SEC. 62. This act may be cited as the Uniform Warehouse Receipts Act. Citation of act.

Ratified this the 14th day of February, A. D. 1917.

## CHAPTER 38

### AN ACT TO AMEND SECTION 2089 OF THE REVISAL OF 1905, RELATING TO THE FORM OF MARRIAGE LICENSE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section two thousand and eighty-nine of the Revisal of one thousand nine hundred and five, relating to the form of marriage license, be and the same is hereby amended as follows: In line sixteen, strike out the words "one year" and insert in lieu thereof the words "sixty days"; strike out, in line eighteen, the words "two months" and insert in lieu thereof the words "sixty days." Time for celebration of marriage. Time for return of certificate.

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

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

Ratified this the 21st day of February, A. D. 1917.



## CHAPTER 39

AN ACT TO AMEND SECTION 3354 OF THE REVISAL OF 1905 OF NORTH CAROLINA, RELATIVE TO THE DEFENDANT PAYING THE COST IN CASES OF SEDUCTION.

*The General Assembly of North Carolina do enact:*

Marriage as *nolo contendere*.

SECTION 1. That section three thousand three hundred and fifty-four of the Revisal of one thousand nine hundred and five of North Carolina shall be amended by adding at the end of said section the words, "but when such marriage is relied upon by the defendant, it shall operate as to the costs of the case as a plea of *nolo contendere*, and the defendant shall be required to pay all the costs of the action or be liable to imprisonment for nonpayment of the same."

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

Ratified this the 21st day of February, A. D. 1917.

## CHAPTER 40

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

*The General Assembly of North Carolina do enact:*

Power of appointment.

Term of office.

Qualification.

Commission.

Repealing clause.

SECTION 1. The Governor may, from time to time, at his discretion, appoint one or more fit persons in every county to act as justices of the peace, who shall hold their office for four years from and after the date of their appointment; and, on exhibiting their commission to the clerk of the Superior Court of the county in which they are to act, shall be duly qualified by taking before said clerk an oath of office and the oaths prescribed for other officers.

SEC. 2. The Governor shall issue to each justice of the peace so appointed a commission, a certificate of which shall be deposited with the clerk of the court and filed among the records, and he shall note on his minutes the qualification of the justice of the peace.

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

SEC. 4. This act shall be in force from and after its ratification. Ratified this the 21st day of February, A. D. 1917.



## CHAPTER 41

## AN ACT TO AMEND SECTIONS 1766 AND 1772 OF THE REVISAL OF 1905, RELATING TO THE APPOINTMENT OF GUARDIANS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section one thousand seven hundred and sixty-six, and the title thereto, of the Revisal of nineteen hundred and five, be and the same are hereby amended to read as follows: "*May appoint, for infants, idiots, lunatics, inebriates, and inmates of the Caswell Training School.* The clerks of the Superior Court Powers of clerk. within their respective counties shall have full power, from time to time, to take cognizance of all matters concerning orphans and their estate and to appoint guardians in all cases of infants, idiots, lunatics, inebriates, and inmates of the Caswell Training School."

SEC. 2. That section one thousand seven hundred and seventy-two of the Revisal of nineteen hundred and five be and the same is hereby amended to read as follows: "On application to any clerk of the Superior Court for the custody and guardianship of any infant, idiot, inebriate, lunatic, or inmate of the Caswell Training School, it is the duty of such clerk to inform himself Application for appointment. of the circumstances of the case on the oath of the applicant, or of any other person, and if none of the relatives of the infant, idiot, inebriate, lunatic, or inmate of the Caswell Training School are present at such application, the clerk must assign, or for any Assignment of day for hearing. other good cause he may assign, a day for the hearing; and he shall thereupon direct notice thereof to be given to such of the relatives and to such other persons, if any, as he may deem it proper to notify. On the hearing he shall ascertain, on oath, the Notice of hearing. amount of the property, real and personal, of the infant, idiot, inebriate, lunatic, or inmate of the Caswell Training School, and the value of the rents and profits of the real estate, and he may grant or refuse the application, or commit the guardianship to some other person, as he may think best for the interest of the infant, idiot, inebriate, lunatic, or inmate of the Caswell Training School." Action on hearing.

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

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

Ratified this the 21st day of February, A. D. 1917.

## CHAPTER 42

AN ACT TO EXTEND AID TO THE CONFEDERATE  
VETERANS OF NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

Appropriation  
authorized.

SECTION 1. That the board of county commissioners of any county in North Carolina may appropriate out of the county funds a sufficient amount of money to pay the transportation cost to any indigent Confederate soldier to the reunion of the Confederate veterans to be held in Washington, D. C., in the year one thousand nine hundred and seventeen.

Recommendation  
of board of pen-  
sions.

SEC. 2. That no such funds shall be appropriated to any veteran who is able to pay his own transportation cost, and that in deciding who may be entitled to such aid the county board of pensions shall pass upon and recommend to whom such aid shall be given.

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

Ratified this the 21st day of February, A. D. 1917.

## CHAPTER 43

AN ACT TO ALLOW CITY ALDERMEN TO LEVY TAX TO PAY  
INTEREST ON BONDS AND PROVIDE A SINKING FUND.

Preamble: acts  
heretofore passed.

Whereas the General Assembly of North Carolina has enacted certain acts authorizing the aldermen of certain cities in North Carolina to issue bonds to cover certain indebtedness; and whereas, in said acts the board of aldermen are authorized to levy a tax to pay the interest on said bonds and provide a sinking fund for the payment of the bonds at their maturity; and whereas said acts or some of them limit said tax to an amount not exceeding five cents on the hundred dollars of taxable property and fifteen cents on each poll subject to taxation; and whereas said limitation is such that the levy will not provide a fund sufficient for said purposes: Now, therefore,

Preamble: tax.

Preamble: limit  
of tax rate.

Preamble: rate  
insufficient.

*The General Assembly of North Carolina do enact:*

Tax for interest  
and sinking fund.

SECTION 1. That it shall be the duty of the board of aldermen or governing body of all cities and towns to levy and collect, annually, as other taxes are levied and collected, a sum sufficient to pay the interest on any and all bonds issued by them as said interest becomes due and to provide a sinking fund for the payment of any and all bonds at their maturity.

SEC. 2. That all laws and clauses of laws limiting the levy to be made by the board of aldermen of any town or city of North Carolina to an amount not exceeding five cents on the hundred dollars of taxable property subject to taxation and fifteen cents on each poll subject to taxation, be and the same are hereby repealed. <sup>Limitations repealed.</sup>

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

Ratified this the 21st day of February, A. D. 1917.

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## CHAPTER 44

AN ACT TO AMEND SECTION 426 OF THE REVISAL OF 1905,  
WITH RESPECT TO THE PAYMENT OF COSTS BY COUNTY  
FROM WHICH CAUSE REMOVED.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section four hundred and twenty-six of the Revisal of one thousand nine hundred and five be and the same is hereby amended by striking out the period at the end of said section and inserting in lieu thereof a comma, and also the following: "*Provided*, that the county from which the cause is removed shall pay to the county in which the cause has been tried the full amount paid by the trial county for jurors' fees, and the full costs in the cause which are not taxable against or cannot be recovered from a party to the action, and for which the trial county is liable." <sup>Proviso: payment by county of venue.</sup>

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

Ratified this the 21st day of February, A. D. 1917.

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## CHAPTER 45

AN ACT TO AMEND CHAPTER 97, LAWS OF 1909, RELATING  
TO THE SALE OF TEST FARMS BY THE BOARD OF AGRICULTURE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section two of said act be amended so as to read: "That the proceeds of any sale may be used by the Board of Agriculture in the work of the Department, except so much of said money as may be necessary to reimburse any one who has contributed to the purchase money. This amount shall be returned to the contributors." <sup>Use of proceeds of sale.</sup>

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

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

Ratified this the 21st day of February, A. D. 1917.

## CHAPTER 46

### AN ACT TO MAKE A RECORD OF PURCHASES OF BRASS.

*The General Assembly of North Carolina do enact:*

Register to be kept.

Items to be registered.

Register open for inspection.

Misdemeanors.

Counties exempted.

SECTION 1. Every person, firm, or corporation buying brass or copper, or any other metal, or any rubber, or leather and rubber belts and belting as junk, shall keep a register and shall keep therein a true and accurate record of each purchase, showing the description of the article purchased, the name from whom purchased, the amount paid for the same, the date thereof, and also any and all marks or brands upon said metal, rubber, or leather and rubber belts and belting. The said register and the metal and rubber, and leather and rubber belts and belting purchased shall be at all times open to the inspection of the public.

SEC. 2. Any person buying or selling brasses, copper, or other junk metal, or rubber, or leather, or rubber belts and belting, without complying with the requirements of section one of this act, or any person making a false entry concerning such metals, rubber, or leather, or rubber belts or belting, shall be guilty of a misdemeanor. Any person violating this act shall be guilty of a misdemeanor.

SEC. 3. That this act shall not apply to the counties of Anson, Caldwell, Davidson, Randolph, Robeson, or Buncombe.

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

Ratified this the 21st day of February, A. D. 1917.

## CHAPTER 47

### AN ACT TO INCREASE THE NUMBER OF TRUSTEES OF THE UNIVERSITY.

*The General Assembly of North Carolina do enact:*

Additional trustees.

Terms of office.

SECTION 1. That there shall be elected at this session of the General Assembly twenty additional trustees of the University, whose terms shall commence on December the first, one thousand nine hundred and seventeen. Five of said trustees shall hold

office for two years, five for four years, five for six years, and five for eight years, and at the expiration of their term of service their places shall be filled, from time to time, in like manner for eight years, so that one-fourth of said number shall be elected every two years.

SEC. 2. That no county which now has any member or members of the board of trustees shall be entitled to have any member of this increase elected from said county. <sup>Counties now having trustees.</sup>

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this act be and the same are hereby repealed. <sup>Repealing clause.</sup>

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

Ratified this the 21st day of February, A. D. 1917.

## CHAPTER 48

### AN ACT TO AMEND SECTION 1455 OF THE REVISAL OF 1905 RELATING TO THE REMOVAL OF CAUSES IN COURTS OF JUSTICES OF THE PEACE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section one thousand four hundred and fifty-five of the Revisal of one thousand nine hundred and five be and the same is hereby amended as follows: (a) In line three after the word "upon" and before the word "made" strike out the word "affidavit" and insert in lieu thereof the words "written request." (b) Strike out all of said section after the word "action," in line four, down to and including the word "him" in line five. <sup>Causes removed on request.</sup>

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

Ratified this the 21st day of February, A. D. 1917.

## CHAPTER 49

### AN ACT TO AMEND SECTION 1046, REVISAL OF 1905, RELATING TO THE CANCELLATION OF MORTGAGES AND DEEDS IN TRUST.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section one thousand and forty-six of the Revisal of one thousand nine hundred and five, be and the same is hereby amended as follows: By adding in subsection two in line six thereof, after the word "same," the words, "or <sup>Indorsement of satisfaction.</sup>

by any chartered active banking institution in the State of North Carolina, when so indorsed in the name of the bank by an officer thereof."

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

Ratified this the 21st day of February, A. D. 1917.

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## CHAPTER 50

AN ACT TO AMEND SECTION 1046 OF THE REVISAL OF 1905, RELATING TO THE POWER OF REGISTERS OF DEEDS IN RELEASING DEEDS OF TRUST AND MORTGAGE DEEDS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section one thousand and forty-six (1046) of the Revisal of one thousand nine hundred and five of North Carolina be amended by adding the following:

"3. That upon the exhibition of any mortgage, deed in trust, or other instrument intended to secure the payment of money by the grantor or mortgagor, his agent or attorney, together with the note or notes, bond or bonds evidencing said deed and secured thereby, to the register of deeds or his deputy of the county where the same is registered, said deed of trust, mortgage, note or notes, bond or bonds, or other instrument, being at the time of said exhibition more than ten years old, counting from the date of maturity of the last note or bond, it shall be the duty of the said register, or his deputy, to make proper entry of cancellation and satisfaction of said instrument on the margin of the record where same is recorded, whether there be any such entries on the original papers or not.

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

Ratified this the 21st day of February, A. D. 1917.

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## CHAPTER 51

AN ACT TO ENABLE STATE INSTITUTIONS TO ACQUIRE LAND AND WATER SUPPLIES BY CONDEMNATION.

*The General Assembly of North Carolina do enact:*

SECTION 1. That whenever the directors or managers of any State institution find it necessary to acquire lands, right of way, or easement for the purposes of obtaining and protecting water supplies, or for constructing and maintaining dams, reservoirs,

Cancellation on  
exhibit of papers.

Right of eminent  
domain.



stand pipes, pipe lines, flumes or conduits for water supply purposes, and are unable to purchase the same from the owners at a reasonable price, or are unable to obtain a good and sufficient title therefor by purchase from the owners, then such State institution may exercise the right of eminent domain and acquire any such lands, rights of way, or easements necessary for water supply purposes by condemnation in the manner now prescribed by law for condemning lands for the use of railroad companies. Proceedings for  
condemnation.

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

Ratified this the 23d day of February, A. D. 1917.

## CHAPTER 52

AN ACT TO CHANGE THE TIME OF HOLDING THE MARCH TERM OF THE SUPERIOR COURT OF ORANGE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the March term of the Superior Court of Date changed. Orange County shall be held on the fourth Monday after the first Monday in March, instead of the third Monday after the first Monday in March, as provided in chapter fifty-four, section one, of the Public Laws of nineteen hundred and fifteen.

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

Ratified this the 23d day of February, A. D. 1917.

## CHAPTER 53

AN ACT TO AMEND CHAPTER 101, SECTION 34, OF PUBLIC LAWS OF 1915, RELATING TO PRIMARY FOR JONES COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter one hundred and one, section thirty- Jones county four, of Public Laws of one thousand nine hundred and fifteen <sup>stricken out.</sup> be amended by striking out from said section in line eight the word or name "Jones."

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

Ratified this the 23d day of February, A. D. 1917.

## CHAPTER 54

## AN ACT TO REGULATE THE TIME OF HOLDING SUPERIOR COURTS IN GRAHAM COUNTY.

*The General Assembly of North Carolina do enact:*

Law repealed.

SECTION 1. That chapter twenty-eight of the Public Laws of one thousand nine hundred and thirteen, entitled "An act to amend chapter one hundred and ninety-six of the Public Laws of one thousand nine hundred and thirteen, relating to the time of holding courts in Graham County," be and the same is hereby repealed, and that chapter one hundred and ninety-six of the Public Laws of one thousand nine hundred and thirteen be and the same is hereby amended by inserting on page three hundred and thirty-three of the Public Laws of one thousand nine hundred and thirteen after the words "Graham County—Second Monday after the first Monday in March," the following: "The thirteenth Monday after the first Monday in March, to be held for civil cases only."

Term for civil cases.

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

Ratified this the 23d day of February, A. D. 1917.

## CHAPTER 55

## AN ACT TO PERMIT THE ERECTION OF A BRONZE HEROIC STATUE OF JOHN HAYMES MILLS ON NASH SQUARE IN THE CITY OF RALEIGH.

*The General Assembly of North Carolina do enact:*

Erection of statue.

SECTION 1. That authority and permission is hereby given to any organization now formed or organized or hereafter to be formed or organized for the purpose of erecting a statue of John Haymes Mills, the pioneer in orphanage work in the State of North Carolina, to erect such statue in Nash Square in the city of Raleigh, the same to be of heroic size in bronze and not to cost less than ten thousand dollars.

Size, material, and cost.

Authority of council of state.

SEC. 2. That the Council of State shall have full authority and control, on behalf of and representing the State of North Carolina, over the location and erection of the said statue under the authority herein given: *Provided*, that the central plat of the said square be reserved for a statue of Sir Walter Raleigh.

Proviso: reservation of central plat.

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

Ratified this the 23d day of February, A. D. 1917.

## CHAPTER 56

AN ACT TO AMEND SECTION 1105 OF THE REVISAL OF 1905, RELATING TO RAILROAD PASSES IN THE STATE OF NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section one thousand one hundred and five of the Revisal of one thousand nine hundred and five be amended by inserting after the word "reunions" and before the word "or" in line fifteen the following words: "or to forbid the use of passes for journeys wholly within the State of North Carolina, which have been or may hereafter be issued for interstate journeys under authority of the United States Interstate Commerce Commission." Use of interstate passes.

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

Ratified this the 23d day of February, A. D. 1917.

## CHAPTER 57

AN ACT TO AMEND CHAPTER 89 OF THE PUBLIC LAWS OF 1907, RELATIVE TO DIVORCE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section one of chapter eighty-nine of the Public Laws of one thousand nine hundred and seven be amended by striking out all the words in line seven (7) of said section. Limitation stricken out.

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

Ratified this the 23d day of February, A. D. 1917.

## CHAPTER 58

AN ACT TO PROVIDE FOR A CHANGE IN THE ACCOUNTING SYSTEMS IN THE STATE DEPARTMENTS AND INSTITUTIONS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That there is hereby created a commission to be known and designated as the Board of Accounting, to be composed of the Governor, as chairman, and two other members who shall be appointed by the Governor. Board of accounting.

Term.	SEC. 2. That the said board shall continue in existence as long as may be necessary to carry out the purpose of this act, and shall meet upon call of the Governor; the two members of such board appointed by the Governor shall, while engaged in the performance of their duties, receive their actual expenses and a per diem of four dollars.
Meetings.	
Pay of members.	
Power and authority of board.	SEC. 3. That the said board shall have the power and authority, and it shall be its duty, to devise and establish accounting procedures for the State, its departments and institutions, to record in detail all transactions affecting the acquisition, custodianship, and disposition of values, including cash receipts and disbursements, so that the recorded facts can be presented periodically to the public in such summaries and analytical schedules in detailed support thereof as shall be necessary to show the full effect of such transactions upon the finances of the State; to devise systems for control and disbursement of funds of the State, its departments and institutions; to devise and establish a general set of books of accounts with controlling accounts of all the assets and liabilities of the State departments and institutions, and of revenues and expenses of the State, its departments and institutions, and of all appropriations of the State, and such books and accounts generally as are necessary and proper to carry out and put into effect the systems of accounting procedures and control and disbursement of funds devised for State departments and institutions; to establish the date for the beginning of the fiscal year of the State, and to require all officers of the State, its departments and institutions, at such time or any other time it may select, to put into effect the systems of accounting procedure and control and disbursement of funds, and to use the books of accounts in accordance with systems devised.
Control and disbursement of funds.	
Books of accounts.	
Beginning of fiscal year.	
Use of system.	SEC. 4. That the said board shall have the power and authority to employ accountants to assist it in its work in devising a system of accounting procedures and control and disbursement of funds and books of account mentioned in this act, and to pay to such accountants such compensation as may be agreed upon between it and such accountants and approved by the Governor.
Employment and pay of accountants.	
Officers of state and institutions to put system into effect.	SEC. 5. That all officers of the State and its institutions shall at the time selected by such board put into effect the systems of accounting procedures and control of funds and disbursement thereof, and begin the use of the sets of books and accounts devised and selected for them by such board.
Examination of accounts of state and institutions.	SEC. 6. That the said board shall have power to examine all books and accounts of the State, its departments and institutions, and require reports from such departments and institutions, so far as may be necessary to obtain full information in regard to the methods of accounting now in use, and make the changes it deems necessary and proper.

SEC. 7. That all State departments and State institutions shall make reports to the Governor from time to time as may be required by him, and the Governor is empowered to have all departments of the State Government and State institutions examined and audited from time to time, and shall employ such experts to make audits and examinations and analyze the reports of such institutions and departments as he may deem to be necessary.

Reports of departments and institutions.

Audit of departments and institutions.

SEC. 8. That at any time, upon complaint made to him or upon his own motion, the Governor may appoint a special commission to investigate any State department or State institution, which commission shall have power to subpoena witnesses, require the production of books and papers, and to do all things necessary to a full and thorough investigation, and shall submit its findings to the Governor. The members of such special commission shall, while engaged in the performance of their duties, receive their actual expenses and a per diem of four dollars.

Special commissions of investigation.

Powers of commission.

Pay of commissioners.

SEC. 9. That all laws and clauses of laws in conflict with this act are hereby amended so as to carry out the purposes of this act.

Repealing clause.

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

Ratified this the 23d day of February, A. D. 1917.

## CHAPTER 59

### AN ACT TO PROTECT VERY YOUNG CHILDREN.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person to separate or aid in separating any child under six months of age from its mother for the purpose of placing said child in a foster home or institution, or removing it from the State for such purpose, unless the consent in writing for such separation shall have been obtained from the clerk of the Superior Court and county health officer of the county in which the mother resides; and it shall be unlawful for any mother to surrender her child for such purpose without first having obtained such consent.

Separation unlawful.

Consent for separation.

Surrender by mother.

SEC. 2. Any person violating this act shall, upon conviction, be fined not exceeding five hundred dollars or one year's imprisonment, or both, in the discretion of the court.

Punishment.

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

Ratified this the 26th day of February, A. D. 1917.



## CHAPTER 60

AN ACT TO CALL A CONVENTION OF THE PEOPLE OF  
NORTH CAROLINA.

## Preamble.

Whereas the present Constitution of North Carolina is in many important particulars unsuited to the wants and conditions of our people; and whereas, in the judgment of the General Assembly, a convention of the people is the only sure, and is besides, the speediest and most economical mode of altering or amending it, and believing the end in view utterly impracticable by legislative enactment, on account of the great number of discordant and conflicting provisions of the present Constitution: Now, therefore,

*The General Assembly of North Carolina do enact* (two-thirds of all the members of each House concurring):

## Proposition to be submitted.

SECTION 1. At the next general election to be held in the State of North Carolina, in one thousand nine hundred and eighteen, the proposition of "Convention" or "No Convention" shall be submitted to the qualified voters of the whole State, and it shall be the duty of the various election officers to prepare for such proposition a separate box in which the tickets as above stated shall be deposited; at which said election those qualified voters favoring said call shall vote a ticket bearing the word "Convention" and those opposed bearing the words "No Convention," and the same laws and regulations governing the size and character of tickets for the election of Members of Congress shall be observed for this election, and the returns of said election shall be canvassed and declared as is now prescribed by law for the election of State officers.

## Ballot box.

## Tickets.

## Canvass of returns.

## Delegates.

## Apportionment.

## Qualifications.

## Election of delegates.

## Tickets.

SEC. 2. The said Convention shall consist of one hundred and twenty delegates, and each county shall be entitled to the same number of delegates that it has members of the House of Representatives on January first, one thousand nine hundred and seventeen, and the said delegates shall have the qualifications required of members of the House of Representatives. of which qualifications the Convention shall be the sole judge.

SEC. 3. That at the said general election of one thousand nine hundred and eighteen there shall be voted for in the several counties of the State, in a separate box to be provided by the several boards of election, a delegate or delegates in proportion to the number as is prescribed in section two of this act, and the character and size of the tickets for this election of the delegate or delegates shall be prescribed by the several county boards of election of the State, on which shall be printed or written or partly printed or partly written as follows: In counties entitled to one delegate to the said Convention these words, "Delegate



to Constitutional Convention," and in counties entitled to more than one delegate these words, "Delegates to Constitutional Convention," and the result of said election shall be canvassed and declared as is now prescribed by law for the election of members of the General Assembly.

SEC. 4. If upon the canvass of the election upon the question of "Convention" or "No Convention" as prescribed by section one of this act it shall be ascertained that a majority of the votes cast in said election are in favor of "Convention," then it shall be the duty of said delegates, declared to have been elected, to convene in the House of Representatives at Raleigh, North Carolina, on Wednesday after the first Monday in May, one thousand nine hundred and nineteen, at twelve o'clock noon, when and where the said delegates shall be called to order by the Chief Justice or one of the Associate Justices of the Supreme Court, or by the Secretary of State, who, if there be not a quorum, shall adjourn them to the same place, and from day to day, until a quorum shall appear, and on the appearance of a quorum he shall administer to each of them the following oath: "You, A. B., do solemnly swear" (or affirm, as the delegate-elect shall choose) "that you will faithfully maintain and support the Constitution of the United States and the several amendments thereto, and that you will neither directly nor indirectly evade or disregard the duties enjoined upon the Convention by the act of the General Assembly authorizing your election; so help you, God." And no delegate shall be permitted to sit or be entitled to a seat in the said Convention, or act as a delegate thereto, until he shall have subscribed the oath or affirmation as above set out; and as soon as a majority of the delegates-elect shall have thus appeared and been sworn in, they shall proceed to elect their own presiding officer and such other officers, clerks and stenographers, and servants as they from time to time shall find necessary, and if a vacancy shall occur, the same shall be filled in the same manner as the like vacancies are filled by law in the case of vacancies in the General Assembly. Said Convention shall have power to consider, debate, propose, and adopt any amendment to the existing Constitution, except such as would be in conflict with the Constitution of the United States.

SEC. 5. That said Convention shall remain in session for a period not to exceed thirty days, during which time amendments to the Constitution only shall be offered. That an adjournment shall be had for the period of sixty days, during which time the delegates shall receive no per diem. That immediately thereafter said Convention shall reconvene and proceed to adopt amendments to the Constitution. That the entire period of the sitting of said Convention shall not exceed sixty days.

SEC. 6. That there shall be printed immediately ten copies of this act for each member of the General Assembly, and one

Meeting of convention.

Date.

Call to order.

Oath to be administered.

Delegates to qualify.

Organization.

Vacancies.

Powers of convention.

Session for offering amendments.

Adjournment.

Session for adoption of amendments.

Limit of sittings.

Distribution of act.

hundred copies immediately following its ratification for each board of county commissioners, for the use of the registrars and judges of election in their respective counties.

Per diem and  
mileage.

SEC. 7. That the delegates to the Constitutional Convention shall be entitled to and receive the same per diem and mileage for the entire period of the Convention as is now provided for the members of the General Assembly.

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

Ratified this the 26th day of February, A. D. 1917.

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## CHAPTER 61

### AN ACT TO AMEND CHAPTER 8 OF THE PUBLIC LAWS OF 1915, RELATING TO LOANS BY INSURANCE COMPANIES.

*The General Assembly of North Carolina do enact:*

Insurance of  
title.

SECTION 1. That chapter eight (8) of the Public Laws of North Carolina, session one thousand nine hundred and fifteen, be amended by inserting after the word "property" in line seven of section one thereof, and before the word "with" in said line, the words, "or the title to his property."

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

Ratified this the 26th day of February, A. D. 1917.

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## CHAPTER 62

### AN ACT TO PROVIDE FOR AMENDMENTS TO CHARTERS OF CHARITABLE, EDUCATIONAL, PENAL, OR REFORMATORY CORPORATIONS THAT ARE NOT UNDER THE PATRONAGE AND CONTROL OF THE STATE.

*The General Assembly of North Carolina do enact:*

Corporations  
allowed to make  
changes.

SECTION 1. That any charitable, educational, penal, or reformatory corporation not under the patronage and control of the State, whether organized under a special act of incorporation or under general laws, may change its name, extend its corporate existence, change the manner and mode in which its directors, trustees, or managers are elected or appointed, abolish its present method of electing directors, trustees, or managers, and create a new and different mode, manner, and method of electing its trustees, directors, or managers, and generally reorganize the manner, method, and mode of conducting such charitable, edu-

Changes author-  
ized.

cational, penal, or reformatory corporation, and make such other amendment, change, or alteration of its charter as may be desired, in manner following: The board of directors, trustees, or managers shall pass a resolution declaring that such change or alteration is advisable, and call a meeting of trustees, managers, and directors to take action thereon. The meeting shall be held upon such notice as the by-laws provide, and in the absence of such provisions, upon ten days notice given personally or by mail. If two-thirds of the directors, trustees, or managers of any such corporation shall vote in favor of such amendment, change, or alteration, a certificate thereof shall be signed by the president and secretary under the corporate seal acknowledged as provided in the case of deeds to real estate, and such certificate, together with the written assent in person or proxy of two-thirds of the directors, trustees, or managers, shall be filed and recorded in the office of the Secretary of State, and upon such filing he shall issue a certified copy thereof, which shall be recorded in the office of the clerk of the Superior Court of the county in which the original certificate of incorporation is recorded, or in which the corporation is doing business, and thereupon the certificate of incorporation shall be deemed amended accordingly: *Provided*, that such certificate of amendment, change, or alteration shall contain only such provisions as it would be lawful and proper to insert in an original certificate of incorporation made at the time of making such amendment, and the certificate of the Secretary of State, under his official seal, that such certificate and assent has been filed in his office shall be taken and accepted as evidence of such change or alteration in all courts.

Declaration by governing body.

Call for meeting.

Notice of meeting.

Vote for amendment.

Certificate filed and recorded.

Proviso: limitation.

Certificate of secretary of state.

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

Ratified this the 26th day of February, A. D. 1917.

## CHAPTER 63

AN ACT TO AMEND SECTION 3 OF CHAPTER 90 OF THE PUBLIC LAWS OF NORTH CAROLINA, SESSION 1913, RELATIVE TO THE ASSURANCE AND REGULATION OF LAND TITLES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section three of chapter ninety of the Public Laws of North Carolina, session one thousand nine hundred and thirteen, be and the same is hereby amended by striking out of the fourth line of said section three the words, "county where appointed," and inserting in lieu thereof the words, "State of North Carolina."

Residence of examiner.

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

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

Ratified this the 26th day of February, A. D. 1917.

## CHAPTER 64

### AN ACT TO ALLOW COUNTY TOWNSHIPS TO VOTE RAILROAD AID BONDS.

*The Général Assembly of North Carolina do enact:*

Subscriptions  
to stock.

SECTION 1. The board of commissioners of the several counties of the State shall have power to subscribe stock for the use and benefit of any township or townships in their several counties, when necessary to aid in the construction of any railroad, which is now or may be hereafter incorporated under the laws of this State, in which the citizens of said county may have an interest.

Order for sub-  
scription.

SEC. 2. The board of commissioners of any county proposing to take stock, for the use and benefit of any railroad company, as mentioned in section one of this act, shall meet and agree upon the amount to be subscribed for such township or townships, and if a majority of the board shall vote for the proposition, this shall be entered of record, which shall show the amount proposed to be subscribed, and for what township or townships, to what company, and whether in bonds, money, or other property, and thereupon the board shall order an election, to be held upon a notice of not less than thirty days, in each and every township for whose use and benefit such subscription is made, for the purpose of voting for or against the proposition to subscribe the amount agreed on by the board of commissioners. And if a majority of the qualified voters of the township or townships for whose use and benefit such subscription is made shall vote in favor of the proposition, the board of county commissioners through their chairman shall have power to subscribe the amount of stock proposed by them, for the use and benefit of such township or townships, as was originally made and submitted to the voters of said township or townships, subject to all the rules, regulations, and restrictions of other stockholders in such railroad company: *Provided*, that the township or townships, in the manner aforesaid, shall subscribe from time to time such amounts, either in bonds or money, as they may think proper.

Order for election.

Notice of election.

Effect of election.

Proviso: sub-  
scription in bonds  
or money.

Law governing  
elections.

SEC. 3. All elections ordered under the preceding section shall be held by the sheriff of the county in which such township or townships are located, under the laws and regulations as are

now or may hereafter be provided for the election of members of the General Assembly. The votes of each township for whose use and benefit subscription under this act is made shall be compared and results of such election determined by the boards of commissioners of the county in which such township or townships are located, who shall make a record of the same. Canvass.

SEC. 4. In case the township or townships shall ratify, at the election herein provided for, the subscription made by the board of commissioners, as in this act provided, the amount proposed in bonds, the board of commissioners shall have power to fix the rate of interest, not to exceed the rate of six per cent; when the principal of said bonds shall be payable, and at what place, and shall also fix the time and place for paying interest, and shall also determine the mode and manner of paying the same. That said board of commissioners shall, in order to provide for the payment of the bonds and interest thereon authorized to be issued by this act, compute and levy each year at the time of levying the county and State taxes a sufficient tax upon the property in any township or townships having authorized the issuing of bonds under this act to pay the interest on the bonds issued on account of and for the use and benefit of such township or townships, and shall also levy a sufficient tax to create a sinking fund to provide for the payment of said bonds at maturity. Such taxes shall be levied and collected annually under the same laws and regulations as shall be in force for levying and collecting other county taxes. Issue of bonds.  
Interest rate.  
Maturity.  
Special tax.  
Annual levy and collection.

SEC. 5. The tax authorized by the three preceding sections to be raised for the payment of interest and principal shall be levied by the board of commissioners of the county in which such township or townships are located, at the time as is now or hereafter may be fixed for levying State and other county taxes, against the taxable property located in such township or townships, in addition to the regular State and county taxes assessable against the taxable property in such township or townships, and shall be collected by the sheriff or tax collector or other collecting officer in such county in which said township or townships are located, in like manner as other State taxes are collected, and to be paid into the hands of the county treasurer of the county in which such township or townships are located, to be used by the chairman of the board of commissioners of such county as directed by this act. Townships subject to tax.  
Collection.

SEC. 6. The levying and collecting of the taxes provided for in this act shall be kept separate and apart from all other State and county taxes levied and collected in the county in which such township or townships shall be located. Tax kept separate.

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

Ratified this the 26th day of February, A. D. 1917.



## CHAPTER 65

AN ACT TO AMEND CHAPTER 915 OF THE PUBLIC LAWS OF NORTH CAROLINA OF THE SESSION OF 1909, RELATING TO THE WORK OF THE NORTH CAROLINA GEOLOGICAL AND ECONOMIC SURVEY. .

*The General Assembly of North Carolina do enact:*

Investigations.

SECTION 1. That section two of chapter nine hundred and fifteen of the Public Laws of nineteen hundred and nine be and the same is hereby amended by adding to said section after the word "board," in the second line, the following: "to investigate the location, occurrence, and development of mineral properties and."

SEC. 2. This act shall be in force from and after its ratification. Ratified this the 26th day of February, A. D. 1917.

## CHAPTER 66

AN ACT TO PROVIDE FOR THE SANITARY INSPECTION AND CONDUCT OF HOTELS AND RESTAURANTS.

*The General Assembly of North Carolina do enact:*

Hotels.

SECTION 1. That a hotel within the meaning of this act is an inn or public lodging-house of more than fifteen bedrooms where transient guests are fed or lodged for pay in this State. The term "restaurant" as used in this act shall include lunch counters and cafés. The term "transient guests," within the meaning of this act, shall mean one who puts up for less than one week at such hotel.

Restaurant.

Transient guests.

List of charges posted in office.

SEC. 2. Every transient hotel shall keep posted in a conspicuous place in the office a list of its charges for rooms, with or without meals, in accordance with the plan or plans on which the hotel is operated, giving the exact transient rate, and shall also keep posted in each room the rate for that room, with or without meals, in accordance with its plan as stated above, giving the transient rate per day and week, and the rate for each person in the room.

Lists posted in rooms.

Fire extinguishers.

SEC. 3. Every hotel shall provide each floor with one or more fire extinguishers of a type approved by the National Board of Fire Underwriters, which shall be kept in good working order at all times, with plain instructions thereon.

Stairs.

SEC. 4. That all hotels hereafter constructed in this State, over two stories in height and over one hundred feet in length, shall be constructed so that there shall be at least two stairs for the use of guests leading from the ground floor to the uppermost



story, and for larger buildings such number as the State Insurance Commissioner shall designate. Every hotel in this State over two stories in height shall be provided, without delay, with permanent iron balconies with iron stairs leading from one balcony to the other, above the ground floor, and with stairway or ladder extending to the ground, in case such hotel is over one hundred and fifty feet in length, and in other cases such number as may be directed by the State Insurance Commissioner or agent: *Provided*, that where said hotels already built and only three stories in height are, in the opinion of the State Insurance Commissioner or agent, provided with sufficient inner stairways, so located as to furnish sufficient egress in case of fire, the aforesaid official may waive the requirement for outside iron balconies and stairs. Such balconies and iron stairs shall be constructed at the expense of the owner of said hotel: *Provided*, that where hotels are already built where fire-escapes are located so as to go through any room, this section shall not apply: *Provided*, that this act shall not apply to private residences at which lodgers are not received for hire.

Iron balconies and stairs.

Proviso: waiver by insurance commissioner.

Proviso: hotels already built.

Proviso: private residences.

SEC. 5. In every hotel having fire-escapes directions for reaching the fire-escapes shall be kept posted at the entrance of stairway, elevator shaft and in each bedroom above the ground floor. From eight o'clock in the evening until six o'clock in the morning the location and direction of the fire-escapes shall be indicated with red lights.

Directions for reaching fire-escapes.

Red lights.

SEC. 6. The owner or proprietor, manager, or person in charge of every hotel now existing or hereafter constructed with an inside court or lightwell inclosed on all sides and with sleeping rooms or lodging apartments, the only windows of which open upon or into such court or lightwell, shall provide a proper escape from such inside court or lightwell through a room or rooms, or otherwise, on a level with the lowest floor to which the lightwell extends.

Escape from inside courts or lightwells.

SEC. 7. Every keeper or proprietor of a hotel or boarding house, and every person having for use a bathing house upon any beach or shore of the ocean for the accommodation of his guests or of other persons for pay, shall provide and maintain for the safety of such bathers two lines of sound, serviceable, and strong manila or hemp rope, not less than one inch in diameter, securely anchored at some point above high water, at the same distance apart as the line of bathing houses or space fronting on such beach occupied by them is in width; and from the two points at which such life lines are so anchored such lines shall be made to extend as far into the surf as bathing is ordinarily safe and free from danger of drowning to persons not expert in swimming; and at such points of safety such lines shall be anchored and buoyed. From the two points of lines so extended, and anchored and buoyed, a third line shall

Life lines at bathing beaches.

Warnings to  
bathers.

Lessees of bathing  
houses deemed  
proprietors.

Water-closets.

Plumbing.

Flushing closets.

Lights in water-  
closets and bath-  
rooms.

Wash-bowls.

Privies.

Cisterns and  
tanks.

Standing water.

Analyses of water.

Discontinuance  
of use.

be extended, connecting the two extremities, and buoyed at such points as to be principally above the surface of the water, thereby inclosing a space within such lines and the beach within which bathing is believed to be safe. Every such keeper or proprietor or other person shall cause to be painted and put up, in some prominent place upon the beach near such bathing houses, the following words: "Bathing beyond the lines is dangerous." Such lines so placed, anchored and buoyed, and such notices so put up shall continue and be so maintained by every such keeper, proprietor, or other person during the entire season of bathing. The owner of the bathing house shall not be subject to the provisions of this section where it is used, occupied, or maintained by a lessee for hire; but such lessee shall be deemed the keeper or proprietor thereof.

SEC. 8. In all cities, towns, or villages where a system of water-works and sewerage is maintained for public use, every hotel therein accessible to water main and sewer main shall be equipped, within six months after the passage of this act, with suitable water-closets for the accommodation of its guests, which water-closets shall be connected and trapped by proper plumbing with such water and sewerage systems, and there shall be some adequate means of flushing said water-closets with the water in such manner as to prevent sewer gas from arising therefrom. The water-closets and bathrooms must be sufficiently lighted to permit the reading of ten (10) point Roman type eighteen (18) inches from the normal eye. The wash-bowls in the main washroom of such hotel must be connected and trapped and equipped in similar manner, both as to method and time; all such equipment to be paid for by the owner.

SEC. 9. In all towns and villages not having a system of water-works and sewerage, every hotel not provided with waterworks and washrooms as in the preceding section provided shall have properly constructed privies as approved by the State Board of Health, the same to be kept in sanitary condition at all times.

SEC. 10. The proprietor of every hotel shall keep all cisterns, tanks, and other receptacles containing standing water screened or otherwise so covered as to prevent the entrance of flies, mosquitoes, and other disease-carrying insects. The term "standing water" as used in this act shall mean water that remains for ten days or more in a cistern, tank, or other receptacle.

SEC. 11. A sample of water used in every hotel and restaurant, except in cases where the water is derived from some public water supply, shall be sent by the proprietor to the State Laboratory of Hygiene for analysis twice each year, with a certificate that it is the water used in such hotel or restaurant, and if the sample is found by said laboratory to be unfit for the use that is made of the water in the hotel or restaurant, the further use

of such water shall be discontinued until permission is granted by the State Board of Health to resume the use of such water.

SEC. 12. The proprietor or keeper of every hotel or restaurant shall keep screened the doors, windows and all openings of the kitchen and dining room with suitable meshwire gauze from the first of April to the first of December. Every hotel must have all bedroom windows screened or else provide each bed with a mosquito bar for the use of its patrons for protection against flies, mosquitoes, and other insects, and it shall be the duty of the proprietor or keeper of every hotel and restaurant to use such other means as fly paper, fly traps, etc., as may be necessary to keep their restaurant, kitchen, and dining-rooms reasonably free from flies.

SEC. 13. In every sleeping room the minimum floor area shall be sixty (60) square feet per bed, and under no circumstances shall there be provided less than five hundred (500) cubic feet of air space per bed. There shall always be space in each room and the arrangement of each room shall be such that there may be a space of two feet between any beds in the room. All beds shall be so arranged that the air shall circulate freely under each. In no hotel shall beds or bunks in the same room or apartment be placed one above another: *Provided*, that this section shall not apply in cases of emergency.

SEC. 14. Each room in every hotel hereafter constructed shall be well lighted, with outside window space not less than one-eighth ( $\frac{1}{8}$ ) the floor space. Each window in each hotel now existing or hereafter constructed shall be provided with either blinds having hinges and shutters or slats freely movable and in good working order, or with a movable shade which effectively excludes the light when drawn.

SEC. 15. All hotels shall hereafter provide each bed, bunk, cot, or other sleeping place for the use of guests with pillow-slips, under and top sheets to be of sufficient width to cover the mattress thereof, and to be at least ninety (90) inches long. All pillow-slips and sheets after being used by one guest must be washed and ironed before being used by another guest, a clean set being furnished each succeeding guest.

SEC. 16. All beds, bedclothing, mattresses, and pillows shall always be kept clean and free from vermin.

SEC. 17. Every room after being occupied by any one known or suspected to be suffering from tuberculosis, diphtheria, or any contagious disease must be thoroughly disinfected as prescribed by the State Board of Health before further occupancy; and every room after being occupied by any one known or suspected to be suffering from measles or whooping cough must be thoroughly aired for twenty-four (24) hours before subsequent occupancy.

Kitchen and dining-room screened.

Screens or mosquito bars for bedrooms.

Fly paper and fly traps.

Size of bedrooms.

Air space.

Distance between beds.

Arrangement of beds.

Tiers of bunks forbidden. *Provided*: emergencies.

Rooms lighted.

Outside window space.

Blinds or shades.

Equipment of beds.

Size of sheets.

Washing bed linen.

Vermin.

Disinfection.

Airing.

Clean towels.

Roller towels  
forbidden.

Refrigerators and  
cold storage  
rooms.

Kitchens.

Dishes and table  
utensils.

Garbage.

Premises kept  
free from rubbish.

Painted surfaces.

Floors, walls, and  
ceilings.

Annual inspec-  
tions.

Certificates.

Other inspections.

Inspection on  
complaint.

Costs of inspec-  
tion.

SEC. 18. All hotels shall furnish each guest with a clean towel; and the use of the roller or other towels used in common is hereby prohibited in all hotels and restaurants.

SEC. 19. The refrigerator, ice boxes, and cold-storage rooms of all hotels or restaurants must be kept free from foul and unpleasant odors, mold, and slime. The kitchen must be well lighted and ventilated, the floor clean, and the side-walls and ceilings free from cobwebs and accumulated dirt.

SEC. 20. All dishes, tableware, and kitchen utensils must be thoroughly washed and rinsed with clean water after using; food served to customers when part of same has been used must not again be served to other customers.

SEC. 21. All garbage must be kept covered and protected from flies, in barrels or galvanized-iron cans, and removed at least twice a week.

SEC. 22. Every lodging-house and every part thereof shall at all times be kept free from filth and rubbish in or on the premises belonging to or connected with the same. All water-closets, wash-basins, baths, windows, fixtures, fittings, and painted surface shall at all times be kept clean and in good repair. The floors, walls, and ceilings of all rooms, passages, and stairways must at all times be clean and in good repair.

SEC. 23. For the purpose of carrying out the provisions of this act the State Board of Health is authorized and required to inspect, through its officers or agents, without cost to the hotels, all hotels and restaurants in the State once a year. If upon inspection of any hotel or restaurant it shall be found that this law has been fully complied with, the Secretary of the State Board of Health shall issue a certificate to that effect to the person operating the same, and such certificate shall be kept posted in plain view in some conspicuous place in said hotel or restaurant.

SEC. 24. No hotel or restaurant shall be inspected oftener than once a year, unless there is a change of proprietors, or unless it shall appear to the State Board of Health from the inspection made that additional inspections are necessary, or upon a verified complaint signed by three or more patrons, setting forth facts showing that such hotel is in an unsanitary condition or that fire-escapes and appliances are not kept and maintained in accordance with the provisions of law. Upon receipt of such complaint, the State Board of Health shall make, or cause to be made, an inspection or examination of the matters complained of, and if upon inspection such complaint is found to be justifiable, the actual cost of inspection shall be charged and collected from the proprietor of the hotel. In case the complaint is found to be without reasonable grounds, the actual cost for such inspection shall be chargeable against and collected from the person or persons making the complaint.



SEC. 25. The official representative or agent of the State Board of Health shall after inspection make a report of the condition of the hotel inspected upon blanks to be provided by the State Board of Health, showing in detail the condition of the hotel with reference to compliance with this law, which report shall be filed in the office of the board. Reports of inspections.

SEC. 26. The inspectors, officers, or agents of the State Board of Health are hereby empowered and authorized to enter any hotel at all reasonable hours to make such inspection; and it is hereby made the duty of every person in the management or control of such hotel to afford free access to every part of the hotel, and render all aid and assistance necessary to enable the inspector to make a full, thorough, and complete examination thereof; but no inspector shall violate the privacy of any guest without his or her consent. Entry for inspections.

SEC. 27. It shall be the duty of the inspector, upon ascertaining, by inspection or otherwise, that any hotel is being carried on contrary to any of the provisions of this act, to notify the manager, or proprietor, in what respect it fails to comply with the law, requiring such persons within a reasonable time to do or to cause to be done the things necessary to make it comply with the law, whereupon such proprietor or manager shall forthwith comply with such requirements. Notification to managers.

SEC. 28. Any owner or manager, agent or person in charge of a hotel, café, and restaurant, or any other person who shall willfully obstruct, hinder, or interfere with any inspector in the proper discharge of his duty, or who shall willfully fail or neglect to comply with any of the provisions of this act after notice from the inspector or any other person in authority, shall be guilty of a misdemeanor, and, upon conviction thereof, be fined not less than ten (10) dollars nor more than fifty (50) dollars for each offense, and each day that he shall fail to comply shall be a separate and distinct offense. Obstructing officer or violation of act misdemeanor. Punishment. Separate offenses.

SEC. 29. It shall be the duty of the inspector, in case he shall have knowledge of any violation of this act, to swear out a warrant against the person offending. Inspector to swear out warrants.

SEC. 30. That all laws and clauses of laws in conflict with this act are hereby repealed. Repealing clause.

SEC. 31. That this act shall be in force from and after its ratification.

Ratified this the 26th day of February, A. D. 1917.

## CHAPTER 67

AN ACT TO PERMIT GUARDIANS AND OTHER FIDUCIARIES  
TO INVEST IN BONDS OF THE STATE OF NORTH  
CAROLINA.

*The General Assembly of North Carolina do enact:*

Issues specified.

SECTION 1. That section one thousand seven hundred and ninety-two of the Revisal of North Carolina, one thousand nine hundred and five, be and the same is hereby amended by striking out the word "consolidated" after the word "in" and before the word "bonds" in line five of said section, and adding after the words "North Carolina" and before the word "and" in said line five the following: "issued since the year one thousand eight hundred and seventy-two."

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

SEC. 3. This act shall be in force from and after its ratification. Ratified this the 26th day of February, A. D. 1917.

## CHAPTER 68

AN ACT TO AMEND SECTION 449 OF THE REVISAL OF 1905,  
AS TO DEFENSE AFTER JUDGMENT ON SUBSTITUTED  
SERVICE.

*The General Assembly of North Carolina do enact:*

Distribution to  
relieve trustees.

SECTION 1. That section four hundred and forty-nine of the Revisal be amended by adding thereto the following: "but no fiduciary officer or trustee who shall have made distribution of a fund under such judgment in good faith shall be held personally liable if such judgment shall be changed by reason of such defense being made after its rendition; nor, in case such judgment was rendered for the partition of land, and any persons receiving any of such land in such partition shall sell the same to a third person; the title of such third person shall not be affected if such defense be successful, but the redress of the person so defending after judgment shall be had by such judgment as may be proper against the parties to the judgment and their heirs and personal representatives, and shall in no case affect persons who in good faith have dealt with such parties or their heirs or personal representatives on the basis of such judgment being permanent."

Purchasers for  
value.  
Redress.

Repealing clause.

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

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

Ratified this the 26th day of February, A. D. 1917.



## CHAPTER 69

AN ACT TO AMEND CHAPTER 807 OF THE PUBLIC LAWS OF NORTH CAROLINA, SESSION 1907, RELATIVE TO CONVEYANCES BY CERTAIN OFFICERS WHERE SEAL NOT AFFIXED VALIDATED.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section one of chapter eight hundred and seven of the Public Laws of North Carolina, session nineteen hundred and seven, be and the same is hereby amended by striking out in line two (2) of said section the words "one thousand eight hundred and ninety-five," and insert in lieu thereof the words "one thousand nine hundred and ten." Time extended

2. That this act shall be in force from and after its ratification  
Ratified this the 26th day of February, A. D. 1917.

## CHAPTER 70

AN ACT TO AMEND SECTION 2756 OF THE REVISAL OF 1905.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section two thousand seven hundred and fifty-six of the Revisal of one thousand nine hundred and five, be and the same is hereby amended as follows: Strike out after the words "per annum" the following: "To reimburse the Commissioner for his services and expenses in inspecting State property and placing insurance thereon, he is allowed to collect a sum not exceeding three per centum of the premium thereon of the agent writing the insurance." Allowance rescinded.

SEC. 2. That this act shall be in force from and after March first, nineteen hundred and seventeen.

Ratified this the 26th day of February, A. D. 1917.

## CHAPTER 71

AN ACT TO PROVIDE FOR THE APPLICATION OF CHAPTER 56 OF THE PUBLIC LAWS OF 1915.

*The General Assembly of North Carolina do enact:*

SECTION 1. That notwithstanding the provisions of any general or special law heretofore ratified, any city or town in this State may exercise the powers granted by "An act relating to local improvements in municipalities." ratified the eighth day of March, nineteen hundred and fifteen, being chapter fifty-six, Pub- Right to exercise powers.

Election not  
required.

lic Laws of nineteen hundred and fifteen, and no vote of electors or taxpayers shall be required to authorize any such procedure.

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

Ratified this the 26th day of February, A. D. 1917.

## CHAPTER 72

### AN ACT TO COMPEL BOARDS OF DRAINAGE COMMISSIONERS TO PUBLISH STATEMENTS OF ACCOUNTS.

*The General Assembly of North Carolina do enact:*

Monthly state-  
ments to be filed  
and posted.

SECTION 1. That it shall be the duty of the commissioners of all drainage districts in the State of North Carolina organized under the provisions of the laws thereof to file with the clerk of the Superior Court in the county where such district is organized a monthly statement or account during the course of construction of canals for the district, showing the receipts and expenditures of all funds coming into their hands belonging to said drainage district for the period of one month prior to the day on which the same is filed, and also to post a copy of said statement or account at the courthouse door in said county. Thereafter all statements or accounts shall be filed and posted every sixty days. Said statement or account shall be certified by the chairman of the board of commissioners of each drainage district and shall be attested by the secretary thereof, and a copy thereof shall be filed and kept as a part of the minutes of said district.

Bimonthly state-  
ments.  
Verification.

Annual state-  
ments.

SEC. 2. That at the end of each fiscal year the board of commissioners of all drainage districts in the State of North Carolina shall file with the clerk of the Superior Court in the county where said district is organized a verified itemized statement of receipts and expenditures of all funds belonging to said district during the fiscal year just closed, and shall post a copy of same at the courthouse door in the county where said district is organized, and, if there be a newspaper published in said county, shall publish said account therein.

Misdemeanor.

SEC. 3. Any board of commissioners of any drainage district in the State, and each of the members thereof, which shall fail or refuse to file the statements or accounts as provided in the two preceding sections, and shall fail to post or publish the same as provided in the two preceding sections, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished in the discretion of the court.

Punishment.

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

Ratified this the 26th day of February, A. D. 1917.

CHAPTER 73

AN ACT TO REGULATE THE PRACTICE OF CHIROPRACTIC  
IN THIS STATE AND TO CREATE A STATE BOARD OF  
CHIROPRACTIC EXAMINERS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That there is hereby created and established a board to be known by the name and style of the State Board of Chiropractic Examiners. The said board shall be composed of three practicing chiropractors of integrity and ability, who shall be residents of the State of North Carolina, and no more than two members of said board shall be graduates from the same school or college of chiropractic.

Board of exam-  
iners.

Qualifications  
for membership.

SEC. 2. That the Governor shall appoint the members of the State Board of Chiropractic Examiners, whose term of office shall be as follows: One member shall be appointed for a term of one year from the close of the next regular annual meeting of the North Carolina Board of Chiropractors; one member shall be appointed for a term of two years from such time, and one member shall be appointed for a term of three years from such time. That annually thereafter, at the time of the annual meeting or immediately thereafter, the Governor shall appoint one member of the State Board of Chiropractic Examiners, whose term of office shall be three years, and such members of the board of examiners shall be appointed from a number of not less than five who shall be recommended by the North Carolina Board of Chiropractors.

Appointment.

Terms.

Appointment of  
successors.

Recommendations.

SEC. 3. That until the members of said board are appointed as aforesaid the Governor shall appoint the State Board of Chiropractic Examiners, who shall hold office until the close of the next regular annual meeting of the North Carolina Board of Chiropractors.

First appoint-  
ments.

SEC. 4. The said Board of Chiropractic Examiners shall elect such officers as they may deem necessary, and in case of a vacancy, caused by death or in any other manner, a majority of said board shall have the right to fill the vacancy by the election of some other member of the North Carolina Board of Chiropractors.

Organization and  
vacancies.

SEC. 5. Chiropractic is herein defined to be the science of adjusting the cause of disease by realigning the twenty-four movable vertebrae of the spine, releasing pressure on nerves radiating from the spine to all parts of the body, and allowing the nerves to carry their full quota of health current (nerve energy) from the brain to all parts of the body. And it shall be the duty of said board of examiners to examine all applicants who shall furnish satisfactory proof of good character and of graduation from a regular chiropractic school of good standing, and such examina-

Definition of  
science.

Applicants for  
examination.

Subjects of  
examination.

Educational requirements.	<p>tion shall embrace such branches of study as are usually included in the regular course of study for chiropractors in chiropractic schools or colleges of good standing, including especially an examination of each applicant in the science of chiropractic as herein defined. Every applicant for license shall, after the organization of the North Carolina Board of Chiropractors, which organization shall be perfected immediately after the passage of this act, furnish to said board of examiners sufficient and satisfactory evidence that, prior to the beginning of his course in chiropractic, he had obtained a high school education, or what is equivalent thereto, entitling him to admission in a reputable college or university; and he shall also furnish sufficient and satisfactory evidence that his diploma from a chiropractic college was granted on personal attendance and completion of a course of study of not less than thirty-six (36) months each, and such applicant shall be examined in the following studies: Chiropractic analysis, chiropractic philosophy, chiropractic neurology, palpation, nerve tracing, microscopy, histology, anatomy, gynecology, jurisprudence, chemistry, pathology, hygiene, physiology, embryology, eye, ear, nose, and throat, dermatology, symptomology, spinography, chiropractic orthopedy, and the theory, teaching, and practice of chiropractic.</p>
Specifications.	
Annual meetings.	<p>SEC. 6. The said Board of Chiropractic Examiners and the said North Carolina Board of Chiropractors shall hold their annual meetings at the same time and place: <i>Provided</i>, the said board of examiners may, in their discretion, meet not more than three days in advance of the annual meeting of the North Carolina Board of Chiropractors.</p>
Proviso: advance meetings of examiners.	
Grant of license.	<p>SEC. 7. The said Board of Chiropractic Examiners at such regular annual meeting of the board shall grant to each applicant who is found to be competent, upon examination, a license authorizing him or her to practice chiropractic in North Carolina: <i>Provided</i>, that any two members of said board may grant a temporary license to any applicant who shall comply with the requirements of this act as to proof of good character and of graduation from a chiropractic school or college as prescribed in this act: <i>Provided further</i>, that such temporary license shall not continue in force longer than until the next annual meeting of the said board of examiners, and in no case shall a temporary license be granted to an applicant who has already been refused a license by the board of examiners at an annual meeting.</p>
Proviso: temporary license.	
Proviso: limit of temporary license.	
License to graduates.	<p>SEC. 8. A graduate of a regular chiropractic school who comes into this State from another State may be granted a license by said board of examiners as required by section five of this act.</p>
Practicing without license misdemeanor.	<p>SEC. 9. Any person practicing chiropractic in this State without having first obtained a license as provided in this act shall be guilty of a misdemeanor and fined or imprisoned, or both, in the discretion of the court.</p>

SEC. 10. The secretary of said Board of Chiropractic Examiners shall keep a record of the proceedings of the board, giving the name of each applicant for license, and the name of each applicant licensed and the date of such license. Records of board.

SEC. 11. Each applicant shall pay the secretary of said board a fee of twenty-five dollars. Application fee.

SEC. 12. Any person obtaining a license from the said Board of Chiropractic Examiners shall have the right to practice that science known as chiropractic, in accordance with the method, thought, and practice of chiropractors, but shall not prescribe for or administer to any person any medicine or drugs, nor practice osteopathy nor surgery. Extent of license.  
Limitation.

SEC. 13. Any person desiring to engage in the practice of chiropractic, having first obtained a license as herein provided, shall appear before the clerk of the Superior Court of the county in which he resides, or proposes to practice, for registration as a chiropractor. He shall produce and exhibit to the said clerk a license obtained from the Board of Chiropractic Examiners, and upon such exhibition the clerk shall register the name and residence of the applicant, giving the date of such registration, in a book to be kept for the purpose of registering chiropractors, and shall issue to him a certification of such registration under the seal of the Superior Court of such county, for which the clerk shall be entitled to collect from said applicant a fee of fifty cents. The person obtaining such certificate shall be entitled to practice chiropractic anywhere in this State; but if he shall remove his residence to another county, he shall exhibit said certificate to the clerk of the Superior Court of such other county and be registered: *Provided*, that any one receiving a temporary license as provided in this act shall not be entitled to register, but may practice anywhere in this State during the time such temporary license shall be in force. Registration.  
Certificate.  
Fee of clerk.  
Removal.  
Proviso: temporary licenses.

SEC. 14. The said Board of Chiropractic Examiners may refuse to grant or may revoke a license to practice chiropractic in this State, upon the following grounds: immoral conduct, bad character, the conviction of a crime involving immoral turpitude, habitual intemperance in the use of ardent spirits, narcotics, or stimulants to such an extent as to incapacitate him or her for the performance of such professional duties. Refusal or revocation of license.  
Grounds.

SEC. 15. All persons practicing chiropractic in this State shall pay, on or before the first Tuesday after the first Monday in January in each year after a license is issued to them as herein provided, to the secretary of the said Board of Chiropractic Examiners a renewal license fee of two dollars, the payment of which, and a receipt from the secretary of said board, shall within itself work a renewal of said license fee for twelve months. Annual renewals.

SEC. 16. The members of said Board of Chiropractic Examiners shall receive their actual expenses, including railroad fare and Pay of board.



- hotel bills, when meeting for the purpose of holding examinations, and performing any other duties placed upon them by this act, the said expenses to be paid by the treasurer of said board out of the moneys received by him as license fees, or from renewal fees. The board shall also expend out of said fund so much thereof as may be necessary for preparing licenses, securing seal, and all other necessary expenses in connection with the duties of said board.
- Authorized expenditures. SEC. 17. Chiropractors shall observe and be subject to all State and municipal regulations relating to the control of contagious and infectious diseases.
- State and municipal regulations.
- Repealing clause. SEC. 18. All laws and parts of laws in conflict with this act are hereby repealed.
- SEC. 19. This act shall be in force from and after its ratification.
- Ratified this the 26th day of February, A. D. 1917.

## CHAPTER 74

### AN ACT PROVIDING FOR THE NOMINATION AND ELECTION OF COUNTY BOARDS OF EDUCATION.

*The General Assembly of North Carolina do enact:*

- Nominations. SECTION 1. That in all counties wherein the county board of education has heretofore been appointed by the General Assembly under the provisions of section four thousand one hundred and nineteen of the Revisal of one thousand nine hundred and five, and acts amendatory thereof, there shall be nominated in the year one thousand nine hundred and eighteen, and biennially thereafter, at the party primaries or conventions, at the same time and in the same manner in which other county officers are nominated, a candidate or candidates, by each political party of the State, for member or members of the county board of education to take the place of the member or members of said board whose term next expires.
- Certificate to secretary of state. SEC. 2. That the names of the persons so nominated in such counties shall be duly certified by the chairman of the county board of elections, within ten days after their nomination is declared by said county board of elections, to the Secretary of State, who shall transmit the names of all persons so nominated by such county primaries or conventions, together with the name of the political party nominating them, to the next session of the General Assembly within ten days after it convenes. That in the event any candidate who shall have been nominated as herein provided for shall die, resign, or for any reason become
- Report to general assembly.
- Vacancies in nominations.

ineligible or disqualified between the date of his nomination and the time for the election by the General Assembly of the member or members of the county board of education for the county of such candidate, the vacancy caused thereby may be filled by the action of the county executive committee of the political party of such candidate. It shall be the duty of the General Assembly to elect one or more of the candidates so nominated as hereinbefore provided for, as a member or members of the county board of education for such county. The term of office of each member of said county board of education so elected by the General Assembly shall begin on the first Monday of April of the year in which he is elected, and shall continue for the term of six years or until his successor is elected and qualified.

Elections by  
general assembly.

Term of office.

SEC. 3. That all vacancies in the membership of the board of education in such counties by death, resignation, or otherwise shall be filled by the remaining members of said county board of education until the meeting of the next regular session of the General Assembly, and then for the residue of the unexpired term by that body. If the vacancy to be filled by the General Assembly in such cases shall have occurred before the primary or convention held in such county, then and in that event nominations for such vacancies shall be made in the manner hereinbefore set out, and such vacancy shall be filled from the candidates nominated to fill such vacancy by the party primaries or convention of such county: *Provided*, that all vacancies that are not filled by the remaining members of the board under the authority herein contained within sixty days from the occurrence of such vacancies, shall be filled by appointment by the Governor of the State.

Vacancies.

Nominations to  
fill vacancies.

Proviso: appoint-  
ments by governor.

SEC. 4. That the county board of elections, under the direction of the State Board of Elections, shall make all necessary provisions for such nominations as are herein provided for.

Provisions for  
nominations.

SEC. 5. That all laws and clauses of laws providing for the election of county superintendents of public instruction by the popular vote of the people of any county are hereby repealed; and all county superintendents of public instruction shall hereafter be elected by the county boards of education as prescribed in section four thousand and thirty-five of the Revisal of nineteen hundred and five.

Repealing clause.

Election of county  
superintendents.

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

Repealing clause.

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

Ratified this the 26th day of February, A. D. 1917.

## CHAPTER 75

AN ACT TO REPEAL CHAPTER 249 OF THE PUBLIC LAWS  
OF 1915.*The General Assembly of North Carolina do enact:*

Law repealed.

SECTION 1. That chapter two hundred and forty-nine of the Public Laws of one thousand nine hundred and fifteen be and the same is hereby repealed.

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

Ratified this the 27th day of February, A. D. 1917.

## CHAPTER 76

AN ACT TO AMEND SECTION 3708 OF THE REVISAL OF  
NORTH CAROLINA OF 1905, RELATING TO CARRYING  
CONCEALED WEAPONS.*The General Assembly of North Carolina do enact:*

Misdemeanor.

Punishment.

SECTION 1. That section three thousand seven hundred and eight of the Revisal of North Carolina of one thousand nine hundred and five be amended by striking out the word "pistol" in line three thereof; and by adding after the word "court" in line six thereof the following: "If anyone except one on his own premises, shall carry concealed about his person any pistol or gun, he shall be guilty of a misdemeanor and fined not less than fifty dollars nor more than two hundred dollars, or imprisoned not less than thirty days nor more than two years, at the discretion of the court."

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

Ratified this the 27th day of February, 1917.

## CHAPTER 77

AN ACT TO AUTHORIZE THE COMMISSIONERS OF  
TYRRELL COUNTY TO LEVY A SPECIAL TAX.*The General Assembly of North Carolina do enact:*Special tax  
authorized.

Limit of time.

SECTION 1. That the board of county commissioners of Tyrrell County be and it is hereby authorized and empowered to levy a special tax on all taxable property and polls of said county during the years one thousand nine hundred and seventeen and one

thousand nine hundred and eighteen, not exceeding in one year Limit of rate.  
 ten cents on the one hundred dollars valuation of property and  
 thirty cents on polls, observing the constitutional equation in Constitutional  
 levying said tax, for the purpose of building and repairing Purpose of tax.  
 bridges in said county, paying jurors, and supplementing the  
 poor fund, and for any of said purposes.

SEC. 2. Said tax shall be levied, collected, and accounted for Levy, collection,  
 as other county taxes are; and should there be any surplus re- and settlement.  
 maining in the hands of the county treasurer in any one year not Surplus to gen-  
 expended for the above purposes, the same may be paid into the eral fund.  
 general county fund upon order of the board of commissioners.

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

Ratified this the 27th day of February, A. D., 1917.

## CHAPTER 78

AN ACT TO REQUIRE INSTRUCTION TO BE GIVEN BEYOND  
 THE SEVENTH GRADE IN EVERY SCHOOL DISTRICT IN  
 CURRITUCK COUNTY, IF THERE BE NO HIGH SCHOOL  
 IN SAID DISTRICT, AND MAKING IT THE DUTY OF THE  
 SCHOOL BOARDS TO PROVIDE FOR SUCH ADDITIONAL  
 GRADES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That in every school district in Currituck County Curriculum.  
 in which no public high school is maintained, it shall be the  
 duty of the county superintendent of public instruction, the  
 county board of education, the committeemen of such school dis-  
 trict, and the teacher or teachers of such school district to pro-  
 vide courses of instruction in all schools which regularly employ Schools affected.  
 two or more teachers beyond the seventh grade, and as high as  
 and including tenth grade work, provided the available school Available funds.  
 funds of such district are sufficient to provide adequate in-  
 struction in both elementary and high school subjects, and to  
 admit to such grades all children of school age in such district  
 entitled to enter such grades: *Provided*, that upon the recom- Provide: schools  
 mendation and direction of the county superintendent of public with one teacher.  
 instruction, schools employing one teacher shall be included and  
 come under the provisions of this act.

SEC. 2. That this act shall apply to Currituck County only. Application of

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

SEC. 4. That this act shall be in force from and after its rati-  
 fication.

Ratified this the 27th day of February, A. D. 1917.

## CHAPTER 79

AN ACT TO FIX THE TIME OF HOLDING THE COURTS OF  
THE NINETEENTH JUDICIAL DISTRICT.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter one hundred and seventeen of the Public Laws of one thousand nine hundred and fifteen be and the same is hereby amended so as to read as follows:

## NINETEENTH DISTRICT.

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.*—The second Monday in January, the first Monday in March, the first Monday in May, the second Monday in July, the first Monday in September, and the first Monday in November, each to continue for three weeks, for the trial of both criminal and civil cases; the first Monday in February, the first Monday in April, the first Monday in June, the first Monday in August, the first Monday in October, and the first Monday in December, each to continue for three weeks, for the trial of civil cases exclusively.

Madison county.

"*Madison County.*—The fourth Monday in February, the fourth Monday in March, the fourth Monday in April, the fourth Monday in May, the fourth Monday in August, the fourth Monday in September, the fourth Monday in October, the fourth Monday in November, each to continue for one week, for the trial of criminal and civil cases."

When act effective.

SEC. 2. That this act shall be in force and effect from and after the first day of July, one thousand nine hundred and seventeen.

Ratified this the 27th day of February, A. D. 1917.

## CHAPTER 80

AN ACT FOR THE RELIEF OF SHERIFFS AND TAX  
COLLECTORS.

*The General Assembly of North Carolina do enact:*

Collection of  
arrears author-  
ized.

SECTION 1. That all sheriffs and tax collectors who by virtue of their office have had the tax list for the purpose of collecting the taxes of their respective counties, towns, and school districts in their hands for the years one thousand nine hundred and eleven, one thousand nine hundred and twelve, one thousand nine hundred and thirteen, one thousand nine hundred and four-



teen, one thousand nine hundred and fifteen, one thousand nine hundred and sixteen, and in cases of death or default in collection, their personal representatives, bondsmen, or any agent they may designate, are hereby authorized and empowered to collect arrears of taxes for each of the years aforesaid, under such rules and regulations as are now or may hereafter be provided for the collection of taxes.

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*, <sup>Persons not compelled to pay.</sup> 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 prior to January first, one thousand nine hundred and fifteen. <sup>Proviso: sales of land.</sup>

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. <sup>Liabilities not released.</sup>

SEC. 4. That the authority herein given shall cease and determine on the first day of January, nineteen hundred and nineteen. <sup>Term of authority.</sup>

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

Ratified this the 27th day of February, A. D. 1917.

## CHAPTER 81

### AN ACT TO AMEND SECTION 897, REVISAL OF 1905, RELATIVE TO EXAMINATION BY SOLICITOR OF OFFICE OF CLERK OF SUPERIOR COURT.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section eight hundred and ninety-seven of the Revisal of one thousand nine hundred and five be amended by inserting after the word "court" in line two thereof the words "for the trial of criminal cases," and by striking out the words "five hundred" in line five thereof and inserting in lieu thereof the words "one hundred": *Provided*, <sup>Examination at criminal terms.</sup> this act shall not apply to <sup>Penalty.</sup> any failure or neglect of duty occurring prior to the passage of this act. <sup>Proviso: past neglect.</sup>

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

Ratified this the 27th day of February, A. D. 1917.

## CHAPTER 82

AN ACT TO PROTECT PHEASANTS IN THE COUNTIES OF  
ORANGE AND IREDELL.*The General Assembly of North Carolina do enact:*

Full protection. SECTION 1. That it shall be unlawful for any person to shoot, trap, net, or in any manner kill or injure any pheasant in the counties of Orange and Iredell: *Provided*, that this section shall not apply to pheasant breeders who may at any time kill pheasants bred by them in captivity.

Possession. SEC. 2. That it shall be unlawful for any person in the counties of Orange and Iredell to possess any dead pheasant: *Provided*, that this section shall not apply to pheasant breeders who shall at any time possess any dead pheasants bred by them in captivity.

Misdemeanor. SEC. 3. That any person violating any of the provisions of this act shall be guilty of a misdemeanor.

Term of enactment. SEC. 4. That this act shall be in force from the date of its ratification until the fifteenth day of November, one thousand nine hundred and twenty-three.

Ratified this the 27th day of February, A. D. 1917.

## CHAPTER 83

AN ACT TO AMEND CHAPTER 115 OF THE PUBLIC LAWS  
OF 1913, RELATING TO THE BOARD OF TRUSTEES OF  
THE APPALACHIAN TRAINING SCHOOL AT BOONE,  
NORTH CAROLINA, AUTHORIZING THEM TO SELL OR  
DONATE THE RIGHT OF WAY FOR THE WATAUGA AND  
YADKIN RIVER RAILROAD COMPANY, AND TO SELL TO  
SAID RAILROAD COMPANY A SITE FOR A DEPOT.*The General Assembly of North Carolina do enact:*

Donation of land for depot. SECTION 1. That section one of chapter one hundred and fifteen of the Public Laws of nineteen hundred and thirteen be amended as follows: That the words "or donate" be inserted after the word "sell" and before the word "and" in line three of said section, and that the words "or any other railroad company" be inserted after the words "Watauga and Yadkin River Railroad Company" and before the word "for" in line five of said section.

Right of way. SEC. 2. That section two of said chapter one hundred and fifteen of the Public Laws of nineteen hundred and thirteen be amended as follows: That the words "or any other railroad company" be inserted between the words "railroad company" and the word "a" in line two of said section; and the words "or any other

railroad company" between the words "railroad company" and the word "for" in line three of said section two of said chapter.

SEC. 3. That section three of said chapter be amended as follows: That the words "or any other railroad company" be inserted between the words "railroad company" and the word "for" in line two of section three of said chapter. Execution of deeds.

SEC. 4. That this act shall take effect from and after its ratification.

Ratified this the 27th day of February, A. D. 1917.

## CHAPTER 84

### AN ACT TO EXTEND THE TIME OF THE REGISTRATION OF STATE GRANTS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the time for the registration of grants issued by the State of North Carolina be and the same is hereby extended for a period of two years. Period of extension.

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

Ratified this the 27th day of February, A. D. 1917.

## CHAPTER 85

### AN ACT FOR THE PROTECTION OF WILD DUCKS, GEESE, SWAN, AND OTHER WILD FOWL.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful to make use of any aeroplane, sea-plane, or other kind of air machine in shooting, chasing, pursuing, or harassing wild ducks, geese, swan, or other wild water-fowl in and upon the sounds, rivers, creeks, or bays of the State of North Carolina. Use of air machines forbidden.

SEC. 2. That any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500), or imprisoned for not less than sixty days nor more than six months. Misdemeanor. Punishment.

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

Ratified this the 27th day of February, A. D. 1917.

## CHAPTER 86

AN ACT TO AMEND CHAPTER 101 OF THE PUBLIC LAWS OF 1915, ENTITLED "AN ACT TO PROVIDE FOR PRIMARY ELECTIONS THROUGHOUT THE STATE."

*The General Assembly of North Carolina do enact:*

Yadkin county.

SECTION 1. That chapter one hundred and one of the Public Laws of one thousand nine hundred and fifteen, entitled "An act to provide for primary elections throughout the State," be and the same is hereby amended as follows: In section thirty-four, line seven, strike out the word "Yadkin."

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

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

Ratified this the 27th day of February, A. D. 1917.

## CHAPTER 87

AN ACT RELATING TO ISSUING LICENSES TO PRACTICE LAW.

*The General Assembly of North Carolina do enact:*

Date of examinations.

Examiners.

License.

Pay of examiners.

SECTION 1. That the examinations for license to practice law may be held in the city of Raleigh on Monday, one week prior to the spring and fall terms of the Supreme Court, by the Chief Justice and two associate justices to be designated by the Court, and upon their certification license shall be issued, signed by all the members of the Court.

SEC. 2. That the Chief Justice and each associate justice holding said examinations shall receive the sum of one hundred dollars and actual expenses for each examination, to be paid out of the fees of applicants for license, and not otherwise.

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

Ratified this the 27th day of February, A. D. 1917.

## CHAPTER 88

AN ACT TO AMEND CHAPTER 101, SECTION 34, OF THE PUBLIC LAWS OF 1915, SO THAT THE PRIMARY ELECTION LAW SHALL NOT APPLY TO JOHNSTON COUNTY.

*The General Assembly of North Carolina do enact:*

Johnston inserted.

SECTION 1. That section thirty-four of chapter one hundred and one of the Public Laws of one thousand nine hundred and fifteen be and the same is hereby amended by adding the words "and

Johnston" after the word "Edgecombe" and before the word "Provided," in line nine of said section.

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

Ratified this the 28th day of February, A. D. 1917.

## CHAPTER 89

AN ACT TO AMEND CHAPTER 101 OF THE PUBLIC LAWS OF 1915, ENTITLED "AN ACT TO PROVIDE FOR PRIMARY ELECTIONS THROUGHOUT THE STATE."

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter one hundred and one of the Public Laws of nineteen hundred and fifteen, entitled "An act to provide for primary elections throughout the State," be and the same is hereby amended as follows: In section thirty-four, line eight, strike out the word "Hoke" and insert "McDowell." Hoke stricken out.  
McDowell inserted.

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

Ratified this the 28th day of February, A. D. 1917.

## CHAPTER 90

AN ACT TO PROVIDE FOR PRIMARY ELECTIONS IN HARNETT COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the provisions of chapter one hundred and one of the Public Laws of North Carolina, enacted at the session of one thousand nine hundred and fifteen, providing for primary elections throughout the State, shall apply to the county of Harnett in all elections held for candidates for the House of Representatives and county officers, and the said county is hereby stricken from the list of counties mentioned in section thirty-four of this act. General law to  
apply.  
County stricken

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

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

Ratified this the 28th day of February, A. D. 1917.



## CHAPTER 91

## AN ACT TO PROVIDE FOR PRIMARY ELECTIONS IN GATES COUNTY.

*The General Assembly of North Carolina do enact:*

Gates stricken  
from act.

SECTION 1. That chapter one hundred and one of the Public Laws of one thousand nine hundred and fifteen entitled "An act to provide for the primary elections throughout the State," be amended by striking out the word "Gates" in line eleven of said chapter, following the word "Alamance" and preceding the word "Dare," in section thirty-four thereof.

Application of  
act.

SEC. 2. That all sections of said chapter shall be applicable to the county of Gates, and the candidates for county offices and members of the House of Representatives shall be nominated in the same manner as provided in said chapter for those counties not excepted.

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

Ratified this the 28th day of February, A. D. 1917.

## CHAPTER 92

## AN ACT TO INCLUDE MADISON COUNTY WITHIN THE PROVISIONS OF THE STATE-WIDE PRIMARY ELECTION LAW.

*The General Assembly of North Carolina do enact:*

Madison stricken  
out.

SECTION 1. That section thirty-four of chapter one hundred and one of the Public Laws of North Carolina, session one thousand nine hundred and fifteen, be and the same is hereby amended by striking out the word "Madison" in line eleven of said section.

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

Ratified this the 28th day of February, A. D. 1917.

## CHAPTER 93

## AN ACT TO AMEND CHAPTER 80 OF THE PUBLIC LAWS OF THE EXTRA SESSION OF 1913 RELATIVE TO KILLING, SELLING, AND SHIPPING OF VEAL IN CERTAIN COUNTIES.

*The General Assembly of North Carolina do enact:*

Lincoln stricken  
out.

SECTION 1. That chapter eighty of the Public Laws of the extra session of one thousand nine hundred and thirteen be and the same is hereby amended by striking out the word "Lincoln" in line four, section three thereof.

SEC. 2. That it shall not be unlawful for any resident of Lincoln County to kill or sell on foot any calf of his own raising. <sup>Killing and selling calves allowed.</sup>

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

Ratified this the 28th day of February, A. D. 1917.

## CHAPTER 94

### AN ACT TO AMEND CHAPTER 313, PUBLIC-LOCAL LAWS OF 1915 OF SURRY COUNTY, RELATING TO SPECIAL TAXES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section three of Public-Local Laws, chapter <sup>Time extended.</sup> three hundred thirteen, session one thousand nine hundred and fifteen, is hereby amended as follows: in line two after the word "sixteen" and before the word "if" insert the following: "the year nineteen hundred and seventeen and the year nineteen hundred and eighteen."

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

Ratified this the 28th day of February, A. D. 1917.

## CHAPTER 95

### AN ACT TO ACCEPT THE PROVISIONS OF THE SMITH-HUGHES VOCATIONAL EDUCATION BILL.

*The General Assembly of North Carolina do enact:*

SECTION 1. That legislative assent be and the same is hereby <sup>Assent to bill.</sup> given to the purposes of a bill now pending in the National Congress, known as the Smith-Hughes Vocational Education Bill, entitled "An act to provide for the promotion of vocational education; to provide for coöperation with the States in the promotion of such education in agriculture and the trades and industries; to provide for coöperation with the States in the preparation of teachers of vocational subjects, and to appropriate <sup>Acceptance of money.</sup> money and regulate its expenditure," and that the money appropriated by this act, known as the "Smith-Hughes Act" be and the same is hereby accepted on the part of the State, for the benefit of the State, in accordance with the provisions of the said act.

SEC. 2. That in accordance with the further provisions of said <sup>State board of vocational education.</sup> act, a state board of vocational education be herewith duly created, said board to consist of the State Superintendent of

Public Instruction, the president of the North Carolina College of Agriculture and Mechanic Arts, and the director of the Agricultural Extension Service of the State, said board to administer the funds accruing to the State, under the provisions of said act, in actual accordance with the provisions of said act.

SEC. 3. That this act shall be in force from and after its ratification, and that all acts and parts of acts in contradiction of this act be and the same are herewith repealed.

Ratified this the 1st day of March, A. D. 1917.

## CHAPTER 96

### AN ACT TO APPOINT FOUR MEMBERS OF THE BOARD OF DIRECTORS FOR THE CULLOWHEE NORMAL AND INDUSTRIAL SCHOOL.

*The General Assembly of North Carolina do enact:*

Appointment.

SECTION 1. That the following named citizens of the State are hereby appointed directors of the Cullowhee Normal and Industrial School for a term of six years from and after the expiration of their present terms: Thomas A. Cox, Felix E. Alley, T. C. Henderson, J. D. Coward.

Term.

Repealing clause.

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

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

Ratified this the 1st day of March, A. D. 1917.

## CHAPTER 97

### AN ACT TO AMEND SECTION 4987 OF THE REVISAL OF 1905, PROVIDING FOR SONS OF EX-CONFEDERATE SOLDIERS TO SERVE ON COUNTY PENSION BOARD.

*The General Assembly of North Carolina do enact:*

Amendment.

SECTION 1. That section four thousand nine hundred and eighty-seven of the Revisal of nineteen hundred and five be and the same is hereby amended by inserting after the word "soldiers" in line two of said section the words "or sons of ex-Confederate soldiers."

Repealing clause.

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

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

Ratified this the 1st day of March, A. D. 1917.

## CHAPTER 98

AN ACT TO AMEND CHAPTER 42 OF THE PUBLIC LAWS  
OF NORTH CAROLINA, SESSION 1913, RELATIVE TO PUB-  
LIC HOSPITALS.*The General Assembly of North Carolina do enact:*

SECTION 1. That section one of chapter forty-two of the Public Laws of North Carolina, session one thousand nine hundred and thirteen, be amended by adding after the word "shall" in line eleven thereof, the words "order a new registration, and shall."

New registration.

SEC. 2. That section three of said chapter be amended by striking out in line one of said section the word "all" between the words "of" and "the" in said line; and by striking out in said line the words "votes cast" between the words "the" and "upon" and inserting in lieu thereof the words "qualified voters," so that the first line would read: "should a majority of the qualified voters upon the question."

Majority of qualified voters.

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

Ratified this the 1st day of March, A. D. 1917.

## CHAPTER 99

AN ACT TO PROVIDE FOR THE ERECTION AND MAIN-  
TENANCE OF COUNTY TUBERCULOSIS HOSPITALS.*The General Assembly of North Carolina do enact:*

SECTION 1. That any county within the State of North Carolina shall have power and authority at any time hereafter to establish, erect, and maintain a hospital for the care and treatment of persons suffering with the disease known as tuberculosis, as hereinafter provided in this act.

Establishment and maintenance by counties authorized.

SEC. 2. That the board of county commissioners of any county in North Carolina may, by majority vote of said board or upon petition of one-fourth of the freeholders of said county, shall, after thirty days notice at the courthouse door, and publication in one or more newspapers published in said county, order an election to be held at the next general election, or order a special election to be held at such time as they may fix, to determine the will of the people of the county whether there shall be issued and sold bonds to an amount not to exceed one hundred thousand dollars (\$100,000), to bear interest at such rate as said board may fix and to be payable, both principal and interest, when and where they may decide. The proceeds of said bonds to be used in securing lands and erecting or altering buildings and equipping same, to be used as a hospital for the treatment of tuberculosis. If the majority of the qualified voters at said

Order for election.

Bond issue to be voted on.

Amount.

Interest.

Use of proceeds.

Special tax for interest and sinking fund.

Special tax for maintenance.

Ballot box.

Ballots.

Law governing election.

Election and term of managers.

Proviso: terms of office.

Proviso: vacancies.  
County health officers.

Women eligible.  
Compensation.

Authority of managers.

Appointment of relatives.

Property vested in county.  
Proviso: donations, bequests, and devises.

Purchase of property.

Contracts.

election shall vote in favor of the issuing of said bonds, then said bonds shall be issued and sold by said board and a special tax shall be levied to pay the interest on said bonds and provide a sinking fund to pay said bonds at maturity. Said board of commissioners are hereby also authorized to levy a special annual tax not to exceed five cents on the one hundred dollars valuation of property and fifteen cents on the poll to be used as a maintenance fund for said hospital for tuberculosis.

SEC. 3. That the county commissioners at the next general election or special election shall cause to be placed at each voting precinct in the county a ballot box marked "County Tuberculosis Hospital," and cause to be printed and distributed official ballots labeled "For County Tuberculosis Hospital," and official ballots labeled "Against County Tuberculosis Hospital," said election to be governed by the laws of the State.

SEC. 4. That for each hospital so established, the board of county commissioners shall by a majority vote elect a board of managers consisting of five members, who shall hold office for the term of five years, unless sooner removed for cause by the board of county commissioners: *Provided*, that at the first election of a board of managers one member shall be elected for the term of one year, one member for the term of two years, one member for the term of three years, one member for the term of four years, and one member for the term of five years: *Provided, also*, that any vacancies in such board may be filled by the board of county commissioners for the unexpired term. In all counties having a health officer, such health officer shall, in addition to the five elected members, be *ex officio* a member of such board of managers. Women shall be eligible for election to such boards of managers. The compensation for such board shall be the same as that of the county commissioners.

SEC. 5. That authority in regard to the purchase of lands, erection and maintenance of buildings, selection of officers, employees, and attendants, formulation of rules and regulations for the admission and government of patients, and general conduct of the hospital, shall vest in the board of managers; that no one related by blood or marriage to any member of the board of managers shall be appointed to any office or position in connection with the hospital, except by unanimous vote of the board of managers; that all property, both real and personal, pertaining to such hospital shall be vested in the county: *Provided, however*, that any donations, bequests, or devises made for the use of such hospital shall be held by the county in trust according to the terms of such donation, devise, or bequest.

SEC. 6. That the board of county commissioners, or the board of managers, according to the authority vested in them by the board of county commissioners or by this act, shall have power and authority to purchase property, both real and personal, to



make contracts, to formulate, change, and alter rules and regulations for the admission and government of patients, and to do all things reasonably incidental or necessary to carry out the true intent and purpose of this act. Patients may be admitted and kept without charge or for such compensation as may be deemed just and proper in each particular case: *Provided*, that no person who is not a bona fide resident of the county maintaining such hospital shall be kept for less than actual cost.

Regulation of admission and government of patients.

Charges.

Proviso: nonresidents of county.

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

Ratified this the 1st day of March, A. D. 1917.

## CHAPTER 100

### AN ACT TO APPOINT THREE ADDITIONAL TRUSTEES OF THE APPALACHIAN TRAINING SCHOOL.

*The General Assembly of North Carolina do enact:*

SECTION 1. That John F. Hardin, F. A. Linny, and R. C. Rivers be and they are hereby appointed trustees of the Appalachian Training school.

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

Ratified this the 1st day of March, A. D. 1917.

## CHAPTER 101

### AN ACT TO PROVIDE FOR THE PROPER CARE AND BEAUTIFYING OF RURAL CEMETERIES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be the duty of the boards of county commissioners of the various counties in the State to prepare and keep on record in the office of the register of deeds a list of all the public cemeteries in the counties outside the limits of incorporated towns and cities, and not established and maintained for the use of an incorporated town or city, together with the names and addresses of the person or persons in possession and control of the same. To such list shall be added a list of the public cemeteries in the rural districts of such counties which have been abandoned, and it shall be the duty of the county boards of commissioners to furnish to the Legislative Reference Librarian copies of the lists of such public and abandoned cemeteries, to the end that he may furnish to said boards for the use of the persons in control of such cemeteries suitable literature, suggesting methods of taking care of such places.

Lists of cemeteries and persons in charge.

Lists of abandoned cemeteries.

Lists furnished legislative reference librarian.

Methods of care.

Appropriations  
by county.

SEC. 2. That in order to encourage the persons in possession and control of the public cemeteries referred to in section one of this act to take proper care of and beautify such cemeteries, to distinctly mark their boundary line with evergreen hedges or rows of suitable trees, and to otherwise lay out the grounds in an orderly manner, the board of county commissioners of any county, upon being notified that two-thirds of the expense necessary for so marking and beautifying any cemetery has been raised by the local governing body of the institution which owns the cemetery, and is actually in hand, be and it is hereby required to appropriate from the general fund of the county, one-third of the expense necessary to pay for such work, the amount appropriated by the board of commissioners in no case to exceed fifteen dollars for each cemetery.

Limitation.

Possession and  
control of abandoned  
cemeteries.

SEC. 3. That the boards of county commissioners of the various counties be and they are hereby required to take possession and control of all abandoned public cemeteries in their respective counties, to see that the boundaries and lines are clearly laid out, defined, and marked, and to take proper steps to preserve them from encroachment, and they are hereby authorized to appropriate from the general fund of the county whatever sum or sums may be necessary from time to time for the above purposes.

Appropriation.

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

Ratified this the 1st day of March, A. D. 1917.

## CHAPTER 102

### AN ACT TO PROVIDE FOR THE LEVYING OF SPECIAL SCHOOL TAXES IN CITIES AND TOWNS, AND TO AMEND SECTION 4115, REVISAL OF 1905.

*The General Assembly of North Carolina do enact:*

Order for election  
on additional  
special tax.

SECTION 1. That when any graded public or high school district that includes any incorporated city or town, when the district is confined to incorporated cities or towns, the board of aldermen or other governing body of such city or town shall, upon the written petition of one-third of the qualified voters within such city or town, order an election; but where the said district includes also any part of the county not within an incorporated city or town, the board of county commissioners of the said county shall, upon written petition of one-third of the qualified voters within said district, order an election; the said election in each case to be held on the question of levying an additional special annual tax to the amount specified by said school trustees in their said petition for the maintenance of the said schools of said district. Such election shall be ordered, advertised, and held in

Law governing  
elections.

the same manner as is now or may be hereafter provided by law for municipal or general elections where the same is entirely within the corporate limits of the city or town; but where the said election is for a district that includes, in addition, any portion of the county not within the corporate limits of the city or town, then the said election shall be ordered, advertised, and held in the same manner as is now or may be hereafter provided by law for election of members of the General Assembly. At such election those who favor the levy and collection of said tax shall vote a ballot on which shall be written or printed the words "For Special School Tax," and those who are opposed shall vote a ballot on which shall be written or printed the words "Against Special School Tax." It shall be the duty of the governing authorities of the city or town where the election is held entirely within the corporate limits of the city or town, but it shall be the duty of the county commissioners where the district in which the election is held includes any part of the county not within the corporate limits of the city or town, to declare the result of said election. If the majority of the qualified voters at said election shall vote in favor of said tax, the same shall be annually levied and collected in the manner prescribed for the levy and collection of other taxes. All money levied and collected under the provisions of this section shall be placed to the credit of the board of trustees of said schools, to be by them expended exclusively for the maintenance of the said schools within the tax district in which the said election is held.

Ballots.

Declaration of result.

Majority of qualified voters.

Tax to credit of school trustees.

Specific appropriation.

SEC. 2. That all elections ordered under the provisions of this act shall be ordered and held within sixty days after the filing of the petition mentioned in section one of this act with the board of commissioners or other governing body of said city, town, or county, or with the clerk or secretary of such board or body; and if any such election shall be held prior to the first day of June of any year, the tax authorized by such election shall be levied and collected for the current year; but if such election shall be held after the first day of June of any year, the tax authorized by such election shall not be levied and collected until the following year.

Time for holding elections.

Time of levy.

SEC. 3. That the aggregate of all school taxes annually levied and collected under the provisions of this act, and of any other law, general or special, heretofore enacted (other than taxes levied and collected for the purpose of paying the interest or principal of public, graded, or high school bonds), shall not exceed one dollar on the one hundred dollars worth of property.

Aggregate of tax rate.

SEC. 4. The board of trustees of the said schools of any incorporated city or town may, in their discretion, lease the school grounds within the corporate limits of the said city or town to the proper city or town authorities for use as a public or municipal park during such period of the year as the same are not used

Lease of school grounds.

Use of rent. for school purposes; and all money derived therefrom shall be used and accounted for by said school trustees exclusively for the maintenance of the public graded or high schools of such city or town.

SEC. 5. That section four thousand one hundred and fifteen of the Revisal of one thousand nine hundred and five, as amended by acts one thousand nine hundred and three, chapter four hundred and thirty-five, section twenty-four; one thousand nine hundred and five, chapter five hundred and thirty-three, section fourteen; one thousand nine hundred and nine, chapter five hundred and twenty-five; one thousand nine hundred and eleven, chapter one hundred and thirty-five; acts one thousand nine hundred and fifteen, chapter two hundred and thirty-five, be further amended by adding thereto the following: "*Provided further*, that when it shall be ascertained upon written petition of one-third of the qualified voters of the special-tax district, indorsed by the county board of education, that the special tax levied under this section shall be inadequate to maintain and support the school or schools of said special-tax district, then it shall be competent to hold an election in said district to increase the special-tax levy upon real estate and polls to an amount not exceeding fifty cents on the one hundred dollars valuation of property and one dollar and fifty cents on the poll; and such election shall be called and held in the same manner as the election for creating the special-tax district as in said section provided; but no such election shall be held oftener than once in two years."

Limit of elections. SEC. 6. That elections under the provisions of this act shall be held not oftener than once a year.

Repealing clause. 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.

Ratified this the 1st day of March, A. D. 1917.

## CHAPTER 103

AN ACT TO AMEND CHAPTER 65 OF THE REVISAL OF 1905, RELATING TO ROADS, BRIDGES, AND FERRIES, BEING SECTION 2696 OF THE REVISAL.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section two thousand six hundred and ninety-six of the Revisal of one thousand nine hundred and five be stricken out and the following be substituted and enacted in lieu thereof:

Bridges built by county.

"SECTION 2696. (a) When it shall become necessary to build, rebuild, or repair any public road or highway bridge in any town-

ship, and the same cannot be done by the road trustees, supervisors, or other official body having supervision over the public roads of such township, with the labor and funds at their command, or in their hands, for such purpose, then the board of commissioners of the county in which said township is situate may, in their discretion, build, rebuild, or repair such bridge, and the same shall thereafter become a charge upon the county only in case the said township road officials shall be unable, from the labor and funds at their command, or in their hands, to keep said bridge in repair. Whenever it shall become necessary to build, rebuild, or repair any public road or highway bridge over any stream which divides one county from another the board of commissioners of each county may join in an agreement for building, rebuilding, and repairing the same, and the cost thereof shall be defrayed by the two counties in proportion to the number of taxable polls in each, unless otherwise agreed upon between the boards of commissioners of such counties.

Maintenance.

Construction of  
county line  
bridges.Apportionment  
of cost.

“(b) Bridges in this section provided for shall be deemed necessary in all cases where public roads or highways shall have been regularly laid off in each county, according to law, to the banks of any stream dividing one county from another, if there be no passable ford across said stream at said point. The total cost of any bridge constructed pursuant to the provisions of this section shall not exceed one-fourth of one per cent of the total assessed value of all taxable real and personal property in the two counties engaged in the construction of such bridge.

Bridges deemed  
necessary.

Limit of cost.

“(c) That for the purpose of raising funds with which to defray the cost of building or rebuilding any bridge pursuant to this section, the boards of commissioners of the respective counties shall each have full power and authority, subject to the foregoing limitations, to issue bonds of said respective counties to an amount not to exceed the actual cost of such bridge. Said bonds to be in denominations of one thousand dollars, or less, with interest coupons attached, payable semiannually, at such times and place as may be directed by such boards, and to be in such form and tenor, and transferable in such way, and the principal thereof payable at such time or times, not exceeding forty years from the date thereof, and at such place or places as such board may determine: *Provided*, that none of such bonds shall be disposed of either by sale, exchange, hypothecation, or otherwise for a less price than their face value.

Bond issues.

Denominations.

Maturity.

Proviso: sale be-  
low par forbidden.

“(d) 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 to be issued hereunder, and interest thereon, compute and levy each year at the time of levying other county taxes a sufficient tax upon all real and personal property in said county to pay the interest on the said bonds, and shall also levy a sufficient tax to create a sinking

Special taxes.



Levy and collection.	fund to provide for the payment of said bonds at maturity. Such taxes shall be levied and collected annually and under the same laws and regulations as shall be in force for levying and collecting other county taxes.
Record of bonds.	“(c) That the county commissioners of any county so issuing bonds shall provide a record which shall be kept by their clerk, in which shall be entered the name of every purchaser of a bond, the number of the bond purchased, the date of issue, when due, rate of interest, and the amount received for said bond. They shall also cause to be kept a record of all proceedings, as well as 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.
Investment of sinking fund.	“(f) 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 not exceeding their par value one twenty-fifth of the bonds issued for any county; 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: <i>Provided</i> , the said bonds designated shall express such conditions on their face.”
Bonds subject to call.	
Proviso: condition expressed.	
Exercise of powers.	SEC. 2. The powers conferred and the duties imposed on the board of commissioners by this act shall be exercised and performed by the board of road commissioners or the board of highway commissioners or other bridge-governing board, by whatever name known, in counties where the powers and duties of boards of county commissioners in respect to bridges have been transferred or given by law to such board of road commissioners or highway commissioners or other bridge-governing board.
Laws governing action.	SEC. 3. County boards of commissioners or other bridge-governing body in any county may operate under the provisions of this act or under the provisions of any special act in force in said county, or under provisions of any general act relating to bridges hereafter passed by the General Assembly.
Repealing clause.	SEC. 4. That all laws and clauses of laws, general or special, in conflict with this amendment are hereby repealed, only to the extent of such conflict. SEC. 5. That this act shall be in force from and after its ratification.
	Ratified this the 1st day of March, A. D. 1917.

## CHAPTER 104

AN ACT TO PROVIDE FOR THE ENLARGEMENT OF GRADED  
SCHOOL DISTRICTS IN INCORPORATED TOWNS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That any graded school district in an incorporated city or town may be enlarged so as to include territory situate outside of and contiguous to the corporate limits of such city or town in the manner hereinafter provided. Enlargement of district.

SEC. 2. That upon the written petition of a majority of the members of the school committee or board of trustees of such graded school district, which petition shall describe the boundaries of the territory to be taken in and included, and which shall be indorsed by the county board of education, the board of county commissioners shall order an election to be held in the new territory to be so included. Petition by school authorities. Indorsement. Order for election.

SEC. 3. That the election so ordered shall be held in the manner and form provided by law for elections for the establishment of special school tax districts. Law governing election.

SEC. 4. That in case a majority of the qualified voters in the new territory shall vote at such election in favor of a special tax of the same rate as that authorized and collected in the graded school district to which the said territory is contiguous, then the said territory shall be added to and become a part of the said graded school district; and in case a majority shall vote against said tax the district shall not be so enlarged. Effect of election.

SEC. 5. That upon the enlargement of such graded school district as provided by this act there shall be levied and collected annually in the new territory a special tax, which tax shall not exceed that levied and collected in the original graded school district, and the said special tax in the new territory shall be levied and collected by the county authorities in the manner provided for the collection of other taxes. Special tax.

SEC. 6. That upon the collection of such tax the same shall be placed to the credit of the committee or trustees of the said graded school district so enlarged. Tax to school funds.

SEC. 7. That all laws and clauses of laws in conflict with this act are hereby repealed. Repealing clause.

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

Ratified this the 1st day of March, A. D. 1917.

## CHAPTER 105

AN ACT REGULATING THE COURTS OF SCOTLAND  
COUNTY.*The General Assembly of North Carolina do enact:*

Jurisdiction.

SECTION 1. That the term of the Superior Court of Scotland County which convenes on the eighth Monday after the first Monday in March be and the same is hereby made a mixed term for the trial of both criminal and civil cases.

Repealing clause.

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

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

Ratified this the 2d day of March, A. D. 1917.

## CHAPTER 106

AN ACT TO STRIKE FROM SECTION 460 OF THE REVISAL  
SO MUCH THEREOF AS REQUIRES NOTICE OF LIS PEN-  
DENS TO BE FILED IN AN ACTION TO FORECLOSE A  
MORTGAGE.*The General Assembly of North Carolina do enact:*

Amendment.

SECTION 1. That section four hundred and sixty of the Revisal of one thousand nine hundred and five be and the same is hereby amended as follows, to wit: Strike out all of said section after the word "thereby" in the eleventh line of said section.

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

Ratified this the 2d day of March, A. D. 1917.

## CHAPTER 107

AN ACT TO AMEND CHAPTER 196 OF THE PUBLIC LAWS OF  
1913, ENTITLED "AN ACT TO PROVIDE FOR THE DIVISION  
OF THE STATE INTO JUDICIAL DISTRICTS AND FOR  
HOLDING COURTS THEREIN."*The General Assembly of North Carolina do enact:*

Amendment.

SECTION 1. That chapter one hundred and ninety-six of the Public Laws of one thousand nine hundred and thirteen, entitled "An act to provide for the division of the State into judicial districts and for holding the courts therein," be and the same is hereby amended as follows: In section one, under the heading of "Rockingham County," page three hundred and twenty-seven,

lines two and three, strike out the words "and fifteenth Monday after the first Monday in September, each."

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

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

Ratified this the 2d day of March, A. D. 1917.

## CHAPTER 108

### AN ACT TO AMEND CHAPTER 74 OF THE PUBLIC LAWS OF 1907.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section one of chapter seventy-four of the Public Laws of one thousand nine hundred and seven be amended by adding after the word "cemeteries" in lines nineteen and twenty the following: "except such residence property, or vacant lots adjacent thereto, in towns or cities, or other residence, garden or orchard, may be taken when the company shall allege and, upon the proceeding to condemn, make it appear to the satisfaction of the court that it owns, or otherwise controls, not less than seventy-five per centum of the fall of the river or the stream on which it proposes to build and erect its works, from the location of its proposed dam to the head of its pond or reservoir; or when the Corporation Commission, upon the petition filed by the company, shall, after due inquiry, so authorize." Condemnation of residence property. Authority by corporation commission.

SEC. 2. That nothing in this act shall operate to repeal any part or feature of any private charter, but any firm or corporation acting under a private charter may operate under or adopt any feature of this act. Private charters.

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

Ratified this the 2d day of March, A. D. 1917.

## CHAPTER 109

### AN ACT AMENDATORY TO CHAPTER 88 OF THE PUBLIC LAWS OF 1913, WITH REFERENCE TO TAX LEVY PROVIDING FOR SIX MONTHS SCHOOL TERM.

Whereas the several counties of the State were given authority by chapter eighty-eight of the Public Laws of one thousand nine hundred and thirteen to increase their tax levy for the years one thousand nine hundred and thirteen and one thousand nine hundred and fourteen, to the extent that the State tax levy was Preamble: increase of tax levy necessary.

Preamble: continuation of increase necessary.

increased in the year one thousand nine hundred and thirteen, to provide for a six months public school term; and whereas a number of counties of the State find it necessary to continue the levy of an increased tax for county purposes to the extent that the State tax levy was increased in one thousand nine hundred and thirteen to provide for the six months public school term: Now, therefore,

*The General Assembly of North Carolina do enact:*

Tax continuous.

SECTION 1. That chapter eighty-eight of the Public Laws of one thousand nine hundred and thirteen be amended by inserting after the word "August," in line four of said section, the words "and annually thereafter."

Tax liens ratified.

SEC. 2. That any tax levy made by the board of commissioners of any county in the State for the years one thousand nine hundred and fifteen and one thousand nine hundred and sixteen, not in excess of that authorized by chapter eighty-eight of the Public Laws of one thousand nine hundred and thirteen for the years one thousand nine hundred and thirteen and one thousand nine hundred and fourteen, be and the same is hereby ratified and confirmed.

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

Ratified this the 2d day of March, A. D. 1917.

## CHAPTER 110

AN ACT TO REQUIRE THE COUNTY COMMISSIONERS, ALDERMEN, AND OTHER GOVERNING BODIES IN BUNCOMBE COUNTY TO ERECT AND MAINTAIN MILE-POSTS AND GUIDE OR DIRECTORY SIGNS ON PUBLIC HIGHWAYS IN SAID COUNTY.

*The General Assembly of North Carolina do enact:*

Measurement of roads.

Mile posts.

Guide posts.

SECTION 1. That it shall be the duty of the board of county commissioners of Buncombe County to accurately measure the main public highways in said county, and to erect, maintain, and mark the same with adequate durable mile-posts, indicating the number of miles to the county-seat of said county.

SEC. 2. That it shall be the duty of the board of county commissioners of Buncombe County to erect and maintain guide or directory signs at the junction, intersection, or crossing of all the main public highways in said county with a sufficient number of hands, arrows, cross-arms, or other device or devices upon which are plainly and legibly given the name of the junction,



intersection, or crossing, together with the name or names of the public highways leading therefrom and the distance to the more important towns and cities and other points of public interest.

SEC. 3. That it shall be the duty of the mayor, board of aldermen, city commissioners, and other governing bodies of incorporated cities and towns in said county of Buncombe to erect and maintain adequate guide or directory signs bearing the name of the highway or highways passing through or traversing said cities or towns, and at the junction, intersection, and street crossing indicating by adequate device or devices the course of said highway or highways through said city or town. <sup>Guide boards in cities.</sup>

SEC. 4. That any person or persons who shall willfully remove, knock down, injure, or in any manner deface any mile-post or guide or directory sign erected hereunder shall be guilty of a misdemeanor.

SEC. 5. That all laws and clauses of laws in conflict with the Repealing clause. provisions of this act are hereby repealed.

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

Ratified this the 2d day of March, A. D. 1917.

## CHAPTER 111

AN ACT TO AMEND CHAPTER 406, PUBLIC LAWS OF 1907,  
RELATING TO THE NORTH CAROLINA COLLEGE OF AG-  
RICULTURE AND MECHANIC ARTS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter four hundred and six of the Public Laws of one thousand nine hundred and seven be and the same is hereby amended as follows: In section two, lines one and two, strike out the words "The North Carolina College of Agriculture and Mechanic Arts" and substitute in lieu thereof the words "North Carolina State College of Agriculture and Engineering."

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.

Ratified this the 2d day of March, A. D. 1917.

## CHAPTER 112

AN ACT TO AMEND SECTION 34 OF CHAPTER 101 OF THE PUBLIC LAWS OF 1915, SO AS TO ADD POLK TO THE LIST OF COUNTIES MENTIONED IN SAID SECTION OF SAID CHAPTER.

*The General Assembly of North Carolina do enact:*

Polk county.

SECTION 1. That section thirty-four of chapter one hundred and one of Public Laws of the session of nineteen hundred and fifteen be amended as follows: In line twelve of said section change the colon after the word "Edgecombe" to a comma, and add after same, and before the word "*Provided,*" the word "Polk."

Repealing clause.

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

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

Ratified this the 3d day of March, A. D. 1917.

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CHAPTER 113

AN ACT RELATING TO CHAPTER 56 OF THE PUBLIC LAWS OF 1915, RATIFYING PROCEEDINGS HERETOFORE TAKEN THEREUNDER AND EXTENDING THE PROVISIONS THEREOF.

*The General Assembly of North Carolina do enact:*

Bonds validated.

SECTION 1. All bonds heretofore issued by any city or town in this State in substantial compliance with the provisions of chapter fifty-six (56) of the Public Laws of one thousand nine hundred and fifteen (1915) are hereby ratified and validated, notwithstanding that the question of issuing the bonds was not submitted to the voters of such city or town, it not having been intended by the General Assembly that the power granted to all municipalities by said act to issue bonds without the assent of the voters or taxpayers of the municipality should be subject to the provisions of any special, local, private, or other law requiring the assent of such voters or taxpayers for the issuance of bonds.

Proceedings validated.

SEC. 2. All proceedings heretofore taken under said act in any city or town in substantial compliance with the provisions of said act are hereby ratified and validated, and every such city or town is hereby authorized to continue said proceedings and to issue bonds or other obligations, as provided in said act, with-

Bond issue authorized.

out submitting to the voters or taxpayers of such city or town the question of issuing such bonds.

SEC. 3. Notwithstanding anything contained in any law heretofore enacted, whether general, special, private, or local, it shall be lawful for any city or town to borrow money, contract debts, and issue bonds or other evidence of indebtedness for necessary expenses without the assent of the voters or taxpayers of such city or town, in all cases where the whole or at least one-fourth of the cost of the improvements or properties for which the money is borrowed, debt incurred, or bonds or other evidences of indebtedness issued, has heretofore been or is hereafter to be specially assessed upon abutting property or other property deemed benefited by the making of such improvement or the acquisition of such properties.

SEC. 4. All acts and parts of acts, general or special, inconsistent with this act, to the extent of such inconsistency, are hereby repealed. Debts may be contracted for necessary expenses.

SEC. 5. This act shall be in force from and after its ratification. Ratified this the 3d day of March, A. D. 1917.

## CHAPTER 114

AN ACT TO AMEND CHAPTER 196, PUBLIC LAWS OF 1913, REGULAR SESSION, AND CHAPTER 21, SECTION 1, PUBLIC LAWS OF 1913, EXTRA SESSION, RELATING TO HOLDING SUPERIOR COURTS OF HAYWOOD AND CHEROKEE COUNTIES; ALSO REPEALING HOUSE BILL NO. 451, SENATE BILL 443, RATIFIED JANUARY 17, 1917, RELATING TO THE COURTS OF HAYWOOD COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter one hundred and ninety-six of the Public Laws of one thousand nine hundred and thirteen, regular session, relating to the time of holding the Superior Courts of Haywood County in Twentieth Judicial District, and all acts amendatory thereto, be and the same are hereby amended so as to read as follows: Strike out the word "sixth" on page three hundred and thirty-three after the words "Haywood County," and insert in lieu thereof the word "eighth," and strike out the words "three weeks" in line two of said paragraph, relating to the time for holding January term of Haywood County Superior Courts, and insert in lieu thereof the following: "two weeks for the trial of civil causes only; fourth Monday before the first Monday in March, to continue two weeks, for the trial of criminal and civil causes."

Terms for Haywood county.

Terms for Cherokee county.

SEC. 2. That chapter twenty-one, section one, of the Public Laws of one thousand nine hundred and thirteen, extra session, relating to the courts of Cherokee County, be amended by striking out the word "eighth" in line nine of said section and inserting in lieu thereof the word "sixth."

Law repealed.

SEC. 3. That an act entitled "An act to add one week to January-February term of Haywood County Superior Court, being House Bill number four hundred and fifty-one and Senate Bill number four hundred and forty-three, ratified January seven-teenth, one thousand nine hundred and seventeen, amending chapter one hundred and ninety-six, Public Laws of one thousand nine hundred and thirteen, regular session, be and the same is hereby repealed.

Repealing clause.

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

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

Ratified this the 3d day of March, A. D. 1917.

## CHAPTER 115

AN ACT TO REGULATE THE TIME OF HOLDING THE COURTS, AND THE PRACTICE THEREIN, IN HENDERSON COUNTY, IN THE EIGHTEENTH JUDICIAL DISTRICT.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter one hundred and ninety-six, Public Laws of one thousand nine hundred and thirteen, entitled "An act to provide for the division of the State into judicial districts and for holding the courts therein," section one, on pages three hundred and thirty-one and three hundred and thirty-two of the Public Laws as published, regulating the terms of the Superior Court, and practice therein, for Henderson County, in the Eighteenth Judicial District of the State as therein arranged, be amended so as to read as follows:

Henderson county.

"*Henderson County*—That there shall be held in Henderson County the following terms of Superior Court: First Monday in March and the fourth Monday after the first Monday in September, each to continue for two weeks for the trial of criminal cases, and all uncontested civil cases whatsoever; also all contested civil cases wherein the parties thereto, in person or by counsel, shall ten days before the sitting of the court agree in writing to a trial thereof; and twelfth Monday after the first Monday in March, to continue for two weeks, and the tenth Monday after the first Monday in September, to continue for two weeks, for the trial of civil cases exclusively. And there shall be no other terms of Superior

Special terms.

Court for said county, except such special terms as are or may be provided by the general law."

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

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

Ratified this the 3d day of March, A. D. 1917.

## CHAPTER 116

### AN ACT TO FIX AND REGULATE THE TIME FOR HOLDING THE SEVERAL SUPERIOR COURTS FOR THE SEVENTH JUDICIAL DISTRICT.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Superior Courts in the counties of Wake and Franklin, constituting the Seventh Judicial District, shall be opened and held at the times hereinafter set forth, to wit:

*Wake County*—Eighth Monday before the first Monday in March, <sup>Wake county.</sup> to continue for one week, for the trial of criminal cases exclusively; fifth Monday before the first Monday in March, to continue for three weeks, for the trial of civil cases exclusively; first Monday in March, to continue for one week, for the trial of criminal cases exclusively; first Monday after first Monday in March, to continue for two weeks, for the trial of civil cases exclusively; fourth Monday after the first Monday in March, to continue for three weeks, for the trial of civil cases exclusively; seventh Monday after the first Monday in March, to continue for one week, for trial of criminal cases exclusively; eighth Monday after 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, to continue for two weeks, for the trial of civil cases exclusively; fourteenth Monday after the first Monday in March, to continue for three weeks, for the trial of civil cases exclusively; ninth Monday before the first Monday in September, to continue for two weeks, for the trial of civil cases exclusively; seventh 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 one week, for the trial of criminal cases exclusively; second Monday after the first Monday in September, to continue for two weeks, for the trial of civil cases exclusively; seventh Monday after the first Monday in September, to continue for one week, for the trial of criminal cases exclusively; eighth Monday after the first Monday in September, to continue for two weeks, for the trial of civil cases exclusively; twelfth Monday after the first Monday in September, to continue for one week, for the trial of criminal cases exclu-



Criminal cases  
set for trial.  
Grand juries.

sively; thirteenth Monday after the first Monday in September, to continue for two weeks, for the trial of civil cases exclusively. The judge presiding may set criminal cases for trial at any of the weeks for the trial of civil cases. At the first fall and spring terms of court held 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 and civil cases; 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.

Law specifically  
repealed.

SEC. 2. That all that part of chapter one hundred and ninety-six of Public Laws of one thousand nine hundred and thirteen, providing for fixing and regulating the time for holding the terms of Superior Courts for the Seventh Judicial District, be and the same is hereby repealed, and all processes, civil or criminal, original, mesne, or final, returnable under the present laws to any Superior Court after this act goes into effect 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 cases exclusively.

Return of process.

Repealing clause.

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

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

Ratified this the 3d day of March, A. D. 1917.

## CHAPTER 117

AN ACT TO AMEND CHAPTER 196 OF THE PUBLIC LAWS OF 1913, CONCERNING THE COURTS OF THE THIRTEENTH JUDICIAL DISTRICT.

*The General Assembly of North Carolina do enact:*

Union county.

SECTION 1. That chapter one hundred and ninety-six of the Public Laws of one thousand nine hundred and thirteen be and the same is hereby amended by striking out the word "second" in the second line of the paragraph, relative to the courts of

Union County, being line forty-eight of page three hundred and twenty-seven, and insert in lieu thereof the word "third."

SEC. 2. That said chapter one hundred and ninety-six of the Richmond county. Public Laws of one thousand nine hundred and thirteen be and the same is hereby amended by striking out the word "third" in the fifth line of the paragraph, relative to the courts of Richmond County, same being line forty-one of page three hundred and twenty-eight, and insert in lieu thereof the word "second."

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

SEC. 4. That this act shall be in force from July first, one When act effective. thousand nine hundred and seventeen.

Ratified this the 3d day of March, A. D. 1917.

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## CHAPTER 118

AN ACT TO AMEND SECTION 1, CHAPTER 196 OF THE PUBLIC LAWS OF 1913 SO AS TO PROVIDE FOR THE DRAWING OF GRAND JURIES FOR GUILFORD COUNTY ONLY AT THE FIRST FALL AND SPRING TERMS OF THE CRIMINAL COURTS OF SAID COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the paragraph of section one of chapter one hundred and ninety-six (196) of the Public Laws of one thousand nine hundred and thirteen (1913) which fixes the times for holding the courts of Guilford County be amended by adding at the end thereof, after the word "exclusively," the following: "At the Grand juries. 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."

SEC. 2. That this act shall be in force from and after the first day of July, one thousand nine hundred and seventeen.

Ratified this the 3d day of March, A. D. 1917.

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## CHAPTER 119

AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA IN REGARD TO THE TAXATION OF HOMESTEAD NOTES AND MORTGAGES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section three of article five of the Constitution of North Carolina be and the same is hereby amended by striking out the period after the word "money" at the end of the first sentence, and by inserting a colon in lieu thereof, and inserting

between the colon and the word "The" in the next sentence the following: "*Provided*, notes, mortgages, and all other evidence of indebtedness given in good faith for the purchase price of a home, when said purchase price does not exceed three thousand dollars, and said notes, mortgages, and other evidence of indebtedness shall be made to run for not less than five nor more than twenty years, shall be exempt from taxation of every kind: *Provided*, that the interest carried by such notes and mortgages shall not exceed five and one-half per cent."

Proviso: exemption.  
Amendment submitted at election.  
SEC. 2. That this amendment shall be submitted at the next general election to the qualified voters of the State in the same manner and under the same rules and regulations as provided in the law regulating general elections in this State.

Ballots.  
SEC. 3. That at said election, into a ballot box labeled "Ballot Box for Constitutional Amendment," or "Ballot Box for Constitutional Amendments," those persons desiring to vote for such amendment shall cast a separate printed ballot with the words "For Exemption from Taxation of Homestead Notes" thereon; and those with a contrary opinion may cast a separate printed ballot with the words "Against Exemption from Taxation of Homestead Notes" thereon.

Law governing election.  
SEC. 4. That the said election shall be held and the votes returned, compared, counted, and canvassed, and the result announced, under the same rules and regulations as are in force at the general election in the year one thousand nine hundred and eighteen for returning, comparing, counting, and canvassing the votes for Governor; and if a majority of the votes cast be in favor of the amendment, it shall be the duty of the Governor of the State to certify said amendment under the seal of the State to the Secretary of State, who shall enroll the said amendment so certified among the permanent records of his office.

Certificate and enrollment.  
Repealing clause.  
SEC. 5. All laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

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

Ratified this the 5th day of March, A. D. 1917.

## CHAPTER 120

AN ACT TO AMEND HOUSE BILL 912 AND SENATE BILL 873, IN REGARD TO LEVYING TAX TO PAY BONDS, ETC.

*The General Assembly of North Carolina do enact:*

Limitation of tax.  
SECTION 1. That House Bill nine hundred and twelve, Senate Bill eight hundred and seventy-three, be amended as follows: Strike out the third paragraph of the preface to said bill and

insert in lieu thereof the following: "Whereas said acts or some of them limit the tax which may be levied for such purpose." Also strike out section two of said act and insert in lieu thereof the following:

SEC. 2. That all laws and clauses of laws limiting the levy to be made by the board of aldermen or other governing authority of any town or city of North Carolina to an amount not sufficient to pay at maturity the principal and interest of bonds authorized by such law be and the same are hereby repealed as to such limitation. Laws limiting levy repealed.

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

Ratified this the 5th day of March, A. D. 1917.

## CHAPTER 121

AN ACT TO PROVIDE FOR THE LEVY OF TAXES BY THE  
BOARDS OF COMMISSIONERS OF THE SEVERAL COUNTIES  
OF THE STATE TO PAY INTEREST ON OUTSTANDING  
BONDS AND TO CREATE SINKING FUNDS TO RE-  
TIRE SUCH BONDS AT MATURITY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That where bonds have been issued and sold by a county within this State for the purpose of meeting necessary expenses of the county, in constructing county public buildings, such as county home, courthouse or jail, or for other necessary expenses of such county, and where not otherwise specially provided by statute, the board of commissioners of such county is hereby authorized and empowered and they shall levy and collect on all property within such county, and on all polls, observing the constitutional equation, an *ad valorem* tax sufficient to pay the interest on said bonds and to create a sinking fund for retirement of the same at maturity, which tax shall be levied and collected annually at the time and in the manner as is now provided by law for the levy and collection of other county taxes: *Provided*, such levy shall not exceed any constitutional limitation. Tax authorized.  
  
Levy and collection.  
  
Proviso: constitutional limitation.

SEC. 2. That where bonds of township for road improvement have been issued either by vote of the people or by act of the General Assembly, without vote, and the amount of levy provided by the act under which vote is held or tax levied is inadequate to pay the interest on bonds heretofore issued, or authorized by said acts now already in force, the board of commissioners of the county in which such township is located are authorized and empowered and they are directed to annually levy and collect Tax for township bonds.

Constitutional  
equation.

Proviso: consti-  
tutional limita-  
tions.

Construction  
of act.

upon all property within such township a tax sufficient, with polls, the constitutional equation being always observed, to pay such interest and to create a sinking fund sufficient to retire such bonds at maturity: *Provided*, such levy shall not exceed any constitutional limitation.

SEC. 3. That this act shall not be held or construed as authorizing the issue of bonds not already issued or heretofore authorized by act of the General Assembly for improvements or otherwise, but shall have the effect only of providing means whereby bonds already outstanding or authorized may be retired and the interest paid as it matures.

Enabling act.

SEC. 4. That this act shall be in addition to and as enabling other laws providing for the payment of interest on bonds heretofore issued or authorized, and that only such laws and clauses of laws as are in conflict with the provisions hereof are repealed.

Limit of repeal.

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

Ratified this the 5th day of March, A. D. 1917.

## CHAPTER 122

### AN ACT TO REGULATE THE TERMS OF THE SUPERIOR COURTS OF MONTGOMERY COUNTY.

*The General Assembly of North Carolina do enact:*

Schedule of  
terms.

SECTION 1. That there shall be held in the county of Montgomery the following terms of the Superior Courts, and no others, viz.: On the sixth Monday before the first Monday in March, said term to continue for one week, for the trial of criminal cases: *Provided*, said term shall be a return term for civil process, and for hearing motions on the civil docket, and civil cases requiring a jury may also be tried at said term by consent of the parties thereto. On the fifth Monday after the first Monday in March, to continue for two weeks, for the trial of civil cases only. On the eighth Monday before the first Monday in September, to continue for one week, for the trial of criminal and civil cases. On the third Monday after the first Monday in September, to continue for one week, for the trial of civil cases. On the fourth Monday after the first Monday in September, to continue for one week, for the trial of criminal and civil cases.

Repealing clause.

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

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

Ratified this the 5th day of March, A. D. 1917.



## CHAPTER 123

AN ACT TO PROVIDE FOR THE DISPOSITION OF WASTE  
FROM KAOLIN MINES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That in getting out and washing the products of kaoliu mines, the persons engaged in such business shall have the right to allow the waste, water, and sediment to run off into the natural courses and streams. <sup>Disposition of waste.</sup>

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

Ratified this the 5th day of March, A. D. 1917.

## CHAPTER 124

AN ACT TO EXPEDITE THE TRIAL OF CIVIL CASES IN  
THE SUPERIOR COURT OF COLUMBUS 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 Columbus County to notify all the members of the local bar of Columbus County, giving five days notice, to meet at his office at least twenty days before the convening of any Superior Court in said county for the purpose of arranging and formulating a calendar for the trial of civil cases and to formulate and arrange a motion docket for said approaching term of the Superior Court, at which time the clerk of the said court, together with the members of the said local bar, shall arrange and formulate a calendar for the trial of civil cases and a motion docket for next ensuing term of the Superior Court of Columbus County. In the event the members of the local bar do not meet as notified by said clerk, it shall be the duty of said clerk to arrange said calendar and motion docket. <sup>Arrangement of calendar.</sup> <sup>Motion docket.</sup>

SEC. 2. It shall be the duty of said clerk of the Superior Court of Columbus County to have a sufficient number of copies of the calendar provided for in section one of this act printed for the use of the court and the local bar and attorneys and litigants residing out of the county, as provided in section one of this act, and forward a copy of said calendar by mail to every attorney and litigant residing out of the county of Columbus who is connected with any case that has been placed on said calendar. <sup>Calendar printed.</sup> <sup>Distribution of copies.</sup>

SEC. 3. It shall be the duty of said clerk to make a bill showing the expense incurred in printing and mailing said calendar and any other expense that may be incident and necessary for the purpose of complying with the provisions of this act and present <sup>Payment of expense.</sup>

the same to the board of commissioners of Columbus County, who shall approve and order the same paid by the county treasurer of Columbus County out of any fund belonging to said county.

Certified copy  
of act.

SEC. 4. That the Secretary of State shall immediately after ratification of this act forward a certified copy of same to the clerk of the Superior Court of Columbus County.

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

Ratified this the 5th day of March, A. D. 1917.

## CHAPTER 125

AN ACT TO AMEND CHAPTER 122, PUBLIC LAWS OF 1913,  
RELATIVE TO PETITIONING CALLING FOR ELECTIONS  
FOR GOOD ROADS.

*The General Assembly of North Carolina do enact:*

Proviso: use of  
funds.

SECTION 1. That a further proviso be added to section nine, chapter one hundred and twenty-two of the Public Laws of one thousand nine hundred and thirteen, reading as follows: "*Provided further*, that the county commissioners may use the funds aforesaid on any roads within the township, in their discretion, unless the petition required by section two shall have designated certain roads for the expenditure of a part or all of said funds, in which case said funds shall be expended as provided in the petition: *Provided further*, that the designation of certain roads in the petition shall not be held to invalidate any election heretofore or hereafter held."

Proviso: election  
not invalidated.

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

Ratified this the 5th day of March, A. D. 1917.

## CHAPTER 126

AN ACT RELATING TO PUBLIC PRINTING.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section five thousand and ninety-two of the Revisal of nineteen hundred and five be and the same is hereby amended by striking out lines six to twenty-one, both inclusive, so that the said section as amended shall read as follows:

Contract.

"5092. *Contract for State printing and binding.*—The Governor and the Council of State, Commissioner of Labor and Printing, and the Attorney-General shall contract for having all the print-

ing and binding done for the State upon the best possible terms for the State; and the Commissioner of Labor and Printing shall <sup>Superintendence,</sup> superintend the same. In any contract which they may make <sup>Times for de</sup> they may fix and determine the times for the delivery of the <sup>livery.</sup> public and private laws, and the journals and documents of the General Assembly, or any part thereof, according to their judgment and discretion. The person with whom such contract is <sup>Public printer</sup> made is designated in this chapter as the Public Printer."

Ratified this the 5th day of March, A. D. 1917.

## CHAPTER 127

AN ACT TO AMEND SECTIONS 80 AND 81 OF THE REVISAL OF 1905, RELATING TO THE SALE OF REAL PROPERTY BY EXECUTORS AND ADMINISTRATORS TO PAY DEBTS, AND ALSO CHAPTER 146 OF THE PUBLIC LAWS OF 1915, RELATIVE TO SALE BY MORTGAGORS, TRUSTEES, AND BY VIRTUE OF POWER CONTAINED IN WILLS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section eighty 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 "estate" and before the word "and" in line five of said section the following words, to wit: "and may also authorize and empower the petitioner or <sup>Subdivision of</sup> any commission appointed by the court to subdivide the land <sup>land.</sup> in question, or any part thereof, in such manner as he may deem proper and for the best interest of the estate, and, in making such division, to dedicate to the public such parts thereof as he may <sup>Streets, alleys,</sup> find necessary for public streets, alleys, and highways, and to <sup>and highways.</sup> sell such premises, either in bulk or in separate lots, with such <sup>Sale in bulk or</sup> streets, alleys, and highways excepted or reserved; but no sale, <sup>by lots.</sup> whether public or private, shall be concluded until reported to <sup>Confirmation by</sup> and approved and confirmed by the court."

SEC. 2. That section eighty-one of the Revisal of one thousand nine hundred and five of North Carolina be and the same is hereby amended by adding thereto, after the last word thereof, the following words, to wit: "*Provided, however,* that if it is made <sup>Proviso: private</sup> to appear to the court by petition and by satisfactory proof <sup>sale.</sup> that it will be more for the interest of said estate to sell such real estate by private sale, the court may authorize said petitioner, or any commissioner appointed by the court, to sell the same at private sale, either in whole or in part, for cash in hand, or upon deferred payments, not exceeding two years, with interest from date of sale, the deferred payments to be secured by mortgage or deed of trust upon the property, or by the retention of the title

Proviso: reopening of sale.

thereto until the purchase money is paid; and *Provided further*, that when any order for private sale has been or may hereafter be made by any Superior Court of the State, all the provisions of chapter one hundred and forty-six of the Public Laws of one thousand nine hundred and fifteen not inconsistent with this act shall apply; and the court may also, upon motion of any person interested in the proceeds of such sale, filed in writing within ten days from the date and report of said sale, together with satisfactory proof that said real property has not been sold for its real value, require the said sale to be reopened, and thereupon the court may issue an order for the sale of such premises at public sale, as required by said chapter one hundred and forty-six of the Laws of one thousand nine hundred and fifteen, and in such order the court may require such premises to be sold in such parcels and on such terms as to the court may seem most advantageous to the estate."

Order for public sale.

Sales by administrators.

SEC. 3. That section one of chapter one hundred and forty-six of the Public Laws of one thousand nine hundred and fifteen be and the same is hereby amended by inserting after the word "executrix" and before the word "or" in line three of said section the words "administrator or administratrix, or administrator or administratrix with the will annexed."

Offer of increase.

SEC. 4. That section three of said chapter one hundred and forty-six of the Public Laws of one thousand nine hundred and fifteen be and the same is hereby amended by inserting after the word "bid" and before the word "shall" in the first line of said section the words "or offer."

Repealing clause.

SEC. 5. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

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

Ratified this the 5th day of March, A. D. 1917.

## CHAPTER 128

### AN ACT TO PROVIDE FOR THE INCORPORATION OF RURAL COMMUNITIES.

*The General Assembly of North Carolina do enact:*

Petition for incorporation.

SECTION 1. That the people of any community in North Carolina, upon petition signed by a majority of the registered voters of such community, embracing in area one or more contiguous school districts, may be incorporated under the provisions of this act, the title of such corporate body being "The..... Community of.....County (or counties)" the name of community and county (or counties) to be supplied in the petition for incorporation.

Corporate title.

SEC. 2. The petition for incorporation shall be addressed to the Secretary of State in his office in Raleigh, who if such petition is in due form, shall then issue the certificate of incorporation without charge therefor. Petition filed.  
Certificate of  
incorporation.

SEC. 3. The registered voters of each community incorporated under the provisions of this act shall hold a public community meeting on the first Saturday in January of each year, or on such other day as may be specified in the petition for incorporation. The place of such meeting shall also be designated in the petition of incorporation, but may be changed at any annual meeting, to take effect at the following annual meeting, notice of such change to be posted in six public places in such community. At such annual community meeting the voters may adjourn to meet at some other specified date, and other meetings may be held upon petition signed by ten per cent of the registered voters of the community, provided notice of such meeting is posted at six public places in such community at least two weeks prior to such meeting. Questions involving the levy of any tax, however, shall be decided only at the regular annual community meeting. Annual meetings.  
Place of meeting.  
Notice of change.  
Adjourned and  
special meetings.  
Questions involv-  
ing tax.

SEC. 4. At each annual community meeting, as provided in section three of this act, the voters shall elect three persons to be known as the "Board of Directors of..... Community," one of whom shall be designated as chairman and another as secretary-treasurer, each performing the duties suggested by his title. Board of direct-  
ors.  
Organization.

SEC. 5. The board of directors of each community shall be charged with the duty of enforcing and executing such ordinances as the community may adopt, and performing such other functions not inconsistent with the laws of North Carolina or the United States as the community meetings may direct. The annual compensation, if any, of such board of directors, or any member thereof, shall be fixed at each annual meeting in like manner as taxes are levied. Duty of directors.  
Pay of directors.

SEC. 6. At each public meeting of the registered voters of a community they shall have the right to adopt, amend, or repeal ordinances, provided such action is not inconsistent with the laws of North Carolina or the United States, concerning the following subjects: The public roads of the community; the public schools of the community; regulations intended to promote the public health; police protection; the abatement of nuisances; the care of paupers, aged or infirm persons; to encourage the coming of new settlers; the regulation of vagrancy; aids to the enforcement of State and National laws; the collection of community taxes; the establishment and support of public libraries, parks, halls, playgrounds, fairs, and other agencies of recreation, education, health, music, art, and morals. Legislative  
powers.



Right to levy taxes.

SEC. 7. That for the promotion of any of the objects mentioned in section six of this act the registered voters of any incorporated community, in annual community meeting assembled, shall have the right to levy taxes upon the property of the community, within limits hereinafter set forth, either for specific purposes or for the general use of the community, upon a method of tax division among varying objects as agreed upon by such annual community meeting: *Provided*, that the aggregate of taxes levied for such community purposes shall not exceed five mills annually on each dollar of taxable property.

Proviso: limit of rate.

Tax not levied but by majority of voters.

SEC. 8. No community meeting may levy a tax unless a majority of the registered voters of the community are present at such meeting and vote by ballot for such tax; but if at any annual community meeting the majority of the voters present desire it, whatever their number, they may submit the question of levying such a tax to the qualified voters of the community at an election to be held not earlier than thirty (30) days subsequently to such meeting. If the community meeting shall desire to submit separately the question of tax levy for different purposes, it shall mention a name of not more than six words by which each such tax shall be distinguished, as for example, road tax; public library tax; or such community meeting may submit the question of a tax levy for various purposes under the title "For Community Tax." At the election herein provided for, each voter may deposit a ballot marked "For.....Tax" or "Against.....Tax," and if a majority of the votes cast at such election shall be for said tax, then the proposed tax levy shall be enforced and the tax collected at the same time and in the same manner as State and county taxes; or such incorporated community through its mass-meeting or board of directors may name a collector of community taxes and fix his compensation, requiring both tax collector and treasurer to give bonds for appropriate amounts.

Election.

Taxes for different purposes.

Ballots.

Majority of votes cast.

Tax collector.

Bureau of community service.

SEC. 9. The Bureau of Community Service now directed by the State Departments of Education, Agriculture, and Health, the State College of Agriculture and Mechanic Arts, and other agencies, is hereby charged with the duty of securing from the communities of the State incorporated under this act reports as to what each community is doing for the promotion of the purposes mentioned in section six of this act; and the aforesaid Bureau of Community Service shall furnish the officers of such incorporated communities forms for keeping records, accounts, etc., and for making reports. Said bureau shall also provide forms and instructions to citizens of the State desiring to petition for incorporation under the provisions of this act, and shall publish annually a summary of the work accomplished by incorporated communities. The members of the board of directors of such

Forms furnished by bureau.

Forms and instructions for petitions.  
Publication of work.

Directors to report to bureau.

incorporated communities are required to render such reports to the Bureau of Community Service, and to post copies of same, together with an itemized statement of receipts, disbursements, and balances for the year, in six public places in the community, under the penalty, upon conviction, of a fine of twenty-five dollars each, to be paid into the public school fund of the community: *Provided*, that all printing required under this act shall be paid for by the State Department of Education.

Itemized reports.

Penalty.

Provide: payment for printing.

SEC. 10. Said board of directors may adopt standards for the production and marketing of produce, canned vegetables, etc., and may adopt labels, trade names, and brands for the same, and regulate their use, requiring the inhabitants of said community to comply with the standards set and adopted by the directors before they can use the brand, trade name, or labels for said community; and said board of directors may adopt such regulations as may be necessary to protect said brands, trade names, etc.; may have an inspection of the goods sold thereunder, and may take any and all necessary steps looking to a system of community standard production, and of coöperative marketing.

Standards.

Labels, trade names, and brands.

Regulations and inspections.

SEC. 11. Any magistrate residing within the boundaries of community incorporated under this act shall have power to hear and try all cases arising from violations of ordinances adopted by such community: *Provided*, that if there is no magistrate residing within the boundaries of the community, the community shall at each annual meeting nominate some suitable person living within its confines who shall be appointed community magistrate by the Governor of the State with all the powers of a magistrate within the bounds of said community.

a-Jurisdiction of magistrates.

Provide: community magistrates.

SEC. 12. That each person charged with the duty of registering voters in an election precinct embraced in whole or in part in any incorporated community shall furnish the chairman of the board of directors of such incorporated community a complete list of the registered voters in his precinct at the preceding State election, and from such list the board of directors shall compile an official list of registered voters residing in the community for use in connection with the enforcement of this act, such registrar receiving one-half cent for each such name furnished, to be paid for by the community.

Lists of voters.

SO Pay of registrar.

SEC. 13. All laws and clauses of laws in conflict with this act are hereby repealed.

Repealing clause.

SEC. 14. That this act shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1917.

## CHAPTER 129

## AN ACT EMPOWERING THE GOVERNOR TO CONVEY CERTAIN LANDS BELONGING TO THE STATE.

*The General Assembly of North Carolina do enact:*

Execution of deed.

SECTION 1. The Governor of the State is hereby authorized and empowered to execute a deed under the great seal of the State of North Carolina to any lands the title to which is now vested in the State of North Carolina, for the use of any State institution, upon application of the trustees or directors of such institution, showing that such conveyance is for the best interests of the institution, and upon approval of the said application by the Council of State.

Grantee.

Application.

Approval of application.

SEC. 2. This act shall be in force from and after its ratification. Ratified this the 5th day of March, A. D. 1917.

## CHAPTER 130

## AN ACT TO AMEND CHAPTER 81 OF THE PUBLIC LAWS OF NORTH CAROLINA, SESSION OF 1915, AUTHORIZING GOVERNING BODIES OF TOWNS AND CITIES TO ISSUE, UPON APPROVAL BY A VOTE OF THE PEOPLE, BONDS FOR PURCHASING SITES, ERECTING BUILDINGS, ETC., FOR SCHOOL PURPOSES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section four of chapter eighty-one, Public Laws of one thousand nine hundred and fifteen, be amended as follows:

Subjects of taxation.

(a) By inserting after the word "property" and before the word "in," in line four of said section, the following words: "and polls, observing the constitutional ratio."

Subjects of taxation.

(b) By inserting after the word "property" and before the word "in," in line eight of said section, the following words: "and polls, observing the constitutional ratio."

Repealing clause.

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

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

Ratified this 5th day of March, A. D. 1917.

## CHAPTER 131

AN ACT TO PROMOTE THE GENERAL WELFARE BY PROVIDING FOR THE ESTABLISHMENT OF AGRICULTURAL DEVELOPMENT DISTRICTS, BRINGING INTO PRODUCTIVE USE UNIMPROVED AGRICULTURAL LANDS IN THIS STATE; FOR INCREASING THE AGRICULTURAL POPULATION, AND PRESCRIBING A METHOD FOR DOING SO; AND PROVIDING FOR THE ASSESSMENT AND COLLECTION OF COSTS AND EXPENSES OF THE SAME AND ISSUING AND SELLING BONDS IN CONNECTION THEREWITH.

*The General Assembly of North Carolina do enact:*

SECTION 1. *Duties and powers of the court.* The clerk of the Superior Court (hereinafter called the "clerk" of "the court") of any county of the State of North Carolina shall have jurisdiction, power and authority to establish agricultural development districts in his county for the purpose of clearing and putting in suitable condition for the beginning of cultivation good grades of lands, forested or cut-over, suitable for agriculture, and it is hereby declared that the said development shall be considered a public benefit and conducive to the public welfare.

SEC. 2. *Petition.* Whenever a petition signed by all the land-owners in a proposed agricultural development district shall be filed in the office of the clerk of the Superior Court of any county in which a part of said lands is located, setting forth and certifying the following:

1. That it is their desire and intention to form an agricultural development district (hereinafter called "the district") of an area aggregating not less than one thousand (1,000) acres, and that it is their purpose, when cleared and put into condition for cultivation, to sell the said land to settlers on long time and at reasonable prices.

2. They shall deposit with the clerk—

(a) A certified check for not less than one thousand dollars (\$1,000), plus ten cents per acre for each additional acre in the proposed district, from which funds the clerk shall from time to time meet the actual expenses of examining and verifying and other expenses incidental to forming the district.

(b) A complete map of the lands to be included in the district.

(c) A soil map showing the types of soils.

(d) A drainage map showing the natural drainage of the lands, and any proposed system of drainage it is intended to establish.

(e) Certificates of title by a reputable attorney of the county.

(f) An estimate of the cost of improvements under the plan submitted.

Establishment of districts.

Public benefit declared.

Petition of all landowners.

Declaration of intent.

Deposit with clerk.

Use of fund.

Map of land.

Soil map.

Drainage map.

Certificates of title.

Estimate of cost.

Certificate of increase of value.	(g) A certificate that the lands when improved will have a market value of at least twice the amount of the total cost of the proposed improvement.
Board of viewers.	The clerk shall then appoint a board of viewers (hereinafter called "the viewers"), composed of three (3) members, one a competent civil engineer and the other two practical agriculturalists, to examine the lands and data submitted to the clerk by the land-owners, and report as to the facts being virtually as stated, or to give their opinion as to any variations. Their written report shall be filed within two weeks from the date of their appointment.
Written report filed.	The clerk shall consider this report. If the viewers report that the project is not practicable, or will not be for the public welfare, and the clerk shall approve such findings, the petition shall be dismissed at the cost of the petitioners.
Consideration by clerk. Petition dismissed.	
Report to state geologist.	SEC. 3. If the viewers report that the project is practicable, and that it will be for the public welfare and conducive to the general welfare of the community, and the court shall so find, then all of the data and reports of the proceedings shall be submitted to the State Geologist, who shall designate:
Appointments by geologist.	
Engineer.	1. An engineer to survey and approve of the boundaries and drainage and road plans.
Attorney.	2. An attorney of reputation to examine and approve of the chains of title submitted.
Forester.	3. A forester to make an estimate of the cost of clearing.
Soil expert.	4. A soil expert to report on the availability of the land for agricultural purposes.
District established.	The State Geologist shall consider these reports, data, and plans, and, if he approves the same, shall so certify to the clerk of the court, who shall then declare the district established.
Appointment of commissioners.	SEC. 4. <i>Board of commissioners.</i> After the said district shall have been declared established as aforesaid and the complete plans therefor approved, the clerk shall appoint two persons, one of whom shall be a landowner of the district, the other a practical agriculturist of good character, not a landowner of the district, and these two shall choose a third, who may or may not be a landowner of the district, and the three so appointed and chosen shall be designated as the Board of Agricultural Development Commissioners of ..... District. Such commissioners when so appointed and chosen shall be immediately created a body corporate under the name and style of the Board of Agricultural Development Commissioners of ..... District (hereinafter called "the commissioners" or "the board of commissioners"), with the right to hold property and convey the same, to sue and be sued, and shall possess such other powers as usually pertain to corporations. They shall organize by electing from among their number a chairman and vice-chairman. They shall also elect a secretary, within or without their body, and shall adopt by-laws for the government of their proceedings. The treasurer
Official entitlement.	
Incorporation.	
Corporate name.	
Corporate powers.	
Organization.	
By-laws.	
Treasurer.	



of the county in which the proceedings are instituted shall be *ex officio* treasurer of such board of commissioners. Such board of commissioners shall adopt a seal, which it may alter at pleasure. They shall have and possess such powers as are herein granted. The name of such district shall constitute a part of its corporate name. The commissioners shall appoint a competent person as superintendent of construction; such person shall furnish a bond, to be approved by the commissioners, in the penal sum of ten thousand dollars (\$10,000), conditioned upon the honest and faithful performance of his duties. Such bond shall be in favor of the board of commissioners. In the event of any vacancy in the membership of the board of commissioners, the remaining members shall fill such vacancy, subject to the approval of the court.

Common seal.

Superintendent  
of construction.  
Official bond.

Vacancies.

SEC. 5. *Classification of lands according to benefits.* It shall be the further duty of the viewers to personally examine the lands in the district and classify them with reference to the benefits they will receive from the improvements to be made. The land benefits shall be separated into five classes. The land receiving the highest benefits shall be marked Class A; that receiving the next highest benefit, Class B; that receiving the next highest benefit, Class C; that receiving the next highest benefit, Class D; and that receiving the smallest benefit, Class E. The holdings of any one landowner need not necessarily be all in one class, but the number of acres in each class shall be ascertained, though its boundary need not be marked on the ground or shown on the map. The total number of acres owned by one person in each class, and the total number of acres benefited shall be determined, and the total number of acres in each class in the entire district shall be ascertained and presented in tabulated form. The scale of assessment upon the several classes of land returned by the viewers shall be in the ratio of five, four, three, two, and one; that is to say, as often as five cents per acre is assessed against the land in Class A, four cents per acre shall be assessed against the land in Class B, and three cents per acre in Class C, and two cents per acre in Class D, and one cent per acre in Class E. This shall form the basis of assessment for benefits to the lands of the district.

Viewers to  
classify land.Class "A."  
Class "B."  
Class "C."  
Class "D."  
Class "E."

Tabulation.

Scale of assess-  
ment.

SEC. 6. *Appeal.* Any party aggrieved may, within ten (10) days after the confirmation of the viewers' report, appeal to the Superior Court in term-time. Such an appeal shall be taken and prosecuted as now provided in special proceedings. Such an appeal shall be based and heard only upon such exceptions theretofore filed by the complaining party, either as to issue of law or fact, and no additional exceptions shall be considered by the court upon the hearing of the appeal.

Right of appeal.

Appeal based on  
exceptions.

SEC. 7. *Letting of contract.* The commissioners shall cause notice to be given for two consecutive weeks in some newspaper pub-

Advertisment  
of letting work.

Specifications.	lished in the county wherein said district is located, and such additional publication elsewhere as they deem expedient, of time and place of letting the work of construction, and in such notice they shall specify the approximate amount of work to be done, the time fixed for the completion thereof, and the date appointed for the letting. They, together with the superintendent of the district, shall convene and let to the lowest responsible bidder either as a whole, or in part, or in sections, as they deem most advantageous for the district, the proposed work. The landowners may bid on the work, and in the event of their securing the contract, the work shall be done at actual cost, it being distinctly understood that the landowners are to receive no profit from said contract, and any saving effected shall inure to the benefit of the district. No bids shall be entertained that exceed the estimated cost, except for good and satisfactory reasons it shall be shown that the original estimate was erroneous. The commissioners shall have the right to reject all bids and advertise again the work, if in their judgment the interest of the district will be subserved by so doing. The successful bidder shall be required to enter into a contract with the board of commissioners, and to execute a bond for the faithful performance of such contract, with sufficient surety, in favor of the board of commissioners for the use and benefit of the district, in an amount equal to twenty-five per centum of the estimated cost of the work awarded to him. In canvassing bids and letting the contract the superintendent of construction shall act only in an advisory capacity to the board of commissioners. The contract shall be based on the plans and specifications submitted by the commissioners in a report, and confirmed by the court, the original of which shall remain on file in the office of the clerk and shall be open to the inspection of all prospective bidders. All bids shall be sealed and shall not be opened except under authority of the commissioners, and on the date therefor appointed for the opening of bids. All bids must be accompanied by a certified check for three per centum of the amount of the bid.
Letting of contract.	
Bids by landowners.	
Bids above estimate.	
Right to reject bids.	
Contract and bonds.	
Superintendent as adviser.	
Plans and specifications.	
Bids sealed.	
Certified check.	
Monthly estimates.	SEC. 8. <i>Payment for work done.</i> The superintendent of construction shall make monthly estimates of the amount of work done and shall furnish one copy to the contractor and file the other with the secretary of the board of commissioners, and the commissioners shall within five days after filing of such estimate meet and direct the secretary to draw a warrant in favor of the contractor for ninety per centum of the work done according to the specifications and contract; and upon the presentation of such, properly signed by the chairman or vice-chairman and secretary to the treasurer of the district, he shall pay the amount due thereon. When the work is fully completed and accepted by the superintendent, he shall make an estimate for the whole amount due, including the amounts withheld on the previous monthly
Warrant for payment.	
Payment on completion.	

estimates, which shall be paid from the fund as before provided. In the event that the landowners receive the contract, the monthly payments shall cover only the actual cost of the work, as certified by the superintendent of construction, to whose certificates shall be attached all pay-rolls and vouchers. If any contractor to whom said work shall have been let shall fail to perform the same according to the terms specified in his contract, action may be had in behalf of the commissioners against such contractor and his bond in the Superior Court, for damages sustained in the district, and recovery made against such contractor and his sureties. In such an event the work shall be advertised and relet in the same manner as the original letting.

Payments to contracting land-owners.

Action on contract and bond.

Work relet.

SEC. 9. *Record book.* The clerk shall provide a suitable book to be known as the Record Book of the Agricultural Development Commissioners of ..... District, in which he shall cause to be recorded every petition, motion, order, record, judgment, or finding of the board of commissioners in every transaction which may come before it, in such a way as to make a complete and continuous record of the case; copies of all the maps and plans are to be furnished by the commissioners, and marked by the clerk "Official copy," which shall be kept on file by him in his office, and one of the copies shall be pasted or otherwise attached to his record.

Records.

Copies of maps and plans.

SEC. 10. *Assessment tax roll.* After the classification of the land and ratios of assessment of the different classes to be made thereon has been confirmed by the court, the commissioners shall ascertain the total cost of improvement, including all incidental expenses, and shall certify under the hand of the chairman and secretary of the board of commissioners to the clerk the said total cost, and said certificate shall be forthwith recorded in the record book and open to the inspection of any landowner in the district. The commissioners shall immediately prepare in duplicate the assessment rolls or agricultural improvement tax lists, giving therein the names of the owners of the land in the district as ascertained from the public records, a brief description of the several tracts of land assessed, and the assessment against each tract of land. The first of these assessment rolls shall provide assessments sufficient for the payment of interest on the bond issue to accrue the third year after their issue and the installment of principal to fall due at the expiration of the third year after the date of issue, together with such amounts as shall have to be paid for the collection and handling of the same. The second assessment roll shall make like provision for the fourth year, and in like manner assessment rolls shall make provision for each succeeding year during the life of the bonds. Each of the said assessment rolls shall specify the time when collectible, and shall be numbered in their order, and the amounts assessed against the several tracts of land shall be in accordance with the

Estimate and certificate.

Certificate recorded.

Assessment rolls.

Amount of assessments.

Specifications of rolls.

Authentication.	benefits received, as shown by the classification and ratio of the assessment made by the viewers. These assessment rolls shall be signed by the clerk and by the secretary of the board of commissioners. One copy of each of said assessment rolls shall be filed in the record book and one copy shall be delivered to the sheriff or other county tax collector, after the clerk has appended thereto an order directing the collection of said assessment, and the said assessment shall thereupon have the force and effect of a judgment as in the case of State and county taxes. These assessments shall constitute a first and paramount lien second only to State and county taxes, upon the lands assessed for the payment of the bonds and interest thereon as they become due, and shall be collected in the same manner, by the same officers, as the State and county taxes are collected. The said assessment shall be due and payable on the first Monday in September each year, and if the same shall not be paid in full by the thirty-first day of December following, it shall be the duty of the sheriff to sell the land or lands so delinquent. The sale of lands for failure to pay such assessments shall be made at the courthouse door in the county in which the lands are located, between the hours of ten o'clock in the forenoon and four o'clock in the afternoon, on the first Monday of February of each year; and if for any necessary cause the sale cannot be made on that date, the sale may be continued from day to day for not exceeding four days, or the land may be readvertised and sold on the first Monday in March succeeding, during the same hours, without any order therefor. In all other respects, except as to the time of sale of the land, the existing laws as to the collection of State and county taxes shall have application to the collection of the assessments under this act. It shall be the duty of the sheriff or tax collector to pay over to the county treasurer promptly the moneys so collected by him upon said tax assessments, to the end that the said treasurer may have funds in hand to meet the payment of interest and principal due upon outstanding bonds as they mature. It shall be the duty of the county treasurer, and without any previous order from the commissioners, to provide and pay the installments of interest at the time and place as evidenced by the coupons attached to said bonds, and also to pay the annual installments of principal due on said bonds at the time and place as evidenced by said bonds; and the said county treasurer shall be guilty of a misdemeanor and subject on conviction, to fine and imprisonment, in the discretion of the court, if he shall neglect or fail to make prompt payment of said interest and principal of said bonds, and shall likewise be liable in a civil action for all damages which may accrue to the board of commissioners or holders of said bonds, to either or both of which a right of action is hereby given. When any land in the district is sold, the court shall assess the new owner thereof, and deduct the amount of the new assessment from the
Copy filed.	
Copy delivered to tax collector.	
Force of judgment.	
Lien for assessments.	
Assessments due and payable.	
Sale of delinquent lands.	
Sale day.	
Application of existing laws.	
Settlement by tax collector.	
Payment of interest and bonds.	
Misdemeanor.	
Civil action.	
Assessment on sale of land.	



assessment of the former owner, and correct the assessment rolls accordingly.

SEC. 11. *Advertisement of intention to issue agricultural development district bonds.* The commissioners shall give notice for three weeks, by publication in some newspaper published in the county in which the district or a part of the district is situated, and shall also post a written or printed notice at the door of the courthouse and at five conspicuous places in the district, reciting that they propose to issue bonds for the payment of the total cost of improvement, giving the amount of the bonds to be issued, the rate of interest they are to bear, and the time when payable. Any landowner in the district not wanting to pay interest on the bonds may within fifteen days after the publication of said notice pay to the county treasurer the full amount for which his land is liable, to be assessed from the classification sheet and certificate of the board of commissioners, showing the total cost of improvements, and have his lands released from liability to be assessed for such improvements.

Advertisement  
of bond issue.

Payment of as-  
sessments in full.

SEC. 12. *Waiver.* Each and every person owning land in the district who shall fail to pay to the county treasurer the full amount for which his land is liable as aforesaid, within the time above specified, shall be deemed as consenting to the issuance of the bonds, and in consideration of the right to pay his proportion in installments, he hereby waives his right of defense to the payment of any assessment which may be levied for the payment of the bonds because of any irregularity or defect in the proceedings prior to this time, except in the case of an appeal as hereinbefore provided, which is not affected by this waiver.

Consent of  
owners.

Waiver of right.

SEC. 13. *Bond issue.* At the expiration of fifteen days after the expiration of the notice of the bond issue, the board of commissioners may issue bonds of the district for an amount equal to the total estimated cost of the improvements, less such amounts as shall have been paid in cash to the county treasurer, plus an amount sufficient to pay interest on the bond issue for the three years next following the date of the issue: *Provided*, that the total principal amount of the bonds to be issued shall not exceed fifty dollars (\$50) per acre for the land to be improved. These bonds shall bear six per cent interest per annum, payable semiannually, and shall be paid in twenty (20) equal installments. The first installment of the principal shall mature at the expiration of three years from the date of issue, and one installment for each succeeding year for nineteen additional years. The commissioners shall sell these bonds at not less than par and apply the proceeds to the payment of interest on said bonds for the three years next following the date of issue, and the payment of other expenses of the district provided for in this act. The proceeds from such bonds shall be for the exclusive use of the district specified on their face. The bonds shall be numbered by the

Bond issue.

Proviso: limita-  
tion.

Interest.  
Installments.  
Maturity.

Sale of bonds and  
use of proceeds.

Bonds numbered.



Record of bonds.	board of commissioners and recorded in the record book, which record shall set out specifically the lands embraced in the district on which the tax has not been paid in full, which land is to be assessed as heretofore provided. If any installment of principal or interest represented by said bonds shall not be paid at the time, and in the manner when the same shall be due and payable, and such default shall continue for a period of six months, the holder or holders of such bond or bonds upon which default has been made shall have a right of action against said district, or the board of commissioners of said district wherein the court may issue a writ of mandamus against said district, its officers, including the tax collector and treasurer, directing the levying of a tax or specific assessment as herein provided and the collection of the same in such sum as may be necessary to meet any unpaid installment of principal and interest and the cost of said action; and such other remedies are hereby vested in the holder or holders of such bond or bonds in default as may be authorized by law; and the right of action is hereby vested in the holder or holders of such bond or bonds upon which default has been made authorizing them to institute suit against any officer on his official bond for failure to perform any duty imposed by the provisions of this act. The official bond of the tax collector and the county treasurer shall be liable for the faithful performance of the duties herein assigned them. Such official bonds may be increased by the board of county commissioners.
Right of action on bonds.	
Remedy.	
Right of action on official bonds.	
Officers liable on bonds.	
Increase of bonds.	
Fees of sheriff and treasurer.	
Proviso: proceeds of and payments on bonds.	SEC. 13. <i>Fees allowed sheriff and treasurer.</i> That the fee allowed the sheriff or the tax collector for collecting the tax as prescribed in this act shall be two per centum of the amount collected, and the fee allowed the county treasurer for disbursing the revenue obtained from the sale of the bonds shall be one per centum of the amount disbursed: <i>Provided</i> , no fee shall be allowed to sheriff or other tax collector, or to the county treasurer, for collecting or receiving the revenue obtained from the sale of said bonds, nor for disbursing the revenue raised for paying off said bonds: <i>Provided further</i> , that in those counties where the sheriff, tax collector, and treasurer are on a salary basis, no fee whatever shall be allowed for collecting or disbursing the funds of the district.
Proviso: salaried officers.	
Pay of engineers.	SEC. 14. <i>Fees and expenses.*</i> Any engineer employed under the provisions of this act shall receive such compensation for his services as shall be fixed and determined by the commissioners. The viewers, other than the engineer, shall receive five dollars per day; the rodman, axeman, chainman, and other laborers shall receive not to exceed two dollars per day. All other fees and costs incurred under the provisions of this act shall be the same as are usual for like services in other cases. Said costs and expenses shall be paid, by order of the court, out of the funds provided for that purpose, and the board of commissioners shall issue war-
Pay of viewers and laborers.	
Other fees and costs.	
Payment.	

rants therefor when funds shall be in the hands of the treasurer. Any engineer, viewer, superintendent of construction, or other person appointed under this act may be removed by the court, upon petition, for corruption, negligence of duty, or other good and satisfactory cause shown.

Removal for cause.

SEC. 15. *Defects in proceedings.* The provisions of this act shall be liberally construed to promote the objects herein declared and for the general welfare of the State. The collection of assessments shall not be defeated, whether proper notices have been given, by reason of any defect in the proceedings occurring prior to the order of the court confirming the final report of the commissioners; but such orders shall be conclusive and final that all prior proceedings were regular and according to law, unless they were appealed from. If on appeal the court shall deem it just and proper to release any person, or modify his assessment or liability, it shall in no manner affect the rights and legality of any other person than the appellant, and the failure to appeal from the order of the court within the time specified shall be a waiver of any illegality in the proceedings, and the remedies provided for in this act shall exclude all other remedies.

Act liberally construed.

Defect of proceedings cured.

Rights affected by appeals.

Failure to appeal waiver.

Remedies exclusive.

SEC. 16. All laws in conflict with this act are hereby repealed, providing that proceedings now pending by virtue of any statute now or hereafter in force in this State or in any county shall not be affected by this act, but that such proceedings may be continued in accordance with such statute, or in accordance with the provisions of this act.

Conflicting laws repealed.

Pending actions.

SEC. 17. This act shall be in effect from and after its ratification.

Ratified this the 5th day of March, A. D. 1917.

## CHAPTER 132

AN ACT TO AUTHORIZE THE CHARITABLE, EDUCATIONAL, AND OTHER INSTITUTIONS OF THE STATE TO CONDEMN LAND.

*The General Assembly of North Carolina do enact:*

SECTION 1. That whenever the board of directors or board of trustees of any institution established or hereafter to be established by the State of North Carolina for the treatment of the insane, tubercular patients, or the feeble-minded children of the State, or for any other charitable purpose or for the education of the children of the State, or any other institutions established or hereafter to be established by the State and controlled by the State, shall desire to acquire for the purposes of said institutions any land necessary to carry out the purposes of said institutions, and upon failure of the said board of directors or board of trustees to agree with the owner or owners thereof upon a satisfactory price, then the said board of directors or board of

Institutions authorized to condemn land.

Proceedings.

trustees are authorized and empowered to condemn the same, and the proceedings therefor shall be conducted as may be in accordance with and under the provisions of chapter sixty-one of the Revisal of North Carolina of one thousand nine hundred and five, beginning with section two thousand five hundred and seventy-five thereof, and other statutes regulating the same.

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

Ratified this the 5th day of March, A. D. 1917.

## CHAPTER 133

### AN ACT TO DEFINE THE LEGAL AUTHORITY OF INSTITUTIONS FOR INDIGENT CHILDREN.

*The General Assembly of North Carolina do enact:*

Term of control.

SECTION 1. That every indigent child which may be placed in any orphanage, children's home, or child-placing institution in North Carolina, which shall be an institution existing under and by virtue of the laws of this State, shall be under the control of the authorities of such institution so long as under the rules and regulations of such institution the child is entitled to remain in the same. The authority of the institution shall be the same as that of a parent or guardian before the child was placed in the institution: *Provided*, that such authority shall extend only to the person of such child.

Authority of parent.

Proviso: authority personal.

Rules and regulations not abrogated.

SEC. 2. That nothing in sections of this act shall be construed in any way to abrogate any of the rules and regulations of such institutions in so far as such rules and regulations have for their purpose the welfare and protection of such institutions.

Enticement or harboring children.

SEC. 3. That it shall be unlawful for any person to entice or attempt to entice, persuade, harbor or conceal, or in any manner induce any indigent child to leave any of the institutions herein-before mentioned without the knowledge or consent of the authorities of such institutions: *Provided*, this act shall not interfere with a mother's right to her child in case she becomes able to sustain her child; and the county commissioners in the county in which she resides shall in case of doubt have authority to recommend to the institution concerning the child.

Proviso: right of mothers.

Recommendation by county commissioners.

Misdemeanor.

Punishment.

SEC. 4. That any person or persons 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.

Repealing clause.

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.

Ratified this the 5th day of March, A. D. 1917.

## CHAPTER 134

## AN ACT TO RELIEVE THE CROP-LIEN EVIL.

*The General Assembly of North Carolina do enact:*

SECTION 1. That in order to be entitled to the benefits of the lien on crops in favor of landlords and other persons advancing supplies under section one thousand nine hundred and ninety-three and sections two thousand and fifty-two to two thousand and fifty-seven, inclusive, of the Revisal of one thousand nine hundred and five, or on a chattel mortgage on crops, such landlord or person shall charge for such supplies a price or prices of not more than ten per cent over the retail cash price or prices of the article or articles advanced, and the said ten per cent shall be in lieu of interest on the debt for such advances. If more than ten per cent over the retail cash price is charged on any advances made under the lien or mortgage given on the crop, then the lien or mortgage shall be null and void as to the article or articles upon which such overcharge is made. At the time of each sale there shall be delivered to the purchaser a memorandum showing the cash prices of the articles advanced.

Limitation of prices.

Nullification of lien.

Memorandum of cash prices.

SEC. 2. That for the purpose of this act, in the case of retail merchants, the retail cash price or prices shall be the regular cash price or prices charged by the same merchant to cash customers for the same article or articles in like quantities at the same time. In the case of advances of supplies by landlords or other persons not engaged in business as retail merchants, or by retail merchants who have no regular cash prices, if the prices charged are called into question by the purchaser the retail cash price or prices of the supplies advanced may be determined by taking the average between the cash price or prices for the same class or classes of goods of two neighboring merchants, one selected by the landlord or other person making the advance and the other by the one to whom the advance is made: *Provided*, that no agreement or understanding between the parties as to the price or prices to be charged shall work an estoppel against the person to whom supplies have been advanced from showing that the price or prices charged were in fact more than ten per cent over the average retail cash price or prices in that locality at the time the advance or advances were made. If the price or prices charged by the merchants or the landlord were in fact more than ten per cent, then the lien shall be null and void, as declared in the preceding section.

Definition of "cash prices."

Determination of "cash prices."

Proviso: agreement not an estoppel.

Lien nullified.

SEC. 3. That any person, firm, or corporation, including any bank or credit union, making any advancement in money to any person for the purpose of enabling such person to cultivate a crop, and taking as sole security for the advance so made a lien or

Commission in lieu of interest.



Proviso: commission not deducted.

Advances by credit unions.

Liens valid as to purchasers.

Recovery of excess charges.

When act effective.

mortgage on the crops to be cultivated and the personal property of the person to whom the advances are made, may charge, in lieu of interest, a commission of not more than ten per cent of the amount of money actually advanced: *Provided*, that money advanced under the provisions of this section shall be advanced in installments agreed upon at the time of the contract, and the ten per cent commission herein allowed shall not be deducted, but shall be added to the amount of money agreed to be advanced.

SEC. 4. In case the money shall be advanced by a credit union, the funds derived from the ten per cent commission allowed in section three of this act shall be used to pay such interest as the union may pay for the money borrowed by it for the benefit of its members, and to cover losses sustained by the union on account of loans made to members, and to further cover any reasonable expenses incurred by the union in connection with the loans made to members, and the balance of said fund shall be returned to the borrowers at the end of each year.

SEC. 5. All liens or mortgages made under the provisions of this act shall be valid for their face value in the hands of purchasers for value and before maturity, even though the charges made are in excess of those allowed in this act; but in such cases the party to whom the advances are made shall have the right to recover from the party making the advances any sum he may be compelled to pay a third party in excess of the charges allowed by this act.

SEC. 6. This act shall go into effect on the first day of January, one thousand nine hundred and eighteen, and shall apply to all advances made for the year one thousand nine hundred and eighteen, and thereafter.

Ratified this the 2d day of March, A. D. 1917.

## CHAPTER 135

AN ACT TO AMEND SECTION 2083 OF THE REVISAL OF 1905, ENTITLED "WHO MAY NOT MARRY."

*The General Assembly of North Carolina do enact:*

Proviso: double first cousins.

SECTION 1. That section two thousand and eighty-three of the Revisal of one thousand nine hundred and five be and the same is hereby amended by adding after the word "void" and before the word "provided," in line twelve thereof the following: "*Provided*, double first cousins may not marry, and."

Repealing clause.

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

When act effective.

SEC. 3. That this act shall be in full force and effect after the first day of January, one thousand nine hundred and eighteen.

Ratified this the 5th day of March, A. D., 1917.



## CHAPTER 136

## AN ACT TO PROVIDE FOR THE ORGANIZATION AND GOVERNMENT OF CITIES, TOWNS, AND INCORPORATED VILLAGES.

## CHAPTER I.

*The General Assembly of North Carolina do enact:*

SECTION 1. That nothing in this act shall operate to repeal any local or special act of the General Assembly of North Carolina relating to cities, towns, and incorporated villages, but all such acts shall continue in full force and effect and in concurrence herewith, unless hereafter repealed or amended in manner provided for in this act. The provisions of this act shall not be construed to repeal chapter seventy-three, Revisal of one thousand nine hundred and five, entitled "Towns," or amendments to said act, except in case they are inconsistent with this act. The provisions of this act, so far as they are the same as those of existing general laws, are intended as a continuation of said laws and not as new enactments, and so far as they give general powers to cities are supplementary to and additional to the special charters of cities which have not such powers, unless inconsistent with or repugnant thereto, and a repetition of such powers if already possessed by cities by virtue of special charters. The provisions of this act shall not affect any act heretofore done, liability incurred, or right accrued or vested, or affect any suit or prosecution now pending or to be instituted to enforce any right or penalty or punish any offense. Subject to the foregoing provisions hereof, all laws or parts of laws in conflict with this act are hereby to the extent of such conflict repealed.

Local and special acts not repealed.

Revisal not repealed.

Continuation of laws.

Acts heretofore done.

Vested rights and pending actions.

## CHAPTER II.

*Creation of Towns: Incorporation.*

SECTION 1. Any number of persons, not less than fifty, at least twenty-five of whom shall be freeholders or homesteaders, and twenty-five qualified voters living in the area proposed to be incorporated, which area shall have an assessed valuation of real property of at least twenty-five thousand dollars according to the last preceding assessment for taxes, and shall not be a part of the area included in the limits of any city, town, or incorporated village already or hereafter existing, may be organized into a town upon compliance with the method herein set forth.

Organization of towns.

Areas to be organized into towns.

SEC. 2. A petition signed by a majority of the resident qualified electors and a majority of the resident freeholders or homesteaders of the territory proposed to be so organized shall be presented to the Secretary of State of North Carolina, accurately describing such territory, with map attached containing the names

Petition for organization.

Specifications.	of all qualified voters therein, the assessed valuation of such territory, and the proposed name of the new town. The petition shall further be signed by at least twenty-five resident freeholders or homesteaders of the age of twenty-one years or over, at least twenty of whom are qualified voters; and further, the petition shall show the valuation of the real property of the proposed town to be at least twenty-five thousand dollars, according to the last preceding tax assessment; and the said petition shall be verified by at least three of the signers who are qualified voters. The Secretary of State shall thereupon make an order prescribing the time and place for the hearing of said petition before the Municipal Board of Control hereinafter provided for. At least thirty days before the hearing, notice of such hearing shall be published once a week for four weeks in a newspaper published in the county where such territory is situate, designated as most likely to give notice to the people of the territory proposed to be so organized or incorporated into a town; or, if no newspaper is so published, then in some newspaper of general circulation in such proposed city, town, or incorporated village; and such notice shall also be posted at the county courthouse door of such county for a like period. Such notice shall be signed by at least three of the freeholders signing the petition for the organization of the town.
Hearing on petition.	
Notice of hearing.	
Action on petition.	SEC. 3. Any qualified voter or taxpayer of such territory so proposed to be incorporated into a town may appear at the hearing of such petition, and the matter shall be tried as an issue of fact by the Municipal Board of Control, and no formal answer to the petition need be filed. The said board may adjourn the hearing from time to time, in its discretion. The Municipal Board of Control shall file its findings of fact at the close of such hearing, and if it shall appear that the allegations of the petition are true, and that all the requirements in this chapter have been substantially complied with, and that the organization of said city, town, or incorporated village will better subserve the interests of said persons and the public, the said board shall enter an order creating such territory into a town, giving it the name proposed in the petition, and provide for the place of holding the first election for mayor and commissioners; and the election of mayor and commissioners shall be under the same laws as now govern the election of mayor and commissioners in chapter seventy-three, Revisal of one thousand nine hundred and five, entitled "Towns," and amendments thereto. Said Board of Control shall also designate how many commissioners shall serve, as set forth in chapter seventy-three, Revisal of one thousand nine hundred and five, entitled "Towns," naming the number of commissioners, not less than three nor more than seven. All the papers in reference to the organization of any town under this chapter shall be filed and recorded in the office of the Secretary of State, and certified copies thereof shall be filed and recorded in the office of the clerk
Findings of fact.	
Order creating town.	
Town elections.	
Number of commissioners.	
Papers filed and recorded.	

of the Superior Court of the county in which the town organized is situate. The fees shall be the same as are now provided for Fees. the organization of private corporations, and shall be paid out of the treasury of the city, town, or incorporated village. Upon the approval of the said Board of Control and the recording of the papers in the offices above mentioned, the said town shall become a municipal corporation with all the powers and subject to all the laws governing towns as set forth in chapter seventy-three, Re-  
Municipal corporation.

SEC. 4. The Municipal Board of Control shall be composed of the Secretary of State, the Attorney-General, and the chairman of the Corporation Commission. The Attorney-General shall be chairman and the Secretary of State shall be secretary of said board.  
Municipal board of control.  
Organization.

### CHAPTER III.

#### *Regulation of Public Utility and Quasi-Public Utility Corporations.*

SECTION 1. The Corporation Commission shall have full power and authority to fix and establish any and all rates which any public-service or quasi public-service corporation other than rail- Roads fixed. roads using steam as a motive power shall charge or exact from any person, firm, or corporation in any city for the services rendered or commodity furnished.

SEC. 2. The North Carolina Corporation Commission shall have the power to require such improvements and extensions to Improvements of laws. the service of public-service corporations as it may deem necessary after the investigation of any complaint of any person, corporation, or municipality as to the inadequacy of such service. Upon application being made, the Corporation Commission shall proceed to hear, pass on, and determine, in the manner prescribed Hearings on rates. by law, a just or reasonable rate or charge for the service or other commodity rendered or furnished; said hearing before the Corporation Commission shall be governed by the general law as to said Commission relating to the fixing of rates and rules and orders of the Commission as to the enforcement thereof by said Commission. The Corporation Commission shall have the same power and authority in hearing and passing on any matter or case under this act, enforcing or fixing of rates, supervising and regulating said corporation or otherwise under this act, as they now have under the act establishing said Corporation Commission, in addition to such power and authority as they now have under the general law. The failure or refusal to conform to or obey any decision, rule, regulation, or order made in such cases by the Corporation Commission shall subject said public utility corpora- Powers of corporation commis- sion. tion or quasi-public utility corporation refusing or failing to comply herewith to the penalty provided for railroad companies in chapter twenty (20), sections one thousand and eighty-seven, Penalties.

one thousand and eighty-eight, one thousand and eighty-nine, one thousand and ninety, one thousand and ninety-one, one thousand and ninety-two, one thousand and ninety-three of the Revisal of one thousand nine hundred and five, and all acts amendatory thereof and supplemental thereto.

Powers not  
abrogated by  
construction.

SEC. 3. Nothing contained in this chapter shall be construed to deprive the Corporation Commission of the authority and power which it now has under the laws of North Carolina to supervise and regulate and fix the rates for public utility corporations or quasi-public utility corporations operating or doing business in such city.

#### CHAPTER IV.

##### *Condemnation for Public Use.*

Purchase of  
lands, rights and  
easements.

SECTION 1. When in the opinion of the governing body of any city, or other board, commission, or department of the government of such city having and exercising or desiring to have and exercise the management and control of the streets, water, electric light, gas, sewerage or drainage systems, or other public utilities, parks, playgrounds, cemeteries, wharves, or markets, open-air or enclosed, which are or may by law be owned and operated or hereafter acquired by such city or by a separate association, corporation, or other organization on behalf and for the benefit of such city, any land, right of way, water right, privilege, or easement, either within or outside the city, shall be necessary for the purpose of opening, establishing, building, widening, extending, enlarging, maintaining, or operating any such streets, parks, playgrounds, cemetery, water, electric light, gas, sewerage or drainage systems, wharves, or other public utility so owned, operated, and maintained by or on behalf of any such city, such governing body, board, commission, or department of government of such city may purchase such land, right of way, water right, privilege, or easement from the owner or owners thereof and pay such compensation therefor as may be agreed upon; but if such governing body, board, commission, or department of the government of such city should be unable to agree with the owners thereof for the purchase of such land, right of way, privilege, or easement, condemnation of the same for such public use may be made in the same manner and under the same rules, regulations, and procedure as are provided for the condemnation of land by railroads in sections two thousand five hundred and seventy-five to two thousand five hundred and ninety-eight, inclusive, of the Revisal of one thousand nine hundred and five, and acts supplemental thereto or amendatory thereof.

Right of con-  
demnation.



## CHAPTER V.

*Powers of Cities.*

SECTION 1. In addition to and coördinate with the powers granted to cities in chapter seventy-three of the Revisal of one thousand nine hundred and five, and the amendments to said act, and any acts affecting such cities, all cities shall have the following powers:

- |   |   |
|---|---|
| (a) To acquire property in fee simple or a lesser interest or estate therein by purchase, gift, devise, bequest, appropriation, lease, or lease with privilege to purchase.   | Acquirement of property.  |
| (b) To sell, lease, hold, manage, and control such property and make all rules and regulations by ordinance or resolution which may be required to carry out fully the provisions of any conveyance, deed, or will in relation to any gift or bequest, or the provisions of any lease by which the city may acquire property.       | Management of property.   |
| (c) To purchase, conduct, own, lease, and acquire public utilities.   | Public utilities.   |
| (d) To appropriate the money of the city for all lawful purposes.   | Appropriations.   |
| (e) To create, provide for, construct, regulate, and maintain all things in the nature of public works, buildings, and improvements.  | Public works, buildings, and improvements.                              |
| (f) To supervise, regulate, or suppress, in the interest of public morals, public recreations, amusements and entertainments, and to define, prohibit, abate, or suppress all things detrimental to the health, morals, comfort, safety, convenience, and welfare of the people, and all nuisances and causes thereof.              | Recreations, amusements, and entertainments.<br>Abatement of nuisances. |
| (g) To pass such ordinances as are expedient for maintaining and promoting the peace, good government, and welfare of the city, and the morals and happiness of its citizens, and for the performance of all municipal functions.   | Legislative powers.   |
| (h) To provide for the destruction of noxious weeds, and for payment of the expense thereof by assessment or otherwise.   | Destruction of weeds.   |
| (i) To regulate the erection of fences, billboards, signs, and other structures, and provide for the removal or repair of insecure billboards, signs, and other structures.   | Fences, billboards and other structures.                                |
| (j) To make and enforce local police, sanitary, and other regulations.  | Police and sanitary regulations.  |
| (k) To open new streets, change, widen, extend, and close any street that is now or may hereafter be opened, and adopt such ordinances for the regulation and use of the streets, squares, and parks, and other public property belonging to the city, as it may deem best for the public welfare of the citizens of the said city. | Streets.  |
| (l) To acquire, lay out, establish, and regulate parks within or without the corporate limits of the city for the use of the inhabitants of the same.   | Parks.  |
| (m) To erect, repair, and alter all public buildings.   | Buildings.  |



Animals going  
at large.

(n) To regulate, restrain, and prohibit the running or going at large of horses, mules, cattle, sheep, swine, goats, chickens, and all other animals and fowl of whatsoever description, and to authorize the distraining and impounding and sale of the same for the costs of the proceedings and the penalty incurred and to order their destruction when they cannot be sold, and to impose penalties on the owners or keepers thereof for the violation of any ordinance or regulation of said governing body, and to prevent, regulate, and control the driving of cattle, horses, and all other animals into or through the streets of the city.

Plumbers and  
plumbing work.

(o) To regulate and control plumbers and plumbing work, and to enforce efficiency in the same by examination of such plumbers and inspection of such plumbing work.

Explosives, oils,  
and gas.

(p) To regulate, control, and prohibit the keeping and management of houses or any building for the storage of gunpowder and other combustible, explosive, or dangerous materials within the city, and to regulate the keeping and conveying of the same, and to authorize and regulate the laying of pipes and the location and construction of houses, tanks, reservoirs, and pumping stations for the storage of oil and gas.

Use of explosives  
and fireworks.

(q) To regulate, control, restrict, and prohibit the use and explosion of dynamite, firecrackers, or other explosives or fireworks of any and every kind, whether included in the above enumeration or not, and the sale of same, and all noises, amusements, or other practices or performances tending to annoy or frighten persons or teams, and the collection of persons on the streets or sidewalks or other public places in the city, whether for purposes of amusement, business, curiosity, or otherwise.

Noises and  
amusements.

Collections of  
persons on streets.

Railroad and  
street railway  
tracks.

(r) To direct, control, and prohibit the laying of railroad and street railway tracks, turnouts, and switches in the streets, avenues, and alleys of the city unless the same shall have been authorized by ordinance, and to require that all railroads, street railways, turnouts and switches shall be so constructed as not to interfere with the drainage of the city and with the ordinary travel and use of the streets, avenues, and alleys in said city, and to construct and keep in repair suitable crossings at the intersection of streets, avenues, and alleys and ditches, sewer and culverts, where the governing body shall deem it necessary, and to direct the use and regulate the speed of locomotive engines, trains, and cars within said city.

Crossings.

Speed.

Regulation of  
street cars.

(s) To make all suitable and proper regulations in regard to the use of the street for street cars, and to regulate the speed, running, and operation of the same so as to prevent injury or inconvenience to the public.

Butchers and  
markets.

(t) To make such rules and regulations in relation to butchers as may be necessary and proper; to establish and erect market houses, and designate, control, and regulate market places and privileges.

- (u) To prohibit and punish the abuse of animals. Abuse of animals.
- (v) To acquire, establish, and maintain cemeteries and to regulate the burial of the dead and the registration of deaths, marriages, and births. Cemeteries. Vital statistics.
- (w) To prohibit prize-fighting, cock and dog fighting. Prize, cock, and dog fighting. Shows and exhibitions.
- (x) To regulate, restrict, and prohibit theaters, carnivals, circuses, shows, parades, exhibitions of showmen, and shows of any kind, and the exhibition of natural or artificial curiosities, caravans, menageries, musical and hypnotic exhibitions and performances.
- (y) To create and administer a special fund for the relief of indigent and helpless members of the police and fire departments who have become superannuated, disabled, or injured in such service, and receive donations and bequests in aid of such fund and provide for its permanence and increase, and to prescribe and regulate the conditions under which, and the extent to which, the same shall be used for the purpose of such relief. Pensions for policemen and firemen.
- (z) To prevent and abate nuisances, whether on public or private property. Nuisances.
- (aa) To regulate and prohibit the carrying on of any business which may be dangerous or detrimental to health. Dangerous and unwholesome trades.
- (bb) To condemn and remove any and all buildings in the city limits, or cause them to be removed, at the expense of the owner or owners, when dangerous to life, health, or other property, under such just rules and regulations as it may by ordinance establish; and likewise to suppress any and all other nuisances maintained in the city. Condemnation and removal of buildings.
- (cc) To provide for all inspections which may be expedient, proper, or necessary for the welfare, safety, and health of the city and its citizens, and regulate the fees for such inspection. Inspections.
- (dd) To require any or all articles of commerce or traffic to be gauged, inspected, measured, weighed, or metered, and to require every merchant, retail trader or dealer in merchandise or property of any description which is sold by weight or measure to have such weights and measures sealed and to be subject to inspection. Weights and measures.
- (ee) To provide for the regulation, diversion, and limitation of pedestrians and vehicular traffic upon public streets, highways, and sidewalks of the city. Traffic regulations.
- (ff) To require the examination of all drivers of motor vehicles upon the streets and highways of the city, to prescribe fees for such examinations, and to prevent the use of such vehicles by all persons who shall not satisfactorily pass such examination. Drivers of motor vehicles.
- (gg) To regulate the emission of smoke within the city. Smoke.
- (hh) To license, prohibit, and regulate pool and billiard rooms and dance halls, and in the interest of public morals provide for the revocation of such licenses. Pool and billiard rooms and dance halls.

Electricians and electrical work.

(ii) To regulate and control electricians and electrical work and to enforce efficiency in the same by examination of such electricians and inspection of such electrical work.

Vehicles for hire.

(jj) To license and regulate all vehicles operated for hire in the city.

Ordinances applicable to outside territory.

SEC. 2. That all ordinances, rules, and regulations of the city now in force, or that may hereafter be enacted by the governing body in the exercise of the police powers given to it for sanitary purposes, or for the protection of the property of the city, unless otherwise provided by the governing body, shall, in addition to applying to the territory within the city limits, apply with equal force to the territory outside of said city limits within one mile in all directions of same, and to the rights of way of all water, sewer, and electric light lines of the city without the corporate limits, and to the rights of way, without the city limits, of any street railway company, or extension thereof, operating under a franchise granted by the city, and upon all property and rights of way of the city outside the said corporate limits and the above mentioned territorial limits, wheresoever the same may be located.

Enumeration of powers not exclusive.

SEC. 3. The enumeration of particular powers by this act shall not be held or deemed to be exclusive; but in addition to the powers enumerated or implied therein, or appropriate to the exercise thereof, the city shall have and may exercise all other powers which under the Constitution and laws of North Carolina now are or hereafter may be granted to cities. Powers proper to be exercised, and not specially enumerated herein, shall be exercised and enforced in the manner prescribed by this act; or when not prescribed herein, in such manner as shall be provided by ordinance or resolution of the governing body.

Exercise of powers not enumerated.

Health ordinances.

SEC. 4. The governing body of cities is hereby given, within the city limits, all the power and authority that is now or may hereafter be given by law to the county superintendent of health or county physician, and such further powers and authority as will best preserve the health of the citizens. The governing body is hereby given power to make such rules and regulations, not inconsistent with the Constitution and laws of the State, for the preservation of the health of the inhabitants of the city, as to them may seem right and proper. Said governing body may acquire, establish, and maintain a hospital, or hospitals, or pest-houses, slaughter-houses, rendering plants, incinerators and crematories in the city limits or within three miles thereof; may stop, detain, examine, or keep in a pest-house or houses of detention persons having or suspected of having any infectious, contagious, or other communicable disease; may quarantine the city or any part thereof; may cause all persons in the city limits to be vaccinated; may, without incurring liabilities to the owner, remove, fumigate, or destroy furniture, bedding, clothing, or other prop-

Rules and regulations.

Hospitals, pest-houses, slaughter-houses, and incinerators.

Quarantine.

Vaccination.

Infected property.

erty which may be found to be tainted or infected with any contagious or infectious disease, and may do all other proper and reasonable things to prevent or stamp out any contagious or infectious disease, and to better preserve the health of the citizens; and all expenses incurred by the city in disinfecting or caring for any person or persons, by authority of this section, may be recovered by it from the person, persons, or property cared for, and when expense is incurred in caring for property same shall become a lien on said property. That any persons who shall attempt by force, or by threat of violence, to prevent his removal or that of any other persons to the pest-house, house of detention, or hospital, or who shall in any way interfere with any officer while performing any of the duties allowed by this chapter, shall be guilty of a misdemeanor. Said governing body may elect a health officer and create such other offices and employments as to them may seem right and proper, and fill the same and fix their compensation.

Recovery of expense.

Lien on property.

Interference with officer misdemeanor.

Health officers.

SEC. 5. Said governing body is hereby empowered to make rules and regulations for the management and conduct of all hospitals and sanatoriums which may have for treatment any patient afflicted with any infectious, contagious, or other communicable disease, and prescribe penalties for any violation of same. Any person violating any rule or regulation of said governing body shall be guilty of a misdemeanor, and upon conviction, except as herein otherwise provided, shall be fined not more than fifty dollars or imprisoned not more than thirty days.

Conduct of hospitals and sanatoriums.

Violation of rules misdemeanor.

Punishment.

SEC. 6. The governing body of any city may by ordinance fix the salary of the mayor of such city or heads of departments or other officers.

Salaries.

## CHAPTER VI.

### *Taxes.*

SECTION 1. The officer who has charge of the collection of taxes in any city shall, in the collection of taxes, be vested with the same power and authority as is given by the State to sheriffs for like purpose, and shall be subject to the same fines and penalties on failure or neglect of duty. It shall be his duty to collect all taxes levied by the governing body, and he shall be charged with the sums appearing on the tax list as due for city taxes. He shall at no time retain in his hands over three hundred dollars for a longer time than seven days, under a penalty of ten per cent per month to be paid to the city upon all sums so unlawfully retained. In settlement with the city he shall be credited with all poll taxes and taxes on personal property which the governing body shall declare to be insolvent and uncollectible and with such amounts as may be involved in suit by appeal from the ruling of the board, and he shall be charged with and shall pay over all other sums appearing on the tax list as hereinbefore

Powers of tax collector.

Penalties.

Settlements.

Credits.



Record of settlements.

provided. After the accounts of said officer shall be audited and settled, the same shall be reported to the governing body, and when approved by it the same shall be recorded in the minute-book of said body, and shall be *prima facie* evidence of correctness, and impeachable only for fraud or specified error.

Ordinances for listing and collecting taxes.

SEC. 2. Said governing body shall provide by an ordinance or otherwise means for the collection of taxes in said city and shall cause property to be listed for taxation which has not otherwise been listed as required by law.

Bonds of officers.

SEC. 3. That the governing body of the city shall require of the tax collector of said city, and any and all officers and employees, such bonds as it may deem necessary, and may pay the expenses of providing such bonds, including the bond of the mayor.

Unlisted taxables.

SEC. 4. That the officer who has charge of the collection of taxes in any city shall, after the most diligent inquiry, and by comparing his book with the county tax books, make out a list of all persons liable for poll tax, or for taxes on property, who have failed to return a list in the manner and in the time prescribed, together with the estimated value of all the property not listed, and shall enter such persons in a separate part of his book.

Lien for taxes.

SEC. 5. The lien for taxes levied for any and all purposes in each year shall attach to all the real estate of the taxpayers within the city on the first day of June annually, and shall continue until such taxes, with any penalty and costs which shall accrue thereon, shall be paid. But there shall be no lien for taxes on the personal property of the taxpayer but from a levy thereon.

Lien on personal property.

Plumbers and electricians to be licensed and give bond.

SEC. 6. Said governing body may regulate and license plumbers and those engaged in the electrical wiring of buildings for light, power, or heat, and before issuing a license may require the applicant to be examined and to give bond in such sum and upon such conditions as the governing body may determine, and with such sureties as it may approve; and said body may, for incompetency on the part of such licensees or for refusal to comply with the ordinances relating to such business, or for any other good cause, revoke any license issued hereunder.

Revocation of license.

Work without license forbidden.

SEC. 7. No person, firm, or corporation shall do any kind of plumbing or electrical wiring of buildings without first having obtained a license from said governing body.

Term of license.

Not transferable.

SEC. 8. That no license issued hereunder by said governing body shall be for more than one year, and same shall not be transferable or assignable except by the permission of the governing body.

License tax to be paid.

SEC. 9. That no license shall be issued, as herein provided, before the license tax shall have been paid.



## CHAPTER VII.

*Sewerage.*

SECTION 1. That the said governing body shall have power to acquire, provide, construct, establish, maintain and operate a system of sewerage for the city, and protect and regulate the same by adequate rules and regulations; and if it shall be necessary in obtaining proper outlets to the said system to extend the same beyond the corporate limits, the governing body may condemn a right of way or rights of way to and for such outlets, and the proceedings for such condemnation shall be as herein provided for opening new streets and other purposes.

SEC. 2. That the governing body may require all owners of improved property which may be located upon or near any line of said system of sewerage to connect with such sewerage all water-closets, bathtubs, lavatories, sinks, or drains upon their respective properties or premises, so that their contents may be made to empty into such sewer, and fix charges for such connections.

SEC. 3. That the governing body may by ordinance provide for the removal, by wagons or carts, of all garbage, slops, and trash from the city; and when the same is not removed by the private individual in obedience to such ordinance, may require the wagons or carts to visit the houses used as residences, stores, and other places of habitation in the city, and also may require all owners or occupants of such houses who fail to remove such garbage or trash from their premises to have the garbage, slops, and trash ready and in convenient places and receptacles, and may charge for such removal the actual expense thereof.

SEC. 4. That the governing body, or officer or officers who may be designated for this purpose by said governing body, shall have power summarily to remove, abate, or remedy, or cause to be removed, abated, or remedied, everything in the city limits, or within a mile of said limits, which is dangerous or prejudicial to the public health; and the expense of such action shall be paid by the person in default, and, if not paid, shall be a lien upon the land or premises where the trouble arose, and shall be collected as unpaid taxes.

## CHAPTER VIII.

*Fires and Fire Department.*

SECTION 1. That the governing body shall have power to provide for the organization, equipment, maintenance and government of fire companies and a fire department; and, in its discretion, may provide for a paid fire department, and for this purpose may create any offices and employments and fix their compensation as to the governing body may seem right and proper.

SEC. 2. That the governing body may establish and maintain fire limits in the city, in which it shall be unlawful to erect, alter,

and repair wooden buildings or structures or additions thereto; it may also prohibit the removal of wooden buildings or structures of any kind into said limits, or from one place to another within the limits, and make such other regulations as may be deemed best for the prevention and extinguishment of fires.

Building regulations.

SEC. 3. The governing body may make rules and regulations governing the erection and construction of buildings in the city so as to make them as safe as possible from fire.

## CHAPTER IX.

### *Care Fund for Cemeteries.*

Care fund for cemeteries.

SECTION 1. That the governing body is authorized to create a fund to be known as the perpetual care fund for the cemetery or cemeteries, for the purpose of perpetually caring for and beautifying the cemetery or cemeteries, and said fund shall be kept by the city as is provided for bequests and gifts for cemetery purposes; and said governing body may make contracts with lot or space owners in the cemetery or cemeteries, obligating the city to keep up and maintain said lots or spaces in perpetuity upon payment of such sum or sums as may be fixed by the governing body; and the governing body is further authorized and empowered to accept gifts and bequests for such purposes, or upon such other trusts as the donors may prescribe; and said governing body is authorized to set aside for said perpetual care fund an amount not exceeding twenty-five per cent of the proceeds of

Contracts for care of cemetery lots.

Gifts and bequests.

Amount of fund.

Principal of fund.

Income of fund.

Gifts held as trust funds.

Investment and uses.

Separate accounts.

Ordinances.

sale of cemetery lots. That the principal of said funds so appropriated by the governing body for caring for the cemetery or cemeteries shall be held by the said governing body for caring for and beautifying the cemetery or cemeteries and improving the same. The income from said fund heretofore or hereafter made shall be used for such purpose of carrying out contracts with the individual lot or space owners for perpetual care of individual plats and spaces. That any gifts heretofore or hereafter made to and received by the city or any of its officers shall be held and used as a sacred trust fund for the purposes and upon the conditions named in such gifts or bequests, and any and all such funds shall be kept and invested separately and shall not be used for any other purpose, or by the city in its other affairs. That the city treasure shall keep a separate account of the cemetery funds, and a still further separate account of all special gifts or bequests made by persons for and in connection with the cemetery or cemeteries, and particular lots therein. The governing body shall have the power to make rules and regulations and adopt ordinances for the carrying out of the duties imposed by this section.

## CHAPTER X.

*Streets.*

SECTION 1. That the governing body of the city shall have power to control, grade, macadamize, cleanse, and pave and repair the streets and sidewalks of said city and make such improvements thereon as it may deem best for the public good, and may provide for and regulate the lighting of the public parks, and regulate, control, license, prohibit, and prevent diggings in said streets and sidewalks, or placing therein of pipes, poles, wires, fixtures, and appliances of every kind, whether on, above, or below the surface thereof, and regulate and control the use thereof by persons, animals, and vehicles; to prevent, abate, and remove obstructions, encroachments, pollution or litter therein; and shall have under its government, management, and control all parks and squares within or without the city limits established by the governing body for the use of the city except as otherwise provided.

Control and maintenance of streets.

Lights in parks.

Digging and obstructions in streets.

Use of streets.

Cleaning streets.

Parks and squares.

## CHAPTER XI.

*Water and Lights.*

SECTION 1. That the city may own and maintain its own light and water-works system to furnish water for fire and other purposes, and light to the city and its citizens, but shall in no case be liable for damages for a failure to furnish a sufficient supply of either water or light.

Light and water systems.

SEC. 2. That the governing body shall have power to acquire and hold rights of way, water rights, and other property, within and without the city limits.

Rights of way and water rights.

SEC. 3. That the governing body or such board or body which has the management and control of the water-works system in charge shall fix such uniform rates for water as is deemed best. The said body shall fix the times when said water rents shall become due and payable, and in case such rent is not paid within ten days after it becomes due and payable, the same may at any time thereafter be collected either by suit in the name of the city or by the collector of taxes for the city. That upon the failure of the owner of property for which water is furnished under the rules and regulations of the said body to pay said water rents when due, then the body, or its agents or employees, may cut off the water from the said property; and when so cut off it shall be unlawful for any person, firm, or corporation, other than the said body or its agents or employees, to turn on said water to said property, or to use the same in connection with the said property, without first having paid said water rent and obtained permission to turn on said water.

Water rates.

Collection of water rents.

Discontinuation of service.

Separate accounts. SEC. 4. That it shall be the duty of the said governing body to keep a separate statement and account of the money received by the city from the water-works system, and it shall be the duty of the said body to give preference to the water-works system over the other departments of the city in such funds, and to provide for the proper upkeep of the water-works system and an amount necessary for the enlargement of the water-works system before turning over to the other departments the money so received.

## CHAPTER XII.

### *Market House.*

Market house and abattoir. SECTION 1. The governing body of the city shall have power to provide for the establishment, maintenance, and regulation of open-air or enclosed markets and slaughter places; may prescribe the time and place of sale of fresh meats, fish, and other marketable products therein; may rent the stalls in such manner and at such prices as it may deem best; may appoint a keeper of the market or other persons, who may summarily condemn all unsound products offered for sale in the city for food, and cause the same to be removed at the expense of the person offering it for sale.

Sale regulations.

Rent of stalls.

Keeper of market.

Condemnation of products.

## CHAPTER XIII.

### *General Provisions.*

Exercise of legislative powers. SECTION 1. Except as is especially provided in this section, the legislative powers of the governing body may be exercised as provided by ordinance or rule adopted by it.

Votes. (a) Every member of the governing body shall have the right to vote on any question coming before it. A majority shall constitute a quorum, and a majority vote of all members present shall be necessary to adopt any motion, resolution, or ordinance.

Quorum.

Rules of order. (b) The city governing body shall from time to time establish rules for its proceedings. Regular and special meetings shall be held at a time and place fixed by ordinance. All legislative sessions shall be open to the public, and every matter shall be put to a vote, the result of which shall be duly recorded. The governing body shall not by executive session or otherwise consider or vote on any question in private session. A full and accurate journal of the proceedings shall be kept, and shall be open to the inspection of any qualified registered voter of the city.

Place of meetings.

Open sessions.

Vote to be recorded.

Private sessions forbidden.

Journals.

Journals open for inspection.

Election and term of city clerk. (c) The governing body shall, by a majority vote, elect a city clerk to hold office for the term of two years and until his successor is elected and qualified. He shall have such powers and perform such duties as the governing body may from time to time prescribe in addition to such duties as may be prescribed by law.

Powers and duties.

Records of meetings. He shall keep the records of the meetings. The person holding



the office of city clerk at the time when any of the plans set forth in this act shall have been adopted by such city shall continue to hold office for the term for which he was elected, until his successor is elected and qualified.

Continuance in office.

SEC. 2. The governing body at any time may request from the mayor specific information on any municipal matter within its jurisdiction, and may request him to be present to answer written questions relating thereto at a meeting to be held not earlier than one week from the date of the receipt by the mayor of said questions.

Requests on mayor for information.

SEC. 3. No ordinance shall be passed finally on the date on which it is introduced, unless by two-thirds vote of those present. No ordinance making a grant, renewal, or extension, whatever its kind or nature, of any franchise or special privilege shall be passed until voted on at two regular meetings, and no such grant, renewal, or extension shall be made otherwise than by ordinance.

Ordinances by two-thirds vote.

Ordinances as to franchises.

SEC. 4. No ordinance or part thereof shall be amended or annulled except by an ordinance adopted in accordance with the provisions of this act.

Amendment and repeal.

SEC. 5. All official bonds, recognizances, obligations, contracts, and all other instruments entered into or executed by or to the city before this act takes effect in any city, and all taxes, special assessments, fines, penalties, forfeitures incurred or imposed, due or owing to the city, shall be enforced and collected, and all writs, prosecutions, actions and causes of action, except as is herein otherwise provided, shall continue without abatement and remain unaffected by this act; and no legal act done by or in favor of the city shall be rendered invalid by its adoption of any plan of government provided for by this act. All valid ordinances and resolutions of any city in force at the date of the ratification and not inconsistent with the provisions of this act, and all rules of procedure adopted by the governing body of any city, shall be and remain in full force and effect until repealed, annulled, or amended under the provisions of this act, or under the provisions of the charter of such city, and all laws relative to any city not in conflict with the provisions of this act shall be and remain in full force and effect.

Contracts heretofore made.

Dues to city.

Proceedings not abated.

Ordinances to remain in force.

Laws to remain in force.

SEC. 6. If a vacancy occurs in the office of the mayor or governing body, the vacancy shall be filled by the governing body of the city. If the mayor is absent or unable from any cause temporarily to perform his duties, they shall be performed by one elected by the governing body of the city for that purpose, who shall be called "mayor *pro tem.*," and he shall possess the powers of mayor only in matters not admitting delay, but shall have no power to make permanent appointments.

Election of mayor to fill vacancy.

Mayor pro tem.

Powers of mayor pro tem.

SEC. 7. No contract for construction work or for the purchase of apparatus, supplies, or materials, whether the same shall be for repairs or original construction, the estimated cost of which

Limitations on award of contracts.



amounts to or exceeds one thousand dollars, except in cases of special emergency involving the health or safety of the people or their property, shall be awarded unless proposals for the same shall have been invited by advertisement once in at least one newspaper of general circulation in the city, the publication to be at least one week before the time specified for the opening of said proposals. Such advertisement shall state the time and place where plans and specifications of proposed work or supplies may be had and the time and place for opening the proposals in answer to said advertisements, and shall reserve to the city the right to reject any or all such proposals. All such proposals shall be opened in public. No bill or contract shall be split or divided for the purpose of evading any provision of this act.

Advertisement for proposals.

Specifications of advertisement.

Right to reject proposals.  
Evasion.

Contracts in writing.

Security for performance.

Alteration of contracts.

Control of departments.

Proviso: ordinance abolishing commissions or departments.

SEC. 8. All contracts made by any department board, or commission in which the amount involved is two hundred dollars or more shall be in writing, and no such contract shall be deemed to have been made or executed until signed by the officer authorized by law to sign such contract, approved by the governing body. Any contract made as aforesaid may be required to be accompanied by a bond with sureties, or by a deposit of money, certified check, or other security for the faithful performance thereof, satisfactory to the board or official having the matter in charge, and such bonds or other securities shall be deposited with the city treasurer until the contract has been carried out in all respects; and no such contract shall be altered except by a written agreement of the contractor, the sureties on his bond, and the officer, department, or board making the contract, with the approval of the governing body.

SEC. 9. The water-works department, electric or gas light system, sewerage system, library system, park or park and tree commission system, or playground system, or any other public service owned, operated, or conducted by any city under separate organization or as a separate corporation under the control of any city in the State, which have been heretofore under the separate management and control of separate boards or corporations, may henceforth be under the management and control of the governing body of such city in the State: *Provided, however,* that in all cities except those which have adopted Plan C or Plan D, hereafter set forth, before the governing body shall have control or management of the water-works, electric light, sewerage system, library system, park or park and tree commission system, or playground system, or any other public service owned, operated, or conducted by such city under separate organization or corporation, the governing body of the city, by two-thirds vote taken at two separate regular meetings of such governing body, shall pass an ordinance to the effect that the said water-works, electric or gas light system, sewerage system, library, park or park and tree commission system, or playground system, or any other

public service owned, operated, or conducted by such city under separate organization or corporation, or either of them, shall be abolished and the control and management shall be under the governing body of the city. Upon the passage by the governing body of any city of such ordinance, the water-works, electric or gas light system, sewerage system, the library system, and the park or park and tree commission system, and any other public service owned, operated, or conducted by such city under separate organization or corporation then in existence either under separate organization or under separate management or control or under separate corporation, shall immediately become the property of the said city, and all land, real estate, rights, easements, franchises, choses, and property of every kind, whether real or personal, tangible or intangible, the title of which is vested in such separate corporation or board, shall be and become vested in such city, and the said boards or water commissioners, electric light commissioners, sewerage commissioners, library boards, park boards, or park and tree commission boards, or the board or commission of any other public service owned, operated, or conducted by or on behalf of such city under separate organization or corporation shall cease to exist as a corporation; and all indebtedness, bonds, or other contracts and obligations of any nature incurred by, for, or on account of said water-works, electric or gas light system, sewerage system, library system, park or park and tree commission system, or other public utility in the name of or by said corporation, or by such city in its behalf, or by said corporation or such city jointly, shall be and become the sole obligations of such city: *Provided further*, that there shall be the same procedure with reference to the library system, park or park and tree commission system, or playground system by the governing body of all cities which shall have adopted said Plan C or Plan D before such control and title shall become vested as hereinbefore stated: *Provided further*, that in all cities, except those which have adopted Plan C or Plan D, hereafter set forth, before the foregoing provisions of this section shall become effective, such changes in the control and management of the water-works, electric light, sewerage, etc., shall first be approved by a majority of the qualified voters of such municipality at any regular or special election held under the provisions of this act.

SEC. 10. The governing body of any city in the exercise of its control and management of the water-works, electric light, sewerage system, library system, park or park and tree commission system, or any other public service owned, operated, or conducted by such city, shall have power to make rules, regulations, and ordinances in connection with the management thereof as they may deem necessary, and shall have power to enforce such rules, regulations, and ordinances. The governing body of any city shall have power to acquire such additional property as it may

Systems to become property of city.

Property vested in city.

Boards abolished.

Obligation for payment of debts.

Proviso: action by city.

Proviso: approval by voters.

Management of subsidiary systems.

Additional property.

Change of plan of government.

Establishment and management of utilities.

Civic survey.  
Hospitals, clinics, and dispensaries.

Public charities and benevolence.

Rest rooms, waterclosets, and urinals.  
Sales places.  
Hitching racks.

Election laws not repealed.

Proviso: new registration.

Questions governed by general laws.

Pleading ordinances.

deem necessary for a better system of water-works, electric light, sewerage, library, park, or parks, or other public service owned, operated, or conducted by such city; that upon the adoption by the governing body of any city of any one of the plans of government provided for in this act, the laws now in force in reference to the water-works, electric light, sewerage, park, or parks, or libraries, or other public service owned, operated, or conducted by such city, shall not be repealed by this act, but shall be construed with this act, and only repealed in so far as they are inconsistent with the provisions of this act.

SEC. 11. Any city shall have the right, and the same is hereby given it, to acquire, establish, and operate water-works, electric lighting systems, gas systems, schools, libraries, cemeteries, market houses, wharves, play or recreation grounds, athletic grounds, parks, abattoirs, slaughter-houses, sewer systems, garbage and sewage disposal plants, auditoriums or places of amusement or entertainment, and armories. Said city shall have the further right to make a civic survey of the city, establish hospitals, clinics, or dispensaries for the poor, and dispense milk for babies; shall have the power to establish a system of public charities and benevolence for the aid of the poor and destitute of the city; for the welfare of visitors from the country and elsewhere, to establish rest rooms, public waterclosets and urinals, open sales places for the sale of produce, places for hitching and caring for animals and parking automobiles; and all reasonable appropriations made for the purposes above mentioned shall be binding obligations upon the city, subject to the provisions of the Constitution of the State.

SEC. 12. This act shall not repeal or impair any general, special, or local election laws now in force in any city, but such general, special, or local laws shall be and continue in full force and effect except where clearly inconsistent with and repugnant to the provisions of this act; and the municipal elections of such city shall continue to be held under and subject to the provisions of such special election laws except as herein otherwise provided: *Provided, however,* that in every case the governing body of any city shall have the right and power, and same is hereby given it, in its discretion and by an ordinance adopted by a two-thirds vote of the members of the entire governing body, to order a new registration of the voters of such city for any general, regular, or special municipal election held in such city for any purpose, unless excepted in this act.

SEC. 13. All questions arising in the administration of the government of any city, and not provided for in this act, shall be governed by the laws of the State in such cases made and provided.

SEC. 14. In all judicial proceedings it shall be sufficient to plead any ordinance of any city by caption, or by number of the

section thereof and the caption, and it shall not be necessary to plead the entire ordinance or section. All printed ordinances or codes or ordinances published in book form by authority of the governing body of any city shall be admitted in evidence in all courts, and shall have the same force and effect as would the original ordinance.

Printed ordinances evidence.

SEC. 15. Every official, employee, or agent of any city who handles or has custody of more than one hundred dollars of such city's funds at any time or times shall, before assuming his duties as such, be required to enter into bond with good sureties, in an amount sufficient to protect such city, payable to such city, and conditioned upon the faithful performance of his duties and a true accounting for all funds of the city which may come into his hands, custody, or control, which bond shall be approved by the mayor and board of aldermen or other governing body and deposited with the city.

Officers to give bonds.

#### CHAPTER XIV.

##### *Accounting Systems.*

SECTION 1. Accounting systems shall be devised and maintained which shall exhibit the condition of the city's assets and liabilities, the value of its several properties, and state of its several funds. Such systems shall be adequate to record in detail all transactions affecting the acquisition, custodianship, and disposition of values, including cash receipts and disbursements. The recorded facts shall be presented periodically to officials and to the public in such summaries and analytical schedules as shall be necessary to show the full effect of such transactions for each fiscal year upon the finances of the city and in relation to each department of the city government; and there shall be included distinct summaries and schedules for each public utility owned and operated by the city. In all respects, as far as the nature of the city's business permits, the accounting systems maintained shall conform to those employed by progressive business concerns and approved by the best usage. The governing body shall have power to employ accountants to assist in devising such accounting systems.

Accounting systems.

Presentation of recorded facts.

Summaries of public utilities.

Employment of accountants.

SEC. 2. The Board of Municipal Control shall investigate what amount of cost will be required to employ expert accountants to devise proper uniform accounting systems for municipalities, and shall submit to each city a statement of the cost thereof and attempt to obtain coöperation among and between as many of the cities of the State as possible in the payment of the cost of such systems; and in case a satisfactory arrangement can be made by and between such cities for the payment of such costs, then the Board of Municipal Control shall employ such expert accountants for such purpose, and the governing body of each of the cities in the State shall have power to pay its proportion of the cost thereof and install such system.

Investigation and report by board of control.

Co-operation of cities.

Apportionment of costs.



## CHAPTER XV.

*Words and Phrases Defined.*

## Definitions.

SECTION 1. The following words and phrases as used in this act shall, unless a contrary intention clearly appears, have the following meanings, respectively:

## Regular municipal election.

The phrase "regular municipal election" shall mean the biennial election of municipal officers for which provision is made in this act.

## Qualified voter.

The phrase "qualified voter" shall mean any registered qualified voter. The words "officer" and "officers," when used without further qualification or description, shall mean any person or persons holding any office in the city or in charge of any department or division of the city. The said words when used in contrast with a board or members of a board, or with division heads, shall mean any of the persons in sole charge of a department of the city. The word "ordinance" shall mean an order of the governing body entitled "Ordinance" and designed for the regulation of any matter within the jurisdiction of the governing body as laid down in this act. The word "city" shall mean any city, town, or incorporated village.

## Ordinance.

## City.

## CHAPTER XVI.

## TO SIMPLIFY THE REVISION AND ADOPTION OF CITY CHARTERS.

*Part I—Adoption of City Charters.*

## Effect of adoption of plan of government.

SECTION 1. Any city which shall adopt, in the manner herein after prescribed, one of the plans of government provided in this act shall thereafter be governed by the provisions thereof; and the inhabitants of such city shall continue to be a municipal corporation under the name existing at the time of such adoption, and shall have, exercise, and enjoy all the rights, immunities, powers, and privileges, and shall be subject to all the duties, liabilities, and obligations provided for herein or otherwise pertaining to or incumbent upon the said city as a municipal corporation.

## Legislative powers.

SEC. 2. None of the legislative powers of a city shall be abridged or impaired by the provisions of this act, but all such legislative powers shall be possessed and exercised by such body as shall be the legislative body of the city under the provisions of this act.

## Existing ordinances and rules not rescinded.

SEC. 3. All ordinances, resolutions, orders, or other regulations of a city or of any authorized body or official thereof existing at the time when such city adopts a plan of government set forth in this act shall continue in full force and effect until annulled, repealed, modified, or superseded.

## Mayor and aldermen to hold no other office.

SEC. 4. The mayor or any member of the board of aldermen shall not hold any other office or position of profit, trust, or honor, or perform any other duties or functions than mayor or aldermen under the city government unless it shall be submitted



to and approved by a majority of the qualified voters of the city at a regular or special election.

SEC. 5. The territory of any city adopting any one of the plans of government provided for in this act shall continue to be divided into the same number of wards existing at the time of such adoption, which wards shall retain their boundaries until same shall be changed under the provisions of this act: *Provided*, that if the plan so adopted provides for a different number and arrangement of wards from that existing at the time of such adoption, then in such event the wards of such city shall be so changed and arranged as to conform to the provisions of the plan so adopted. Wards.  
Proviso: change of wards.

SEC. 6. At any time after the passage of this act a petition addressed to the board of elections of the county in which the city is situated, in the form and signed and certified as provided in the next section, may be filed with the said county board of elections. The petition shall be signed by qualified voters of the city to a number equal to at least twenty-five per cent of the qualified voters at the last election next preceding the filing of the petition. Petition to board of elections.  
Number of petitioners.

SEC. 7. The petition shall be in substantially the following form: Form of petition.

*To the County Board of Elections of ..... County:*

We, the undersigned qualified voters of the city, respectfully petition your honorable body to cause to be submitted to a vote of the voters of the city of ....., the following question: "Shall the city of ..... adopt the form of government defined as Plan (A, B, C, or D), as it is desired by petitioners and consisting of (describe plan briefly, as government by a mayor and councillors elected at large, or government by a mayor and councillors elected partly at large and partly from wards or districts, or government by three commissioners, one of whom shall be the mayor, or government by a mayor and four councillors with a city manager), according to the provisions of an act entitled 'An act to provide for the organization of government of cities, towns, and incorporated villages' of the Public Laws of nineteen hundred and seventeen, under chapter sixteen thereof, 'to simplify the revision and adoption of city charter'?"

Or, in case it shall be desired by such petitioners that two of such plans shall be submitted, then the question may be stated as follows: "Shall the city of ..... adopt the form of government defined as Plan ..... or ..... (naming two of such plans as stated above), or remain under the present form of government?"

The petition may be in the form of separate sheets, each sheet containing at the top thereof the heading above set forth, and Separate sheets.

when attached together and offered for filing the several papers shall be deemed to constitute one petition, and there shall be indorsed thereon the name and address of the person presenting the same for filing.

Call of election.	SEC. 8. Within five days after the petition shall have been filed with the county board of elections, if the petition shall contain twenty-five per cent of the qualified voters as before set forth, the said board of elections shall call an election in accordance
Notice of election.	with said petition and cause notice of such election to be given at least once a week for four weeks in some newspaper of general circulation in the county in which the election is to be held, or at the county courthouse door of the county in which the city
Date of election.	is situate or at the door of the city or town hall, and the date of such election shall be fixed by the said county board of elections not later than forty days from the receipt of said petition.
Cost of publication.	Said notice shall be signed by the chairman of the county board of elections and the cost of publication thereof paid by the said city. The election shall be held under, governed and controlled
Law governing elections.	by the laws in force at the time of such election governing regular elections of such city: <i>Provided</i> , that in case the petition
Proviso: election if petition be filed before 24 March.	shall be filed with said county board of elections on or before the twenty-fourth day of March, nineteen hundred and seventeen, the said board shall within five days call said election, causing notice thereof to be given three weeks in some newspaper
Appointment of registrars.	published in the county in which the election is to be held, at a time not later than twenty-one days from the date of the first publication of notice. In such case the registrars shall be appointed and notified by the said county board of elections before
Registration.	the date of the first publication of notice; the registration books shall be opened for registration for twenty days immediately
Judges of election.	preceding the election; the notice of the election shall contain the names of the registrars and the places at which said registration books are to be kept open, and the location of the polling
Service of notice.	places; two judges of election shall be appointed by the county board of elections for each polling place, and shall be notified of their appointment by said board, the notices to the registrars
Election of officers.	and judge shall be served by any officer authorized to serve process in the Superior Court or in any court of justice of peace in the township in which the city is located, or service
Registration books reopened.	may be accepted. If one of the plans herein set forth shall be adopted at such election, the election of officers under such plan shall be held on the first Tuesday after the first Monday
	in May, nineteen hundred and seventeen. The registrars shall immediately, after the holding of said elections, in case any one of the plans shall be adopted, re-open the registration books and keep them open for the registration of voters until and including the twenty-ninth day of April, nineteen hundred and seventeen; there shall be no new or other registration required

for any primary or election held under the terms of this act, up to and including the election held on the first Tuesday after the first Monday in May, nineteen hundred and seventeen.

SEC. 9. Separate petitions for the submission of more than one of said plans may be filed in the form and manner hereinbefore provided, but if petitions for the submission of more than two of said plans shall be submitted at said election, those two plans shall be submitted at said election, petitions for which shall be first filed with the county board of elections.

Submission of more than one plan.

SEC. 10. All ballots used in elections held upon the adoption of the plans of government herein set forth shall contain the name of the plan submitted, as Plan A, B, C, or D, or any two of said plans submitted, as the case may be, with a brief description of each plan submitted, as described in the petition, and shall also contain the existing form of government under the name "Present form of government." The names of the plans and forms shall be so printed that in appropriate squares the voter may designate by a (X) mark only the plan of form of government for which he casts his vote; if there shall be only one plan submitted, the letter and description of such plan and the "present form of government" only shall appear, and the voter shall express his preference between said plan and the "present form of government." If there shall be two plans submitted, then each of said plans shall be denominated and described on said ballot as herein set forth, and the "present form of government" shall also appear upon the ballot, and the ballot shall be so printed that in appropriate squares the voter may designate by a cross mark (X) only the plan or form of his first choice and the plan and form of his second choice.

Ballots.

SEC. 11. Except that the crosses here shown shall be omitted, the ballots shall be printed substantially as follows.

Form of ballot on one plan.

*(Form of ballot when only one plan is submitted)*

#### SPECIAL MUNICIPAL ELECTION.

To vote for any plan or form of government, make a cross in the square to the right of such plan or form.

PLAN ..... (WITH BRIEF DESCRIPTION).

☐

PRESENT FORM OF GOVERNMENT.

☐

Form when two plans submitted.

(Form of ballot when two plans are submitted)

SPECIAL MUNICIPAL ELECTION.

To vote for any plan or form of government, make a cross in the appropriate square to the right of the name of such plan or form.

Note your first choice in the first column.  
Note your second choice in the second column.

Names of plans or forms.	First Choice.	Second Choice.
PLAN....(with brief description).		
PLAN....(with brief description).		
PRESENT FORM OF GOVERNMENT.		

Series of ballots.

SEC. 12. The plans and forms on all ballots shall be printed in rotation as follows: The ballots shall be printed in as many series as there are plans or forms. The whole number of ballots to be printed shall be divided by number of series and the quotient so obtained shall be the number of ballots in each series. In printing the first series of ballots the names of each plan or form shall be arranged in the alphabetical order of the letters of the plans submitted, followed by the "present form of government." After printing the first series, the first plan or form shall be placed last and the next series printed, and the process shall be so repeated until each plan shall have been printed first an equal number of times. The ballots so printed shall be then combined in tablets or packages so as to have the fewest possible ballots having the same order of plans or forms printed thereon together in the same tablet or package.

Arrangement of plans.

Packages of ballots.

Plan declared selected.

SEC. 13.. If only one of the plans herein set forth and the "present form of government" are submitted, the plan or form of government receiving a majority of the votes cast shall be declared the plan or form selected. If two of the plans herein set forth and the "present form of government" are submitted, the plan or form receiving a majority of first-class votes equal to a majority of all the ballots cast shall be declared the plan or form selected. If no plan or form shall receive such a majority, then the second-choice votes received for each plan or form shall be added to its first-choice votes, and the plan or form receiving the highest total of first and second choice votes equal

Count of second-choice voters.

to a majority of all ballots cast shall be declared the plan or form selected.

SEC. 14. In counting the ballots, if two plans and the "present form of government" are submitted, the precinct officers shall enter the total number of ballots on a tally-sheet printed therefor. They shall also carefully enter on such sheet the number of first-choice and second-choice votes for each plan or form of government. Only one vote shall be counted for any one plan or form on any one ballot. If two votes are cast for the same plan or form, the higher choice only shall be counted. If but one choice is voted on a ballot, it shall be counted as a first choice. If more than one cross appears in the same choice column on any ballot, they shall be counted as choices with priority as between each other in the order in which they appear in the choice column. Ballots marked with more than two crosses shall be declared void. A tie between two or more plans or forms shall be decided in favor of the one having the largest number of first-choice votes.

Total number of ballots entered.

First choice and second choice.

Count of ballots.

Ballots declared void.  
Settlement of ties.

SEC. 15. Should any one of the plans of government provided for in this act be adopted, the plan shall continue in force for the period of at least two years after beginning of the term of office of the officials elected thereunder; and no petition proposing a different plan shall be filed during the period of one year and six months after such adoption.

Plan to continue for two years.

Time limit for filing petitions.

SEC. 16. It shall be the duty of the mayor, the governing body, and the city clerk and other city officials in office, and all boards of election and all election officials, when any plan of government set forth in this act has been adopted by the qualified voters of any city or is proposed for adoption, to comply with all requirements of this act relating to such proposed adoption and to the election of the officers specified in said plan, to the end that all things may be done which are necessary for the nomination and election of the officers first to be elected under the provisions of this act and of the plan so adopted.

Officers to carry out act.

SEC. 17. The first election next succeeding the adoption of any of the plans provided for by this act shall take place on Tuesday after the first Monday in May next succeeding such adoption, and thereafter the city election shall take place biennially on the Tuesday next following the first Monday in May, and the municipal year shall begin and end at ten o'clock in the morning following the day of election.

First election.

Municipal year.

SEC. 18. On Wednesday after the first Monday in May following the adoption of any of the plans herein provided for, and biennially thereafter, the mayor-elect and the councillors-elect or commissioners shall meet and be sworn to the faithful discharge of their duties. The oath may be administered by the city clerk or by any justice of the peace, and a certificate that such oath has been taken shall be entered on the journal of the city council.

Time for qualification of elected officers.



At any meeting thereafter the oath may be administered in the presence of the city council to the mayor, or to any councillor or commissioner absent from the meeting on the first Wednesday after the first Monday in May.

## PART II.

### PLAN A.

#### *Government by Mayor and City Council Elected at Large.*

Plan "A."	SECTION 1. The method of city government provided for in this part shall be known as Plan A.
Plan operative on adoption.	SEC. 2. Upon the adoption of Plan A by a city in the manner prescribed by this act, such plan shall become operative as provided in Part I, and its powers of government shall be exercised as is prescribed herein and in Part I.
Election of mayor.	SEC. 3. There shall be a mayor, elected by and from the qualified voters of the city, who shall be the chief executive officer of the city. He shall hold office for the term of two years from Wednesday after first Monday in May following his election and until his successor is elected and qualified.
Chief executive.	
Term of office.	
Legislative powers in council.	SEC. 4. The legislative powers of the city shall be vested in a city council. In cities of five thousand inhabitants and under the city council shall consist of three; in cities of five thousand to ten thousand the city council shall consist of five; in cities of ten thousand to twenty thousand inhabitants, the city council shall consist of seven; and in all over twenty thousand inhabitants the city council shall consist of nine. Said councilmen shall be elected at large and from the qualified voters of the city.
Number of councilmen.	
Election at large.	One of its members shall be elected by the council biennially as mayor <i>pro tem</i> . At the first election held in a city after its adoption of Plan A, the councillors shall be elected to serve for two years from Wednesday after the Monday in May following their election and until their successors are elected and qualified, and at each biennial city election thereafter the councillors elected to fill vacancies caused by the expiration of the terms of councillors shall be elected to serve for two years. The number of inhabitants shall be determined by the last United States Government Census or estimate.
Mayor pro tem.	
Terms of councilmen.	
Number of inhabitants.	
Salary of mayor.	SEC. 5. The mayor shall receive for his services such salary as the city council shall by ordinance determine: <i>Provided, however,</i> that the salary of the mayor shall be within the following limits: In cities of five thousand inhabitants and under, not less than three hundred nor more than one thousand dollars. In cities of five thousand to ten thousand inhabitants, not less than five hundred dollars nor more than fifteen hundred dollars. In cities of ten thousand to twenty-five thousand inhabitants, not
Cities of five thousand or less.	
Five to ten thousand.	
Ten to twenty-five thousand.	

less than one thousand nor more than three thousand dollars. In cities of over twenty-five thousand inhabitants, not less than two thousand nor more than thirty-five hundred dollars. The number of inhabitants shall be determined by the last United States Government Census or estimate. The mayor shall receive no other compensation from the city, and his salary shall not be increased or diminished during the term for which he is elected:

*Provided, however,* that the council first elected under this plan shall fix by ordinance the salary within the above limits of the mayor first elected hereunder and shall six months prior to the time of the expiration of its term fix by ordinance the salary within the above limits of the mayor who shall succeed the first mayor under this plan, and each council shall thereafter fix by ordinance the salary of succeeding mayors; but such ordinance shall not be binding in case another plan shall be adopted during the term of office of such council. The council may by a two-thirds vote of all its members, taken by call of the "yeas" and "nays," establish a salary for its members not exceeding two hundred dollars each a year. Such salary may be reduced, but no increase therein shall be made to take effect during the year in which the increase is voted.

SEC. 6. All heads of departments and members of municipal boards, as their present term of office expire, shall be elected by the city council: *Provided,* that the city council may by two-thirds vote at any time abolish, alter, or establish such departments and boards as it may by ordinance determine. A city attorney shall be elected by the city council, and the council may also elect a city solicitor.

SEC. 7. The mayor may, with the approval of a majority of the members of the city council, remove any head of a department or member of a board, other than governing board, before the expiration of his term of office. The person so removed shall receive a copy of the reasons for his removal, and he may, if he desires, contest the same before the city council. He shall have the right to be represented by counsel at such hearing.

SEC. 8. Every order, ordinance, resolution, and vote relative to the affairs of the city, adopted or passed by the city council, shall be presented to the mayor for his approval. If he approves it, he shall sign it; if he disapproves it, he shall return it, with his objections in writing, to the city council, which shall enter the objections at large on its records, and again consider it. If the city council, notwithstanding such disapproval of the mayor, shall again pass such order, ordinance, resolution, or vote by a two-thirds vote of all the members of the city council, it shall then be in force; but such vote shall not be taken for seven days after its return to the city council. Every such order, ordinance, resolution, and vote shall be in force if it is not returned by the mayor within ten days after it has been presented to him.

Over twenty-five thousand.  
Number determined by census.  
No other compensation.  
Salary fixed for term.

Proviso: salary of first mayor and successors.

Salary of councilmen.

Officers elected by city council.

Proviso: establishment, alteration, or abolition of departments.

City attorney and solicitor.

Removals by mayor.

Contest of removal.

Representation by counsel.

Veto power of mayor.

Amendment of veto.

Veto exercised within ten days.

## PART III.

## PLAN B.

*Government by Mayor and Council Elected by Districts and at Large.*

Plan "B."

SECTION 1. The method of city government provided for in this part shall be known as Plan B.

Plan operative on adoption.

SEC. 2. Upon the adoption of Plan B by a city in the manner prescribed by this act, such plan shall become operative as provided in Part I hereof; and its powers of government shall be exercised as is prescribed herein and in Part I.

Election of mayor.

Chief executive.

Term of office.

SEC. 3. There shall be a mayor, elected by and from the qualified voters of the city, who shall be the chief executive officer of the city. He shall hold office for the term of two years from Wednesday after first Monday in May following his election and until his successor is elected and qualified, and at each biennial city election thereafter the mayor shall be elected to serve for two years.

Legislative powers.

Mayor pro tem.

Election and number of councillors.

SEC. 4. The legislative powers of the city shall be vested in a city council. One of its members shall be elected biennially as its mayor *pro tem*. In cities having more than seven wards the city council shall be composed of twelve members, of whom one shall be elected from each ward by and from the qualified voters of that ward, and the remaining members shall be elected by and from the qualified voters of the city. In cities having seven wards or less, the city council shall be composed of eleven members, of whom one shall be elected from each ward by and from the qualified voters of that ward, and the remaining members shall be elected by and from the qualified voters of the city. At the first election held in a city after its adoption of Plan B, the councillors elected from each ward shall be elected to serve for two years from Wednesday after first Monday in May following their election and until their successors are elected and qualified; and at each biennial city election thereafter the councillors elected to fill vacancies caused by the expiration of the terms of councillors shall be elected to serve for two years.

Term of councillors.

Heads of departments and municipal boards.

Proviso: abolition, alteration, or establishment of boards.

City attorney and city solicitor.

SEC. 5. All heads of departments and members of municipal boards, as their terms of office expire, shall be elected by the city council: *Provided*, that the city council may by two-thirds vote at any time abolish, alter, or establish such departments and boards as it may by ordinance determine. A city attorney shall be elected by the city council, and the council may also elect a city solicitor.

Power of removal by mayor.

SEC. 6. The mayor may, with the approval of a majority of the members of the city council, remove any head of a department or member of a board before the expiration of his term of office. The person so removed shall receive a copy of the reasons for his removal, and he may, if he desires, contest the same be-

Contest before city council.

fore the city council. He shall have the right to be represented by counsel at such hearing. Representation by counsel.

SEC. 7. The mayor shall receive for his services such salary as the city council shall by ordinance determine: *Provided, however,* that the salary of the mayor shall be within the following limits: In cities of five thousand inhabitants and under, not less than three hundred dollars nor more than one thousand dollars. In cities of five thousand to ten thousand inhabitants, not less than five hundred nor more than fifteen hundred dollars. In cities of ten thousand to twenty-five thousand inhabitants, not less than one thousand nor more than three thousand dollars. In cities of over twenty-five thousand inhabitants, not less than two thousand nor more than thirty-five hundred dollars. The number of inhabitants shall be determined by the last United States Government Census or estimate. The mayor shall receive no other compensation from the city, and his salary shall not be increased or diminished during the term for which he is elected: *Provided, however,* that the council first elected under this plan shall fix by ordinance the salary within the above limits of the mayor first elected hereunder, and shall six months prior to the time of the expiration of its term fix by ordinance the salary, within the above limits, of the mayor who shall succeed the first mayor under this plan, and each council shall thereafter fix by ordinance the salary of the succeeding mayors; but such ordinance shall not be binding as to succeeding mayors in case another plan shall be adopted during the term of office of such council. The council may by two-thirds vote of all its members, taken by call of the "yeas" and "nays," establish a salary for its members not exceeding one hundred dollars each per year. Such salary may be reduced, but no increase therein shall be made to take effect during the year in which the increase is voted. Salary of mayor.  
Limits: cities of five thousand or less.  
  
Five thousand to ten thousand.  
Ten thousand to twenty-five thousand.  
Over twenty-five thousand.  
Number determined by census.  
  
No other compensation.  
Salary fixed for term.  
Proviso: ordinance fixing salary.

SEC. 8. Every order, ordinance, resolution, and vote relative to the affairs of the city, adopted or passed by the city council, shall be presented to the mayor for his approval. If he approves it, he shall sign it; if he disapproves it, he shall return it, with his objections in writing, to the city council, which shall enter his objections at large on its records, and again consider it. If the city council, notwithstanding such disapproval of the mayor, shall again pass such order, ordinance, resolution, or vote by a majority vote of all the members of the city council, it shall be in force; but such vote shall not be taken for seven days after its return to the city council. Every such order, ordinance, resolution, or vote shall be in force if it is not returned by the mayor within ten days after it has been presented to him. Veto power of mayor.  
  
Passage over veto.  
  
Time for exercise of veto.

## PART IV.

## PLAN C.

*Commission Form of Government.*

## CHAPTER I.

Plan "C."

SECTION 1. The method of city government provided for in this part shall be known as Plan C.

Plan operative.

SEC. 2. Upon the adoption of Plan C by any city in the manner prescribed by this act, said plan shall become operative as provided for in Part I hereof, and its powers of government shall be exercised as is prescribed herein and in Part I.

Board of commissioners.

SEC. 3. The government of the city and the general management and control of all of its affairs shall be vested in a board of commissioners, which shall be elected and shall exercise its powers in the manner hereinafter set forth; and said board shall have full power and authority to enact laws and ordinances for the government and management of said city and all its departments.

## CHAPTER II.

*Board of Commissioners.*

Number of commissioners.

Mayor.

Election.

Commissioner of public works.

Commissioner of public safety.

Commissioner of administration and finance.

Other officers and employees.

Rules and regulations.

Legislative powers.

SEC. 4. The board of commissioners shall consist of three members, one of whom shall be mayor, and all of whom shall be elected by a vote of the people as hereinafter provided. One of said commissioners shall be elected and known as commissioner of public works. One of said commissioners shall be elected and known as commissioner of public safety, and the mayor shall be known as commissioner of administration and finance. And said commissioners are hereby empowered to appoint, elect, employ, suspend, and discharge all other officers and employees necessary for the operation and management of the city government and its various departments and activities, and to make all necessary rules and regulations for their government; and full power and authority is hereby granted the said board of commissioners to enact all laws and ordinances for the proper government of the said city.

*Mayor.*

Chief executive officer.

Duties.

Supervision and oversight.

Chief representative.

Reports to board.

SEC. 5. The mayor shall be the chief executive officer of the city, and, subject to the supervision of the board of commissioners, shall perform all duties pertaining to such office. He shall do and perform all duties provided or prescribed by law or by the ordinances of the city, not expressly delegated to any other person. He shall have general supervision and oversight over the departments and offices of the city government, and shall be the chief representative of the city, and shall report to the board any failure on the part of any of the officers of his or any other



department to perform their duties, and shall preside at all meetings of the board of commissioners. He shall sign all contracts on behalf of the city, unless otherwise provided by law or ordinance or resolution of the board of commissioners; he shall have charge of and cause to be prepared and published all statements and reports required by law or ordinance or by resolution of the board of commissioners.

To preside at meetings.  
Execution of contracts.  
Statements and reports.

*Commissioner of Administration and Finance.*

SEC. 6. The Commissioner of administration and finance (who is also mayor) shall be the purchasing agent of the board of commissioners of the city, and all property, supplies, and material of every kind whatsoever shall, upon the order of the board of commissioners, be purchased by him, and when so purchased by him the bills therefor shall be submitted to and approved by the board of commissioners before warrants are issued therefor; when such warrants are issued they shall be signed by the said commissioners and countersigned by some other person designated by the board of commissioners; he shall be collector of all taxes; he shall collect all water rents; he shall issue license or permits as provided by law, ordinance, or resolution adopted by the board of commissioners, and in the absence or inability of any commissioner to act, he shall exercise temporary supervision over the department assigned to the said commissioner, subject, however, to the power of the board to substitute some one else temporarily to perform any of such duties; he shall have control of all employees of his department, and of all other officers and employees not by law, ordinance, or resolution of the board of commissioners apportioned or assigned to some other department; he shall have charge of and supervision over all accounts and records of the city, and accounts of all officers, agents, and departments required by law or by the board of commissioners to be kept or made; he shall regularly at least once in three months inspect or superintend inspection of all records or accounts required to be kept in any of the offices or departments of the city, and shall cause proper accounts and records to be kept, and proper reports to be made; he shall recommend to the board methods of modern bookkeeping for all departments, employees, and agents of the city, and shall, acting for the board of commissioners, audit or cause to be audited by an expert accountant, quarterly, the accounts of every officer or employee who does or may receive or disburse money, and shall publish or cause to be published quarterly statements showing the financial condition of the city; he shall examine or cause to be examined all accounts, pay-rolls, and claims before they are acted on or allowed, unless otherwise provided by law or by order of the board of commissioners; he shall collect all license fees, franchise taxes, rentals, and other moneys which may be due or become due to the city; he shall report the

Purchasing agent.

Bills submitted approved.

Authentication of warrants.

Collection of city revenue.

Temporary supervision of other departments.

Control of employees.

Supervision of accounts and records.

Quarterly inspections.

Recommendations for keeping accounts.

Quarterly audits.

Publication of quarterly statements.

Examination of accounts and pay-rolls.

Collection of dues to city.

Reports to be made.

Recommendations.	failure on the part of any person, firm, or corporation to pay money due the city; he shall report to the board of commissioners any failure on the part of any person, firm or corporation to make such reports as are required by law, ordinance, or order of the board of commissioners to be made, and shall make such recommendations with reference thereto as he may deem proper.
Departments under direction of mayor.	The assessor, auditor, city clerk, city attorney, and their respective offices or departments, and all employees therein, and all bookkeepers and accountants are apportioned and assigned to the department of administration and finance, and shall be under the direction and supervision of the commissioner thereof. He shall do and perform any and all other services ordered by the board not herein expressly conferred upon some other department.
Other services.	

*Commissioner of Public Works.*

Enumeration of powers.	SEC. 7. The commissioner of public works shall have authority and charge over all the public works not herein expressly given to some other department; the construction, cleansing, sprinkling, and repair of the streets and public places, the erection of buildings for the city, the making and construction of all other improvements, paving, curbing, sidewalks, bridges, viaducts, and the repair thereof; he shall approve all estimates of the city engineer of the cost of public works, and recommend to the board of commissioners the acceptance of the work done or improvement made, when completed according to the contract, and perform such other duties with reference to such other matters as may be required by law, ordinance, or order of the board of commissioners; he shall have control, management, and direction of all public grounds, bridges, viaducts, subways, and buildings not otherwise assigned herein to some other department; he shall have supervision of the enforcement of the provisions of law and the ordinances relating to streets, public squares and places, cemeteries, and the control of the placing of billboards and street wastepaper receptacles; he shall have supervision over the public-service utilities not otherwise assigned to some other department, and all persons, firms, or corporations rendering service in the city under any franchise, contracts, or grant made by the city or State, not otherwise assigned to some other department; he shall have control of the location of street car tracks, telephone and telegraph wires, and other things placed by public-service corporations in, along, under, or over the streets, and shall report to the board of commissioners or city officers as may be appointed by them to receive his reports any failure of such person or corporation to render proper service under a franchise granted by the city or State, and shall report any failure on the part of such person, firm, or corporation to observe the requirements or conditions of such franchise, contract, or grant. He shall have charge of the water-sheds from which the city takes its supply of water, pumping stations, pipe lines, filtering apparatus, and all
Approval of estimates.	
Acceptance of work.	
Control of public grounds and buildings.	
Streets and other public places.	
Public-service utilities.	
Tracks and wires.	
Reports.	
Charge of water sheds.	
Water-works.	

other things connected with or incident to the proper supply of water for the city; it shall be his duty to act for the city, subject to the control of the board of commissioners, in securing all rights of way and easements connected with and necessary to the supply of water for the city; he shall have supervision and control of all buildings, grounds, and apparatus connected therewith and incident to the furnishing of water for the city; he shall superintend the erection of water tanks and laying of water lines and the operation thereof. The department of the city engineer, and all employees therein, the departments of streets, parks, cemeteries, buildings, and all employees in said departments, shall be under the supervision and control of the commissioner of public works. The said commissioner shall have supervision and control, and it shall be his duty to keep in good condition the streets, cemeteries, and public parks in the city or belonging to the city, subject to the supervision and control of the board of commissioners; he shall do and perform all other services ordered by the board, or that may be ordered by the board, not herein expressly conferred upon some other department.

Departments.

Streets, cemeteries and parks.

Other services.

### *Commissioner of Public Safety.*

SEC. 8. The commissioner of public safety shall have charge of the police force, subject to the supervision and control of the board of commissioners, and shall have power to temporarily supplant the chief of police and take charge of the department, and shall at all times have power to give direction to the officers and all employees in the police department, and his directions shall be binding upon all such officers and employees, subject only to the control of the board of commissioners; he shall have charge of the police stations, jails, and property and apparatus connected therewith, including city ambulance and patrol wagons used in connection with his department; he shall have the supervision and control, subject to the control of the board of commissioners, of the fire department, of all firemen, officers, and employees therein or connected therewith, and of all fire stations, property and apparatus connected therewith; he shall have power to temporarily supersede the chief of the fire department, and his orders to said department and all employees therein shall be binding upon said department; he shall have charge of the electrical inspector, plumbing inspector, building inspector, market-house and the employees connected therewith and of all apparatus and property used therein; he shall have charge and supervision and direction over all officers and employees in his department; he shall be charged with the duty of enforcing all ordinances and resolutions relating to traffic on the public streets, alleys, and public ways, on and across railway lines and through and over the cemetery-ways, public parks, and other public places; he shall, subject to the supervision of the board of commissioners, have control of

Charge of police force.

Power to supplant chief.

Directions binding.

Charge of police stations and property.

Supervision of fire department.

Power to supersede chief.

Orders binding.

Departments covered.

Traffic regulations.

Public health and sanitation.

Dumping grounds and scavengers.	the laws, ordinances, and orders relating to the public health and sanitation, and all health officers, employees of the city, connected with and under his department; and it shall be the duty of the board of commissioners to pass such ordinances and prescribe such rules and regulations and employ such persons as will be necessary to preserve and protect public health; he shall have control and supervision through the health officer under his department over public dumping grounds and dumps and city scavengers; he shall be charged through his department with the enforcement of all quarantine regulations, of keeping clean all streets, alleys, and public places, and with suppressing and removing conditions on private property within the city that are a menace to health or public safety. He shall be authorized to enter upon private premises for the purpose of discharging the duties imposed upon him, and he shall cause to be abated all nuisances which may endanger or affect the health of the city, and generally do all things, subject to the control of the board of commissioners, that may be necessary and expedient for the promotion of the health and suppression of disease. He shall have control and supervision over the sewer system; he shall have charge and control over the sewer inspector and all other officers and employees connected with the department of lights and sewers; he shall have supervision and control over the lighting system of the city, and the management and direction of the lighting of the streets, alleys, and all other public places and grounds and all other places where city lights are placed; he shall be charged with the duty of seeing that all persons, firms, and corporations charged with the duty of supplying lights or water-power perform the obligation imposed upon them by law, ordinance, or order of the board of commissioners; he shall have the direction of all employees of the city connected with and under his department; he shall perform all other services ordered by the board of commissioners, or that may be ordered by the board of commissioners, not herein expressly conferred upon some other department.
Quarantine regulation.	
Cleaning street.	
Sanitation of premises.	
Abatement of nuisances.	
Control and supervision of sewer system.	
Supervision and control of lighting system.	
Other services.	
Recommendations of purchases.	SEC. 9. It shall be the duty of each commissioner to recommend to the city purchasing agent the purchase of goods and the contract for all things necessary to be contracted for in his department, and these recommendations shall be submitted to the board of commissioners for its orders with respect thereto.
Legislative powers.	SEC. 10. The board of commissioners has and shall exercise all legislative powers, functions, and duties conferred upon the city or its officers. It shall make all orders for the doing of work or the making or construction of any improvements, bridges, or buildings. It shall levy all taxes, apportion and appropriate all funds, audit and allow all bills and accounts, pay-rolls, and claims, and order payment thereof. It shall make all assessments for the cost of street improvements, sidewalks, sewers, and other work, improvements, or repairs which may be specially assessed.
Orders for work.	
Further enumeration of powers.	
Assessments	



It shall make or authorize the making of all contracts, and no contracts shall bind or be obligatory upon the city unless either made by ordinance or resolution adopted by the board of commissioners or reduced to writing and approved by said board or expressly authorized by ordinance or resolution adopted by the board. All contracts and all ordinances and resolutions making contracts or authorizing the making of contracts shall be drawn by the city attorney, or submitted to such officer before the same are made or passed. All heads of departments, agents, and employees are the agents of the board of commissioners only, and all their acts shall be subject to review and to approval or revocation by the board of commissioners. Every head of department, superintendent, agent, employee, or officer shall from time to time, as required by law or ordinance, or when requested by the board of commissioners, or whenever he shall deem necessary for the good of the public service, report to the board of commissioners in writing respecting the business of his department, office, or employment, all matters connected therewith. The board of commissioners may by ordinance or resolution assign to a head of a department, a superintendent, officer, agent, or employee, duties in respect to the business of any other department, office, or employment and such service shall be rendered without additional compensation. The board of commissioners shall elect and have authority over the city clerk, who shall be the clerk of the board of commissioners.

Contracts.  
Contracts and ordinances drawn by city attorney.  
Agents of board.  
Reports.  
Assignment of duties.  
City clerk.

SEC. 11. The board of commissioners shall have charge of all matters pertaining to public health, and shall perform all duties belonging thereto.

Public health.

SEC. 12. That each member of the board of commissioners shall devote his time and attention to the performance of the public duties to the exclusion of all other occupations, professions, or callings.

Exclusive occupation.

### CHAPTER III.

#### *The Initiative and Referendum.*

SECTION 1. Any proposed ordinance may be submitted to the board of commissioners by petition signed by electors of the city equal to the number provided herein for recall of any official. The signatures, verifications, authentications, inspections, certification, amendments, and submission of such petition shall be the same as provided for the removal of officials. If the petition accompanying the proposed ordinance be signed by the requisite number of electors, and contains a request that the said ordinance be passed or submitted to a vote of the people, if not passed by the board of commissioners, such board shall either:

Ordinance submitted by petition.

(a) Pass such ordinance without alteration within twenty days after attachment of the clerk's certificate to the accompanying petition, or

Passage of ordinance.



Special election.	(b) After the clerk shall attach to the petition accompanying such ordinance his certificate of sufficiency, the board of commissioners shall forthwith submit the question to the qualified voters at a special election called for that purpose, or to a general election occurring within ninety days after the date of the clerk's certificate. If the petition is signed by not less than ten and less than twenty-five per cent of the electors as above defined, then the board of commissioners shall within twenty days pass said ordinance without change or submit the same at the next general city election. The ballots used when voting upon said ordinance shall contain these words: "For the Ordinance" (stating the nature of the proposed ordinance) and "Against the Ordinance" stating the nature of the proposed ordinance). If the majority of the qualified electors voting on the proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the city; and any ordinance proposed by petition, or which shall be adopted by a vote of the people, cannot be repealed or amended except by a vote of the people. Any number of proposed ordinances may be voted upon at the same election.
Vote of city election.	
Ballots.	
Effect of election.	
Separate propositions.	
Limit of elections.	in accordance with the provisions of this section, but there shall not be more than one special election in any period of six months for such purpose. The board of commissioners may submit a proposition for the repeal of any such ordinance, or for amendments thereto, to be voted upon at any succeeding general election; and should any such proposition so submitted receive a majority of the votes cast thereon at such election, such ordinance shall thereby be repealed or amended accordingly. Whenever any ordinance or proposition is required by this act to be submitted to the voters of the city at any election, the city shall cause such ordinance or proposition to be published once in a newspaper of general circulation in said city, such publication to be not more than twenty nor less than five days before the submission of such proposition or ordinance to be voted on. No ordinance passed by the board of commissioners, unless otherwise expressly provided, except an ordinance for the immediate preservation of the public peace, health, or safety, which contains a statement of its urgency and is passed by a two-thirds vote of the board of commissioners shall go into effect before twenty days from the time of its final passage and publication, as herein provided; and if during said twenty days a petition, signed by electors of said city equal to the number prescribed herein to be signed to a petition for the recall of any official, protesting against the passage of such ordinance, be presented to the board of commissioners, the operation of such ordinance shall thereupon be suspended, and it shall be the duty of the board of commissioners to consider such ordinance, and if the same is not entirely repealed, the board of commissioners shall submit to the qualified voters the question of the repeal of such ordinance at an election to be held for that
Vote on repeal of ordinance.	
Publication of proposition.	
When ordinances take effect.	
Petition protesting against ordinance.	
Ordinance repealed or submitted to vote.	

purpose in the manner and under the conditions herein provided for reference to voters of the question of recall of an official.

# CHAPTER IV.

## *Nomination of Candidates.*

SECTION 1. All candidates to be voted for at all general municipal elections, at which time a mayor, commissioners, or any other elective officer are to be elected under the provisions of this act, shall be nominated by a primary election, and no other names shall be placed upon the general ballot except those nominated in such primary in the manner hereinafter prescribed. The primary election for such nominations shall be held on the second Monday preceding all general municipal elections. The judges and other officers of election appointed for the general municipal election shall, whenever practical, be the judges of the primary election, and it shall be held at the same place and in the same manner and under the same rules and regulations and subject to the same conditions, and the polls to be opened and closed at the same hours, as are required for said general election. Any person desiring to become a candidate for nomination by the primary for the office of mayor or commissioner of either of the other two departments or any other elective office shall, at least ten days prior to said primary election, file with the said clerk a statement of such candidacy in substantially the following form:

Candidates  
nominated by  
primary.

Date of primary.

Election of  
officers.

Law governing  
election.

Notice of candi-  
dacy.

STATE OF NORTH CAROLINA—COUNTY OF.....

Form of notice.

I, ....., hereby give notice that I reside at ..... Street, city of....., county of....., State of North Carolina; that I am a candidate for nomination to the office of (mayor, or commissioner of a particular department, or other office) to be voted upon at the primary election to be held on the ..... Monday of .....19...., and I hereby request that my name be printed upon the official ballot for the nomination by such primary election for such office.

(Signed).....

And shall at the same time pay to said clerk, to be turned over to the city treasurer, the sum of five dollars (\$5). Immediately upon the expiration of the time for filing the petition of candidates, the said city clerk shall cause to be published for three successive days in a daily newspaper of general circulation in the city, in proper form, the names of the persons as they are to appear upon the primary ballots. And the said clerk shall thereupon cause the primary ballots to be printed, authenticated with a facsimile of his signature. Upon the said ballot the names of the candidates for mayor, arranged alphabetically, shall be placed, with a square at the left of each name, and immediately below the words, "Vote for One." Following the names likewise

Entrance fee.

Publication of  
candidates.

Printing and  
authentication of  
ballots.

Arrangement.

Heading.	arranged in alphabetical order, shall appear the names of the candidates for the commissioners of the two other departments, respectively, with a square at the left of each name, and below the names of such candidates for each of said departments shall appear the words, "Vote for One." Like provision shall be made for the names of candidates for each other elective office provided by law. The ballots shall be printed upon plain, substantial white paper, and shall be headed: "Candidates for nomination for mayor and commissioners of two other offices (naming them), of the city of....., North Carolina, at the primary election, "but shall have no party designation or mark whatever. The ballots shall be in substantially the following form:
Form.	<p>"(Place a cross in the square preceding the names of parties you favor as candidates for the respective positions.)</p> <p>"Official primary ballot. Candidates for nomination for mayor and commissioners and other offices (naming them) of city of ....., North Carolina, at the primary election.</p> <p>"For Mayor (naming candidates). (Vote for one.)</p> <p>"For Commissioner of the Department of Public Safety (names of candidates). (Vote for one.)</p> <p>"For Commissioner of the Department of Public Works (names of candidates). (Vote for one.)</p> <p>"Official ballot. Attest:</p> <p style="text-align: right;">(Signature).....City Clerk."</p>
Distribution.	Having caused said ballot to be printed, the said city clerk shall cause to be delivered at each polling place a number of said ballots equal to twice the number of votes cast in such polling precinct at the last general municipal election for mayor. The
Voters.	persons who are qualified to vote at the succeeding municipal election shall be qualified to vote at such primary election, and shall be subject to challenge made by any resident of the city, under such rules as may be prescribed by the board of commissioners, and such challenge shall be passed upon by the judges of election and registrars: <i>Provided, however</i> , that the law applicable to challenge at a general municipal election shall be applicable to challenge made at such primary election. Judges of election shall, immediately upon the closing of the polls, count the ballots and ascertain the number of votes cast in such precincts for each of the candidates, and make return thereof to the city clerk, upon blanks to be furnished by the said clerk, within six hours of the closing of the polls. On the day following the said primary election the city clerk, under the supervision and direction of the mayor, shall canvass such returns so received from all the polling precincts, and shall make and publish in some newspaper of general circulation in said city, at least once, the result thereof. Said canvass by the city clerk shall be publicly made. The two candidates receiving the highest number of votes for mayor, and the two candidates receiving the highest number of votes for
Proviso: challenges.	
Count and return of votes.	
Canvass of returns.	
Publication of results.	
Candidates at general election.	

commissioners for each of the respective departments, and the two candidates receiving the highest number of votes for any other elective office, shall be the candidates, and the only candidates whose names shall be placed upon the ballot for mayor, commissioners, and other elective offices at the next succeeding general municipal election. That the provisions of this chapter shall not apply when the election is held, under Plan C, on Tuesday after the first Monday in May, nineteen hundred and seventeen, and no nomination of candidates shall be required for such election.

Election in 1917.

#### CHAPTER V.

##### *Recall of Officials by the People.*

SECTION 1. The holder of any elective office may be removed at any time by the electors qualified to vote for a successor of such incumbent. The procedure to effect the removal of an incumbent of an elective office shall be as follows: A petition signed by electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least twenty-five per centum of the entire vote for all candidates for the office of mayor cast at the last preceding general municipal election, demanding an election of a successor of the person sought to be removed, shall be filed with the clerk, which petition shall contain a general statement of the ground for which the removal is sought. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. One of the signers of each such paper shall make oath before an officer competent to administer oaths that the statements therein made are true, as he believes, and that each signature to the paper appended is the genuine signature of the person whose name it purports to be. Within ten days from the date of filing such petition the city clerk shall examine and from the voters' register ascertain whether or not said petition is signed by the requisite number of qualified electors, and he shall attach to said petition his certificate, showing the result of such examination. If by the clerk's certificate the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The clerk shall, within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same; without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be deemed to be sufficient, the clerk shall submit the same to the board of commissioners without delay. If the petition shall be found to be sufficient, the board of commissioners shall order and fix a date for holding a primary, as provided in cases preceding regular elections, the said primary to be held not less than ten days or more than twenty days from the date of the clerk's certificate to the board

Removal of elective officers.

Petition for election of successor.

Ground for removal.

Verification of petition.

Examination and certification of petition.

Amendment.

Return of insufficient petition.

Order for primary.



Majority vote to elect candidate.	of commissioners that a sufficient petition is filed. If in the primary election any candidate receives a majority of all the votes cast, he shall be declared to be elected to fill out the remainder of the term of the officer who is sought to be recalled. If there be more than two candidates in such primary and no one received a majority of all the votes cast therein, then there shall be an election held within twenty days from the date of the primary, at which election the two candidates receiving the highest vote in the primary shall be voted for. Candidates' names shall be placed on the ticket in the primary and election held, and the results canvassed, under the same rules, conditions, and regulations as are prescribed for the primaries preceding regular elections. The board of commissioners shall make or cause to be made publication for ten days of notice and all arrangements for holding such election, and the same shall be conducted, returned, and the results thereof declared in all respects as other city elections. The successor of any officer so removed shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself, and unless he requests otherwise in writing, the clerk shall place his name on the official ballot without nomination. At such election, if some other person than the incumbent is elected, the incumbent shall thereupon be deemed removed from the office upon qualification of his successor. In case the party elected should fail to qualify within ten days after receiving notification of election, the office shall be deemed vacant, and in that event the unexpired term shall be filled by election by the board, but the commissioner removed shall not be eligible to election by the board, and the person so elected by the board shall be subject to recall as other commissioners. If the incumbent receives a majority of votes in the primary election he shall continue his office. The said method of removal shall be cumulative and additional to any other method provided by law. That in the event any officer is recalled and any person is elected as his successor, the right of recall of such successor so elected shall be as in case of an officer originally elected.
Candidates at election.	
Arrangement of ballots.	
Publication of election.	
Term of successor.	
Candidacy of incumbent.	
Removal of incumbent.	
Failure to qualify.	
Election by board.	
Incumbent reelected.	
Removal cumulative.	
Recall of successors.	

## CHAPTER VI.

*Salaries.*

Offices at city hall.	SECTION 1. The mayor and commissioners shall have offices at the city hall. The compensation of the mayor and commissioners shall be as follows: In cities of five thousand inhabitants and under, the mayor shall receive one thousand dollars and the commissioners each seven hundred and fifty dollars. In cities of five to ten thousand inhabitants the mayor shall receive fifteen hundred dollars and the commissioners each one thousand dollars. In cities of ten to fifteen thousand inhabitants the mayor shall
Compensation.	
Cities of five thousand and under.	
Five to ten thousand.	
Ten to fifteen thousand.	



receive two thousand dollars and the commissioners each fifteen hundred dollars. In cities of fifteen to twenty-five thousand inhabitants the mayor shall receive twenty-six hundred dollars and the commissioners each twenty-four hundred dollars. In cities of over twenty-five thousand inhabitants the mayor shall receive thirty-five hundred dollars and the commissioners each thirty-two hundred and fifty dollars. The number of inhabitants shall be determined by the last United States Government Census or estimate. Every other officer, agent, employee, and assistant of the city government shall receive such salary or compensation as the board of commissioners shall by ordinance provide, payable in equal monthly installments, unless the board shall order payments to be made at nonpayment intervals.

Fifteen to twenty-five thousand.  
Over twenty-five thousand.  
Numbers determined by estimate.  
Salaries fixed by commissioners.

## PART V.

### PLAN D.

#### *Mayor, City Council, and City Manager.*

SECTION 1. The method of city government provided for in this Plan "D." part shall be known as Plan D.

SEC. 2. Upon the adoption of Plan D by a city in the manner prescribed by Part I of this act, such plan shall become operative as provided in Part I, and the powers of government of such city shall be exercised as provided herein and in Part I.

SEC. 3. The government of the city and the general management and control of all its affairs shall be vested in a city council, which shall be elected and shall exercise its powers in the manner herein and in Part I set forth, except that the city manager shall have the authority hereinafter specified.

City council.  
City manager.

SEC. 4. The city council shall consist of five members, who shall be elected at large by and from the qualified voters of the city for a term of two years and until their successors are elected and qualified.

Number and election of councilmen.

SEC. 5. All the legislative powers of the city shall be vested in the city council. The city council elected as aforesaid shall meet at ten o'clock in the forenoon on Wednesday after the first Monday of May in each year, and the members of the city council whose terms of office then begin shall severally make oath before the city clerk or a justice of the peace to perform faithfully the duties of their respective offices. The city council shall thereupon be organized by the choice from its members of a mayor *pro tem.*, who shall hold his office during the pleasure of the city council. The organization of the city council shall take place as aforesaid, notwithstanding the absence, death, refusal to serve, or nonelection of one or more of the members: *Provided*, that at least three of the persons entitled to be members of the city council are present and make oath as aforesaid. Any member

Legislative authority.  
Council to meet and qualify.  
Mayor pro tem.  
Proviso, quorum.

entitled to make the aforesaid oath, who was not present at the time fixed therefor, may make oath at any time thereafter.

Regular meetings.

SEC. 6. The city council shall fix suitable times for its regular

Special meetings.

meetings. The mayor, the mayor *pro tem.* of the city council, or any two members thereof, may at any time call a special meeting by causing a written notice, stating the time of holding such meeting and signed by the person or persons calling the same, to be delivered in hand to each member or left at his usual dwelling place at least six hours before the time of such meeting. Meetings of the city council may also be held at any time when all the members of the council are present and consent thereto.

Meetings by consent.

Quorum.

SEC. 7. A majority of the members of the city council shall constitute a quorum. Its meetings shall be public, and the mayor, who shall be the official head of the city, shall, if present, preside and shall have the same power as the other members of the council to vote upon all measures coming before it, but shall have no power of veto. In the absence of the mayor, the mayor *pro tem.*

Meetings public.  
Mayor to preside  
and vote as councilman.

City clerk.

of the city council shall preside, and in the absence of both, a chairman *pro tempore* shall be chosen. The city clerk shall be *ex officio*, clerk of the city council, and shall keep records of its proceedings; but in case of his temporary absence, or in case of a vacancy in the office, the city council may elect by ballot a temporary clerk, who shall be sworn to the faithful discharge of his duties, and may act as clerk of the city council until a city clerk is chosen and qualified. All final votes of the city council involving the expenditure of fifty dollars or over shall be by yeas and nays and shall be entered on the records. On request of one member, the vote shall be by yeas and nays, and shall be entered upon the records. Three affirmative votes at least shall be necessary for the passage of any order, ordinance, resolution, or vote.

Votes to be recorded.

Three votes necessary.

Vacancies.

SEC. 8. Vacancies in the city council shall be filled by the council for the remainder of the unexpired terms.

Election of mayor.

SEC. 9. The mayor shall be that member of the city council who, at the regular municipal election at which the members of the

Settlement of ties.

council were elected, received the highest number of votes. In case two councillors receive the same number of votes, one of them shall be chosen by the remaining members of the council. In case of vacancy in the office of mayor, the remaining members of the council shall choose from their own number his successor for the unexpired term.

Vacancy.

Salary of mayor.

SEC. 10. The mayor shall receive for his services such salary as the city council shall by ordinance determine, not exceeding seven hundred dollars a year, and he shall receive no other compensation from the city. His salary shall not be increased or diminished during the term for which he is elected. The council may, by a vote of not less than three members, taken by call of the yeas and nays, establish a salary for its members not exceeding two hundred dollars a year for each. Such salary may be reduced,

Salary of councilmen.

but no increase therein shall be made to take effect during the year in which the increase is voted.

SEC. 11. The city council shall appoint a city manager, who shall be the administrative head of the city government, and shall be responsible for the administration of all departments. He shall be appointed with regard to merit only, and he need not be a resident of the city when appointed. He shall hold office during the pleasure of the city council, and shall receive such compensation as it shall fix by ordinance.

City manager.

Residence.

Term of office.

Compensation.

SEC. 12. The city manager shall (1) be the administrative head of the city government; (2) see that within the city the laws of the State and the ordinances, resolutions, and regulations of the council are faithfully executed; (3) attend all meetings of the council, and recommend for adoption such measures as he shall deem expedient; (4) make reports to the council from time to time upon the affairs of the city, keep the council fully advised of the city's financial condition and its future financial needs; (5) appoint and remove all heads of departments, superintendents, and other employees of the city.

Schedule of powers and duties.

SEC. 13. Such city officers and employees as the council shall determine are necessary for the proper administration of the city shall be appointed by the city manager, and any such officer or employee may be removed by him; but the city manager shall report every such appointment and removal to the council at the next meeting thereof following any such appointment or removal.

Appointment and removal of officers and employees.

Reports to council.

SEC. 14. The officers and employees of the city shall perform such duties as may be required of them by the city manager, under general regulations of the city council.

Duties of officers and employees.

## PART VI.

There may be submitted as an addition to Plans A or D "The Initiative and Referendum" set forth in Chapter III of Plan C, and "Recall of Officials by the People," as set forth in Chapter V of Plan C, in which case all references to the board of commissioners shall apply to the mayor and council, and the petition for election and the ballots shall contain the name of the plan as "Plan A, with Initiative, Referendum, and Recall"; "Plan D, with Initiative, Referendum and Recall," and such plans shall be submitted with such additions as provided in this act for the submission of such plans.

Additions to Plans "A" or "D."

Petitions and ballots modified.

PART VII.

AMENDMENTS TO CHARTER.

*"Home Rule" or "Local Self-Government."*

Amendment or  
repeal of charter.

SECTION 1. Within the limitations prescribed by the Constitution and now existing or hereafter enacted general laws, any municipality may amend or repeal its charter or any part thereof or adopt a new charter. The proposal to amend, repeal, or adopt may be initiated: (a) By the governing body of such municipality; (b) By any number of the qualified electors of such municipality not less than twenty-five per centum of qualified electors entitled to vote at the next preceding regular municipal election in such municipality.

Initiation of pro-  
posal.

Ordinance for  
repeal, amend-  
ment or adoption  
of charter.

SEC. 2. If any amendment, repeal, or adoption be initiated by the governing body of any municipality, said governing body shall at one of its regular meetings, and not less than six days after the introduction thereof, adopt by not less than a two-thirds vote of all its members an ordinance in which shall be recited in full the amendment, repeal, or adoption proposed; said ordinance shall also recite that such amendment, repeal, or adoption is, in the opinion of said governing body, for the best interests of the municipality; it shall direct publication over the name of the mayor or other chief officer of the municipality of a notice in substantially the following form (the blank spaces to be properly filled in):

Recitals.

Publication.

Form of notice.

NOTICE OF AMENDMENT TO CHARTER OF

.....  
(here insert name of municipality.)

The governing body of (here insert name of municipality) at a regular meeting held on the.....day of.....19...., adopted a resolution as follows (here copy verbatim the resolution).

Dated this.....day of....., 19....

.....  
Mayor.

Proposition sub-  
mitted to vote.

Said governing body shall in its resolution provide that the amendment, repeal, or adoption therein proposed shall not become effective until submitted to and approved by a majority of the votes cast at a regular municipal election or a special election called for that purpose, and such amendment, repeal or adoption shall be submitted to the qualified voters of said city at an election called and held for such purpose, or at a regular municipal election. Thereupon, if such amendment, repeal, or adoption shall have been approved by a majority of the votes cast as hereinbefore provided, such amendment, repeal, or adoption shall become effective.

Effect of election.



SEC. 3. If any amendment, repeal, or adoption be initiated by the qualified electors of such municipality the same shall be by a petition signed by not less than twenty-five per centum of the qualified electors entitled to vote at the next preceding regular election in such municipality. The petition shall be appropriately entitled and shall be addressed to the governing board of such municipality, and shall state in exact language the amendment, repeal, or adoption proposed; said petition need not be all on one sheet, and if on one or more than one sheet shall be verified by a freeholder in such municipality who is also a signer of such petition. Said petition shall contain a request to the governing body of the municipality to submit to the qualified electors thereof the amendment, repeal, or adoption as therein stated, either at a regular election or at a special election to be called for that purpose. It shall thereupon be the duty of the clerk of such municipality to examine said petition for the purpose of ascertaining whether the same has been signed by the required number of qualified electors of the municipality, and said clerk shall certify to the governing body the result of his investigation. Thereupon it shall be the duty of said governing body to provide for submission to a vote of the amendment, repeal, or adoption proposed in said petition, either at a regular election or at a special election to be called for that purpose, and if said amendment, repeal, or adoption shall have been approved by a majority of the votes cast, as hereinbefore provided, such amendment, repeal, or adoption shall become effective.

Petition for amendment, repeal, or adoption.

Entitlement and address.

Request for election.

Scrutiny of petition.

Certificate.  
Election on petitions.

Effect of elections.

SEC. 4. Whenever verification of any petition is provided or required to be made by this chapter, such verification shall consist of a written oath signed by the person making the same, which shall state in substance that the persons whose names appear signed to such petition were so signed by such persons respectively in the presence of the person making oath, and that, to the best of the knowledge and belief of the person making oath, each and every of said persons are qualified electors entitled to vote at the next preceding regular election in said municipality.

Verification of petitions.

SEC. 5. Whenever any election, either regular or special, is provided or required to be held under this chapter, such election shall be held under such laws, either general or special, as are at the time of the holding of such election in force and effect with reference to such municipality.

Laws governing elections.

SEC. 6. Any number of amendments or repeals may be initiated by one and the same resolution or petition, and whenever under this chapter an election is provided or required to be held, any number of such amendments or repeals may be submitted and voted upon at one and the same election.

Separate propositions voted on.

SEC. 7. No special election provided or required by this chapter shall, except as otherwise provided in this chapter and this act, be held within two months of the time of holding any regular

Limitation of special elections.



municipal election in any municipality; not more than two special elections may be held under this chapter in any municipality within any one year. The elections, subject to the other provisions of this section, shall be held not less than three months from the date of the filing of the petition.

Publication of notice. SEC. 8. The notice required by section two shall be published once a week for four successive weeks in a newspaper of general circulation in the municipality.

Certificates to board of control. SEC. 9. Upon the amendment, repeal, or adoption of a charter of any municipality as provided in this chapter, the governing body shall cause to be certified to the secretary of the Municipal Board of Control a copy of such amendment, repeal, or adoption duly certified by its clerk and under the seal of such municipality; the copy so certified shall be recorded in the office of the Secretary of State, and a copy shall be so certified by the Secretary of State to the clerk of the Superior Court of the county in which such municipality is situated and recorded in the office of the said clerk; the record therein provided for, either in the office of the Secretary of State or in the office of the clerk of the Superior Court, shall be evidence in all the courts of this State.

Certificate recorded. SEC. 10. Whenever any amendment, repeal, or adoption of a charter of any municipality is submitted under the provisions of this chapter to the qualified electors of such municipality, such amendment, repeal, or adoption shall not become effective unless and until the same shall have been approved by a majority of the votes cast at the election and the result of the election thereon canvassed, determined, and declared as provided by law.

When amendment, repeal, or adoption effective.

PART VII.

*Elections.*

SEC. 1. All elections called and held by any city for any purpose under the provisions of this act shall be held under, governed and controlled by the laws in force at the time of such election governing and controlling regular and special municipal elections of such city in so far as they are applicable and not inconsistent with the provisions of this act, and where not otherwise provided by law. Except as herein otherwise provided in Chapter XVI, Part I, section eight of this act, notice of every special election held in any city shall be published in a newspaper of general circulation in such city at least once a week for four weeks preceding the date of such election, and posted for thirty days at the door of the building in which the governing body holds its meetings and three other public places in the city. Such notice shall set forth the date and hours of such elections, the proposition to be voted on thereat, the location of the polling places, and, in the event a new registration is ordered for such

Laws governing elections.

Publication of notices.

Specifications.

election, shall so state and set forth the dates of opening and closing the registration books and the names and addresses of the several registrars in charge thereof.

SEC. 2. If any city shall adopt any one of the plans of government provided for in this act during the year nineteen hundred and seventeen, the election of city officers under such plan shall be held on Tuesday after the first Monday in May following the adoption of such plan, and the regular municipal elections of such city shall take place biennially thereafter. Election of officers under adopted plan.

SEC. 3. When any municipality shall, as provided in this act, adopt any one of the plans as set forth in this act, no amendment, repeal, or adoption of such plans shall be made until and after the expiration of two years from the date of the adoption of such plan. Adoption for two years.

SEC. 4. Nothing in this act contained shall be construed to amend or repeal any provision of "The Municipal Finance Act, 1917," and wherever this act and the "Municipal Finance Act, 1917," conflict, "The Municipal Finance Act, 1917," shall control. Municipal finance act.

#### CHAPTER XVII.

SECTION 1. That if any part of this act shall be declared unconstitutional, it shall not affect other parts of this act. Constitution.

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

Ratified this 6th day of March A. D. 1917.

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#### CHAPTER 137

AN ACT TO INCLUDE MITCHELL COUNTY WITHIN THE PROVISIONS OF THE STATE PRIMARY ELECTION LAW.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter one hundred and one, Public Laws of one thousand nine hundred and fifteen, be amended by striking out the word "Mitchell" in line twelve of section thirty-four of said chapter. Mitchell county.

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

Ratified this the 5th day of March, A. D. 1917.

## CHAPTER 138

## AN ACT RELATING TO GENERAL MUNICIPAL FINANCE.

Preamble. Legislation required by constitutional amendment.

Whereas the people of North Carolina, at an election held in November, nineteen hundred and sixteen, adopted amendments to the State Constitution which prohibit the enactment of special legislation amending the charters of municipal and other corporations, and made it the duty of the Legislature to provide by general laws for the organization of cities, towns, and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent abuses in assessment and in contracting debts by such municipal corporations; and whereas many of the municipalities of this State require the powers hereinafter mentioned: Now, therefore,

Preamble. Powers required by municipalities.

*The General Assembly of North Carolina do enact:*

## PART I.

*Preliminary.*

Entitlement of act.

SECTION 1. This act may be cited as "The Municipal Finance Act, 1917."

Definitions.

SEC. 2. In this act, unless the context otherwise requires, the expression "municipality" means and includes any city, town, or incorporated village in this State now or hereafter incorporated; "governing body" means the board or body in which the general legislative powers of a municipality are vested; "clerk" means the person occupying the position of clerk of a municipality; "finance officer" means the chief financial officer of a municipality; "necessary expenses" and "voters" mean respectively the necessary expenses and qualified voters referred to in section seven of article seven of the Constitution of North Carolina; "funding bonds" means bonds issued to pay or extend the time of payment of indebtedness heretofore incurred, not evidenced by bonds; "refunding bonds" means bonds issued to pay or extend the time of payment of indebtedness heretofore incurred, evidenced by bonds; "publication" includes posting in cases where posting is authorized by this act as substitute for publication in a newspaper; "bond ordinance" means an ordinance authorizing the issuance of bonds of a municipality.

Publication of ordinances and notices.

SEC. 3. Any ordinance or notice required by this act to be published shall be published in a newspaper-published in the municipality, or, if no newspaper is published therein, a newspaper published in the county and circulating in the municipality, or, if there is no such newspaper, the ordinance or notice shall be

posted at the door of the building in which the governing body, usually holds its meetings and at three other public places in the municipality.

SEC. 4. Every provision of this act shall be construed as being qualified by the provisions of the Constitution of North Carolina. If any portion of this act shall be declared unconstitutional, the remainder shall stand, and the portion declared unconstitutional shall be excised. Construction of act.

SEC. 5. This act shall apply to all municipalities. Application.

## PART II.

### *Budget and Appropriations.*

SEC. 6. The fiscal year of every municipality shall begin on the first day of June. Not later than twenty days after the beginning of each fiscal year of a municipality the governing body shall cause to be prepared a plan for financing the municipality during said fiscal year, which plan shall be known as the budget, and shall be based upon detailed estimates furnished by the several departments and other divisions of the municipal government. The budget shall present the following information: Fiscal year.  
Budget.

(a) An itemized estimate of the appropriations necessary to be made for current expenses and for permanent improvements for each department and division of the municipal government for said fiscal year (exclusive of expenses to be paid for by means of bonds issued under Part IV), and for deficits of the previous fiscal year, with comparative statements in parallel columns of expenditures for corresponding items so far as possible for the two next preceding fiscal years. This estimate may include a contingent fund not designated for any particular purpose not exceeding five per centum of the total estimated amount of other appropriations. Specifications.  
Estimate for current expenses, permanent improvements, and deficits.  
Comparative statements.

(b) An itemized estimate of the taxes required and of the estimated revenues of the municipality from all other sources for said fiscal year and the unencumbered balances of the appropriations, with comparative statements in parallel columns of the taxes and other revenues for the two next preceding fiscal years; Estimate of taxes and other receipts.  
Contingent fund.  
Comparative statement.

(c) A statement of the financial condition of the municipality; and Financial condition.

(d) Such other information as the governing body may deem advisable to state. Other information.

A copy of the budget shall be filed in the office of the clerk of the municipality for public inspection not later than ten days before its adoption by the governing body, and a public hearing shall be given thereon by the governing body before the adoption of the budget, notice of which hearing shall be published. Budget filed for public inspection.  
Publication.

Annual appropriation ordinance.	SEC. 7. Not later than one month after the beginning of the fiscal year the governing body shall pass the annual appropriation ordinance for said fiscal year, which shall be based on the budget. The total amount of appropriations shall not exceed the estimated revenues of the municipality.
Limitation.	
Appropriation authorized before ordinance.	SEC. 8. Before the adoption of the annual appropriation ordinance the governing body may make appropriations for the purpose of paying fixed salaries, the principal and interest of bonded debts and other loans, the stated compensation of officers and employees and indebtedness for work performed or materials furnished under contracts made before the beginning of the fiscal year, or for the ordinary expenses of the municipality, which appropriations shall be chargeable to the appropriations in the annual appropriations ordinance for that year.
Amendment of appropriations.	SEC. 9. At any time after the passage of the annual appropriation ordinance, and after at least one week's public notice, the governing body may amend such ordinance so as to authorize the transfer of balances appropriated for one purpose to another purpose or to appropriate available revenues not included in the annual budget.
Balances.	SEC. 10. At the close of each fiscal year the unencumbered balance of each appropriation shall revert to the respective fund from which it was appropriated, and shall be subject to future appropriation.
Revenues specifically appropriated.	SEC. 11. Nothing herein shall be construed to permit revenues which by statute are appropriated to a particular purpose to be appropriated to any other purpose, but such revenues shall nevertheless be included in the budget.

## PART III.

*Temporary Loans.*

Loans in anticipation of revenue.	SEC. 12. A municipality may borrow money for the purpose of meeting appropriations made for the current fiscal year, in anticipation of the collection of the taxes and revenues of such fiscal year, and within the amount of such appropriations. Such loans shall be paid not later than the tenth day of October in the next succeeding fiscal year. Provision shall be made in the annual budget and annual appropriation ordinance of each fiscal year for the payment of all unpaid loans predicated upon the taxes and revenues of the previous fiscal year.
Limit of time.	
Provision for payment.	
Loans in anticipation of bond sales.	SEC. 13. At any time after a bond ordinance has taken effect as provided in Part IV, a municipality may borrow money for the purposes for which the bonds are to be issued, in anticipation of the receipt of the proceeds of the sale of the bonds, and within the maximum authorized amount of the bond issue. Such loans shall be due and payable not later than three years after the time
Maturity.	



of taking effect of the ordinance authorizing the bonds upon which they are predicated.

SEC. 14. Notes or bonds shall be issued for all moneys borrowed under the last two sections. Such notes or bonds may be renewed from time to time, but all such renewal notes or bonds shall mature within the time limited by said sections for the payment of the original loan. They may be disposed of by public or private negotiation. No money shall be borrowed under said sections at a rate of interest exceeding six per centum per annum. The issuance of such obligations shall be authorized by resolution of the governing body, which shall fix the maximum face amount of the obligations, the maximum rate of interest to be paid upon the amount borrowed, and the maximum period within which said obligations shall be issued. The governing body may delegate to the financial officer or to the chief executive officer the power to fix said face amount, rate of interest, and time of issue within the limitations prescribed by said resolution, and the power to dispose of said obligations. All such notes or bonds shall be signed by the financial officer and the seal of the municipality shall be affixed and attested by the clerk. They shall be submitted to and approved by the attorney for the municipality before they are issued, and his written approval indorsed on the notes or bonds.

Notes or bonds.  
Renewals.  
Sale.  
Interest.  
Resolution authorizing loans.  
Delegation of powers.  
Authentication.  
Approval by attorney.

#### PART IV.

##### *Permanent Financing.*

SEC. 15 The provisions of this part shall not apply to temporary bonds or other obligations issued under Part III.

SEC. 16. A municipality may issue its bonds for any one or more of the following purposes:

Bond issues authorized.

(a) To pay for any public improvement or property which it may lawfully make or acquire, or for the making or acquisition of which it may lawfully pay money, except current expenses;

For public improvement or property.

(b) To fund or refund an indebtedness outstanding at the time when this act takes effect, for the payment of which the municipality is now or may hereafter be liable, and which is payable at the time of passage of the ordinance authorizing bonds to fund or refund such indebtedness, or to become payable within one year thereafter;

To fund or refund existing debt.

(c) For any other purpose which it may lawfully undertake or for which it is authorized by law to raise money, except current expenses.

Other purposes.

SEC. 17. (1) All bonds of a municipality shall be authorized by an ordinance passed by the governing body. The ordinance shall state:

Ordinance for bond issue.

(a) In brief and general terms the purpose or purposes of the bond issue; *Provided, however,* that bonds for any purpose other

Specifications.  
Purpose of issue.

than the payment of necessary expenses shall be authorized by a separate ordinance.

Maximum of amount. (b) The maximum principal amount of the issue, and, if the bonds are to be issued for more than one purpose, the maximum principal amount of bonds for each purpose;

Interest. (c) The maximum rate of interest (not exceeding six per centum per annum) the bonds shall bear:

Maturity. (d) The maximum period within which they shall mature, which must not exceed the period required by clause (e) of this section, to be stated in the ordinance;

Limitations as to maturity of bonds. (e) One of the following periods (to be determined by the governing body within the limitations prescribed by section eighteen):

For life of improvements. I. If the bonds are for but one improvement or property or class of improvements or properties, the probable period of usefulness thereof, except in the case next mentioned; or,

For period of assessment. II. If the bonds are entirely for paying the portion of the cost of an improvement or property that has been or is to be assessed upon property benefited thereby, the probable period at the end of which the last installment of the assessment will have been in arrears for two years, but not exceeding fifteen years; or,

Funding or refunding bonds. III. If the bonds are entirely for funding or entirely for refunding a debt now outstanding, either the shortest period in which the debt can be finally paid without making it unduly burdensome upon the taxpayers of the municipality or, at the option of the governing body, the probable unexpired period of usefulness of the improvement or property for which the debt was incurred; or,

Bonds for more than one purpose. IV. If the bonds are for more than one purpose, the average of the periods that would be stated pursuant to this clause if a separate ordinance were passed for the bonds for each purpose, taking into consideration the amount of bonds applicable to each purpose.

Tax for principal and interest. (f) That a tax sufficient to pay the principal and interest of the bonds shall be annually levied and collected;

Statement of debt for public inspection. (g) That a statement of the debt of the municipality has been filed with the clerk pursuant to this act and is open to public inspection;

Taxables. (h) The averaged assessed valuation of property subject to taxation by the municipality for the three fiscal years in which taxes were last levied, as shown by said statement;

Net debt. (i) The amount of the net debt of the municipality outstanding, authorized or to be authorized, as shown by said statement;

(j) One of the following provisions:

Issues not subject to election. I. If the bonds are for funding or refunding debts heretofore incurred, or for improvements or properties of which at least one-fourth of the cost has been or is to be assessed upon abutting

property or properties benefited (and for no other purpose); that the ordinance shall take effect upon its passage and shall not be submitted to the voters; or,

II. If the bonds are for a purpose other than the payment of necessary expenses, and in any case where the governing body desires to obtain the assent of the voters before issuing the bonds, if a petition for its submission is filed under this act, that the ordinance shall take effect when approved by a vote of the majority of the qualified voters of the municipality; or,

III. In any other case, except funding and refunding, that the ordinance shall take effect thirty days after its first publication (or posting), unless in the meantime a petition for its submission to the voters is filed under this act, and that in such event it shall take effect when approved by a majority of the voters of the municipality.

(2) A bond ordinance shall take effect at the time and upon the conditions indicated therein. If the ordinance provides that it shall take effect upon its passage, no vote of the people shall be necessary for the issuance of the bonds.

SEC. 18. (1) In determining, for the purposes of section seven-teen, the probable period of the usefulness of an improvement or property, the governing body shall not deem said period to exceed the following periods for the following improvements and properties, respectively, viz:

1. Sewer systems (either sanitary or surface drainage), forty years.

2. Water supply systems, forty years.

Water systems.

3. Gas systems, thirty years.

Gas systems.

4. Electric light or power systems, twenty years.

Electric light and power systems.

5. Plants for the incineration or disposal of ashes, or garbage, or refuse (other than sewage), ten years.

Incinerators.

6. Public parks (including or not including playground as a part thereof), fifty years.

Parks.

7. Playgrounds, thirty years.

Playgrounds.

8. Buildings for purposes not stated in this section, if they are

Buildings.

(1) Of frame construction, that is, a building of which the exterior walls or a portion thereof shall be constructed of wood; or a building sheathed with boards and partially or entirely covered with four inches or less of masonry or with metal sheets, twenty years.

Of frame construction.

(2) Of nonfireproof construction, that is, a building the outer walls of which are constructed of brick, stone, iron, or other hard, incombustible materials, but which in any other respect differs from a fireproof building as defined in this section, thirty years.

Of nonfireproof construction.

(3) Of fireproof construction, that is, a building the walls of which are constructed of brick, stone, iron, or other hard incombustible materials, and in which there are no wood beams or lin-

Of fireproof construction.

tels, and in which the floors, roofs, stairhalls, and public halls are built entirely of brick, stone, iron, or other hard, incombustible materials, and in which no woodwork or other inflammable material is used in any of the partitions, floorings, or ceiling (but the building shall be deemed to be of fireproof construction notwithstanding that elsewhere than in the stairhalls and entrance halls there is wooden flooring on top of the fireproof floor, and that wooden sleepers are used, and that it contains wooden hand-rails and treads, made of hardwood, not less than two inches thick), forty years.

Bridges. 9. Bridges (including retaining walls and approaches) of stone, concrete, or iron construction, or of a combination of any or all of these materials, thirty years.

Other lands. 10. Lands for purposes not stated in this section, forty years.

Roads and streets. 11. Constructing or reconstructing the surface of roads, streets, or highways, whether including or not including contemporaneous constructing or reconstructing of sidewalks, curbs, or gutters, or drains, or grading, if such surface—

Sand and gravel. (1) Is constructed of sand and gravel, five years.

Water-bound macadam. (2) Is of water-bound macadam or penetration process, ten years.

Other materials. (3) Is of brick, or blocks of any material, of sheet asphalt, bitulithic or bituminous concrete, laid on a solid foundation, or of concrete not less than six inches thick, twenty years.

Lands. 12. Land for roads, streets, highways, or sidewalks; or grading, or constructing or reconstructing culverts, or retaining walls, or surface, or subsurface drains, thirty years.

Sidewalks, curbs, and gutters. 13. Constructing sidewalks, curbs, or gutters of brick, stone, concrete, or other material of similar lasting character, ten years.

Fire and police alarms, telegraphs and telephones. 14. Installing fire or police alarms, telegraph or telephone service, or other system of communication for municipal use, thirty years.

Vehicles. 15. Fire engines, fire trucks, hose carts, ambulances, patrol wagons, or any vehicles for use in any department of the municipality, or for the use of municipal officials, ten years.

Cemeteries. 16. Land for cemeteries, or the improvement thereof, thirty years.

Service connections. 17. Constructing sewer, water, gas, or other service connections, from the service main in the street to the curb or property line, when the work is done by the municipality, in connection with any permanent improvement of or in any street, ten years.

Crossings. 18. The elimination of any grade crossing or crossings and improvements incident thereto, fifteen years.

Other apparatus. 19. Equipment, apparatus, or furnishing not included in other clauses of this subsection, ten years.

Other improvements and property. 20. Any improvement or property not included in other clauses of this subsection, forty years.



Each of the improvements and properties mentioned in clauses numbered from one to nine, both inclusive, of this subsection shall be deemed to include the acquisition, construction, reconstruction, or enlargement thereof, or of any part thereof, or of buildings, lands, or rights in lands therefor, or of original furnishings, equipment, machinery, or apparatus therefor, or of the original improvement thereof. Bonds for any or all improvements or properties included in any one clause of this subsection may, for the purposes of this act, be deemed by the governing body to be for but one improvement or property.

(2) In determining, for the purpose of section seventeen, the shortest period in which a debt now outstanding can be finally paid without making it unduly burdensome upon the taxpayers of the municipality, the governing body shall not deem said period to be greater than the following periods in the following cases, respectively:

(a) Ten years, if funding bonds are to be issued. Ten-year period.

(b) Thirty years, if refunding bonds are to be issued and the net debt of the municipality, as stated in the debt statement filed pursuant to section nineteen, is not more than eight per centum of the average assessed valuation set forth in said statement. Thirty-year period.

(c) Forty years, if refunding bonds are to be issued, and said net debt is more than eight but not more than ten per centum of said average assessed valuation. Forty-year period.

(d) Fifty years, if refunding bonds to be issued, and said net debt is more than ten per centum of said average assessed valuation. Fifty-year period.

SEC. 19. (1) Before the final passage of a bond ordinance the financial officer shall make and file with the clerk a sworn statement of the debt of the municipality, showing, in such detail as he may deem advisable—

(a) The total amount (hereinafter referred to as the gross debt) of the outstanding floating debt heretofore incurred and of all bonded debt outstanding or to be incurred under ordinances or other proceedings passed, taken, or pending, exclusive of debt incurred or to be incurred in anticipation of the collection of taxes of the current fiscal year or for the sale of bonds; Sworn statement of debt. Total outstanding debt.

(b) The total of the following amounts (hereinafter referred to as the deductions), viz:

I. The amount of unissued funding or refunding bonds included in the gross debt; Unissued bonds.

II. The amount of sinking funds or other funds held for the payment of any part of the gross debt other than existing debt incurred for revenue-producing enterprises and deducted as provided in this clause; Amount of sinking fund.

III. The amount (actual or estimated) of uncollected special assessments levied or to be levied, applicable to the payment of any part of the gross debt. Uncollected assessments.



Debt incurred by profit-making property.

IV. The amount of existing bonded debt incurred for any enterprise owned by the municipality which during the fiscal year immediately preceding the date of the statement yielded to the municipality current net revenue, after making any necessary allowance for repairs and maintenance, in excess of the interest payable on the debt in that year and of the annual installment necessary to be raised in that year for the amortization of the debt; or, if such debt was not entirely provided for as aforesaid, it shall be stated as a deduction proportionately to the extent to which said net revenue (after making said allowance) met said interest and amortization installment during said year: *Provided, however*, that in no event shall the amount of all such debt stated as a deduction exceed three per centum of the average assessed valuation referred to in clause (d);

Proviso: limitation.

Net debt.

(c) The amount (hereinafter referred to as the net debt) of the difference between the gross debt and the deductions;

Average of tax assessments.

(d) The assessed valuation of property subject to taxation by the municipality for each of the three years in which taxes were last levied, and the average thereof;

Percentage.

(e) The percentage that the net debt bears to said average assessed valuation.

Statement if debt exceed ten per cent of assessment.

And if the net debt appears from said statement to be more than ten per centum of said average assessed valuation, the statement shall further show:

Net increase.

(f) The total amount (hereinafter referred to as the net increase) of all bonds issued since this act took effect (including those which have been paid), or authorized or to be authorized by ordinance or other proceeding passed, taken, or pending, exclusive of bonds for the payment of the portion of the cost of an improvement that has been or is to be assessed upon property benefited, and exclusive of unissued refunding bonds;

Assessment for 1916.

(g) The assessed valuation of property subject to taxation by the municipality for the calendar year nineteen hundred and sixteen;

Percentage.

(h) The percentage which the net increase bears to said assessed valuation.

Limitation on amount.

(2) The ordinance shall not be passed unless it appears from said statement either that the net debt does not exceed ten per centum of said average assessed valuation or that the net increase does not exceed *three* per centum of the assessed valuation for the year nineteen hundred and sixteen, or unless the bonds to be issued under the ordinance for the supply of water, or for funding or refunding indebtedness now outstanding, and for no other purpose.

Statement open for inspection. Statement as evidence.

(3) Said statement shall remain on file with the clerk and be open to public inspection. In any action or proceeding in any court involving the validity of bonds said statement shall be

deemed to be true and to comply with the provisions of this act, unless it appears in an action or proceeding commenced within the time limited by section twenty for the commencement thereof), first, that the representations contained therein could not by any reasonable method of computation be true, and second, that a true statement would show that the ordinance authorizing the bonds could not be passed.

(4) In determining, for the purposes of clause (b) of subsection (1) of this section, the annual installment necessary to be raised in any year for the amortization of an outstanding debt for a revenue-producing enterprise, the financial officer shall, in case the debt is not payable in annual installments, deem said annual installment to be an amount which, if thereafter annually contributed to a sinking fund for the amortization of the debt (which shall be the then existing sinking fund for said purpose, if there is one), would, with the fund and with the accumulations of interest thereon and upon the contribution thereto, such accumulation being computed at the rate of four per centum per annum, produce at the date of maturity the amount of the debt.

SEC. 20. (1) A bond ordinance shall be published once in each of four successive weeks. A notice substantially in the following form (the blanks being first properly filled in), with the printed or written signature of the clerk appended thereto, shall be published with the ordinance:

Publication of  
bond ordinances.  
Form of notice.

The foregoing ordinance was passed on the .....day of  
....., 19...., was first published (or  
posted) on the .....day of....., 19....

Any action or proceeding questioning the validity of said ordinance must be commenced within thirty days after its last publication (or posting).

.....  
Clerk.

(2) An action or proceeding in any court to set aside a bond ordinance, or to obtain any other relief upon the ground that the ordinance is invalid, must be commenced within thirty days after the last publication of the notice aforesaid and the ordinance or supposed ordinance referred to in the notice. After the expiration of said period of limitation no right of action or defense founded upon the invalidity of the ordinance shall be asserted, nor shall the validity of the ordinance be open to question in any court upon any ground whatever, except in an action or proceeding commenced within said period.

Time for com-  
mencement of  
actions.

SEC. 21. (1) If a bond ordinance provides that it shall take effect within thirty days after its last publication unless a petition for its submission to the voters shall be filed in the meantime, the

Ordinances  
requiring approval  
of voters.

ordinance shall be inoperative without the approval of the voters of the municipality at an election if a petition shall be filed as provided in this section.

Petition for election.

Specifications.

(2) A petition demanding that the ordinance be submitted to the voters may be filed with the clerk within thirty days after the last publication of the ordinance. The petition shall be in writing and signed by voters of the municipality equal in number to at least thirty-three and one-third per centum of the total number of registered voters in the municipality as shown by the registration books for the last preceding election therein. The residence address of each signer shall be written after his signature. Each signature to the petition shall be verified by a statement (which may relate to a specified number of signatures) made by some adult resident freeholder of the municipality under oath before an officer competent to administer oaths, to the effect that the signature was made in his presence and is the genuine signature of the person whose name it purports to be. The petition need not contain the text of the ordinance to which it refers. The petition need not be all on one sheet, and if on more than one sheet, it shall be verified as to each sheet.

Investigation of petition.

Determination of sufficiency.

(3) The clerk shall investigate the sufficiency of the petition and present it to the governing body with a certificate stating the result of his investigation. The governing body shall thereupon determine the sufficiency of the petition, and the determination of the governing body shall be conclusive.

Elections.

SEC. 22. Whenever the taking effect of an ordinance authorizing the issuance of bonds is dependent upon the approval of the ordinance by the voters of a municipality, the governing body may submit the ordinance to the voters at an election to be held not more than six months after the passage of the ordinance. The governing body may call a special election for that purpose or may submit the ordinance to the voters at the regular municipal election next succeeding the passage of the ordinance, but no such special election shall be held within two months before or after a regular election. Several ordinances or other matters may be voted upon at the same election. A notice of the election, setting forth in full the ordinance to be voted upon, shall be published at least once not more than sixty days nor less than twenty days before the election. The provisions of law in force at the time of said election governing the registration of voters for regular municipal elections in the municipality and the conducting and canvassing of such regular municipal elections shall apply to elections required or provided for by this act. The title or a statement of the nature of each ordinance to be voted upon shall be printed on a ballot, which shall be separate from the ballot for candidates for office. Below the title or statement of the nature of each ordinance there shall be printed on two separate lines the

Notice of election.

Law governing elections.

Ballots.

words "For the Ordinance" and "Against the Ordinance," respectively, with a square enclosed in ruled lines at the left of each said two lines. At the top of the ballot there shall be printed the following words: "Notice to Voters: For a vote for any ordinance submitted upon this ballot, make a X mark in the square opposite the words 'for the Ordinance.' For a negative vote, make a similar mark in the square opposite the words 'Against the Ordinance.'" If a voter makes a X mark in the square opposite the words "For the Ordinance," it shall be counted as a vote approving the ordinance and the issuance of the bonds and the levying of the tax provided for by the ordinance. If a voter makes a X mark in the square opposite the words "Against the Ordinance," it shall be counted as a vote against said ordinance, bonds, and tax. The officers appointed to hold said election, in making return of the result thereof, shall incorporate therein not only the number of votes cast for and against each ordinance submitted, but also the number of voters registered and qualified to vote in the election. The board authorized to canvass the votes cast shall also canvass the number of voters registered and qualified to vote in the election, and shall judicially determine and declare the result of the election. Said board shall prepare a statement showing the number of votes cast for and against each ordinance submitted, and the number of voters qualified to vote in the election, and declaring the result of the election, which statement shall be signed by a majority of the members of said board and delivered to the clerk of the municipality, who shall record it in the book of ordinances of the municipality, file the original in his office, and publish at once. No right of action or defense founded upon the invalidity of the election shall be asserted, nor shall the validity of the election be open to question in any court upon any ground whatever, except in an action or proceeding commenced within twenty days after the publication of said statement.

SEC. 23. At any time after the passage of a bond ordinance, all steps preliminary to the actual issuance of bonds under the ordinance may be taken, but the bonds shall not be actually issued unless and until the ordinance takes effect.

SEC. 24. After a bond ordinance takes effect, bonds may be issued in conformity with its provisions at any time or times within three years after the ordinance takes effect.

SEC. 25. The aggregate amount of bonds to be issued under a bond ordinance, the rate or rates of interest they shall bear, and the times of payment of the principal and interest of the bonds, shall be fixed by resolution or resolutions of the governing body within the limitations prescribed by the ordinance. Such resolutions shall be subject to amendment or repeal at any time prior to the delivery of any bonds to be affected by such amendment or repeal. The bonds may be issued either all at one time or from

Method of voting.

Returns.

Canvass of votes.

Statement of result.

Statute of limitations.

Preparation for issuing bonds.

Issuance of bonds.

Items to be fixed in ordinance.

Amendment or repeal.

Issuance of bonds.



time to time in blocks or installments, and different provisions may be made for different blocks or installments.

Maturity in installments.

SEC. 26. The principal of the bonded debt created pursuant to any one ordinance shall be payable in annual installments, within the maximum period prescribed by the ordinance, the first of which installments shall be made payable not more than two years after the date of the bond or bonds first issued under the ordinance; and no installment of the principal shall be more than fifty per centum in excess of the amount of the smallest prior installment. If the debt is incurred from time to time, each portion thereof shall, with the portion previously incurred, mature as aforesaid.

Currency for payment.

SEC. 27. The bonds may be made payable in such kinds of money and at such place or places, within or without the State of North Carolina, as the governing body may by resolution provide.

Authentication.

SEC. 28. Bonds of a municipality shall be signed by two or more officers of the municipality holding office at the time of such signing, one of which officers shall be the mayor or other chief executive officer, and the corporate seal of such municipality shall be affixed to the bonds. Interest coupons attached to the bonds shall bear a facsimile signature of a financial officer of the municipality. The delivery of bonds so executed shall be valid notwithstanding any change in the officers or in the seal of the municipality occurring after the signing and sealing of the bonds.

Registered bonds.

SEC. 29. (1) Bonds issued under this act may be issued either in registered or coupon form. If they are coupon bonds, they may be made registerable either as to principal only or as to both principal and interest.

Registrar or transfer agent.

(2) The governing body may also appoint a bank or trust company as registrar or transfer agent of the municipality and provide for the registration or transfer of bonds of the municipality by such registrar or transfer agent.

Sale below par forbidden.  
Advertisement and sale.

SEC. 30. All bonds of a municipality shall be sold by the governing body at not less than par. They shall be advertised and sold upon sealed proposals or at public auction or unless the sale is made to a sinking fund of the municipality or is made within thirty days after failure to receive any legally acceptable bid in response to a public offering made as provided in this section. Whenever bonds are to be sold pursuant to advertisement there shall be published, at least once, a notice containing a description of the bonds to be sold, the manner and place of sale, and the time of sale, or time limited for the receipt of proposals, which shall be not less than ten days after the first publication of the notice. The notice shall state that bidders must deposit with the financial officer before making their bids, or present with their bids, a certified check drawn to the order of the financial officer

Deposits by bidders.



upon an incorporated bank or trust company, or a sum of money for or in an amount equal to two per centum of the face amount of bonds bid for, to secure the municipality against any loss resulting from the failure of the bidder to comply with the terms of his bid. Proposals for bonds required to be advertised shall be opened in public, and the bonds shall be awarded to the highest bidder, unless all bids are rejected. Any municipality shall have the right to reject all bids. The governing body may delegate its power to sell bonds to a committee thereof, or any two officers, one of whom shall be the financial officer; but every private sale of bonds shall be made or confirmed by the governing body. Bonds of the municipality sold out of a sinking fund of the municipality shall be sold as provided in this section, except that such bonds may be sold for less than par.

Award.

Right to reject bids.

Private sales.

Sales from sinking fund.

SEC. 31. The proceeds of the sale of any bonds hereinafter issued shall be used only for the purposes specified in the ordinance authorizing said bonds: *Provided, however*, that if for any reason any part of such proceeds are not applied to or are not necessary for such purposes, such unexpended part of the proceeds shall be applied to the payment of the principal or interest of said bonds. The cost of preparing, issuing, and marketing bonds shall be deemed to be one of the purposes for which the bonds are issued. Interest accruing on temporary loans for an improvement or property during the period of construction or acquisition of the improvement or property, within six months thereafter, shall be deemed to be part of the cost of such improvement or property and payable out of the proceeds of the sale of bonds issued therefor.

Use of proceeds of bonds.

Proviso: surplus applied to payment of bonds.

Cost of issue and sale.

Interest on temporary loans.

SEC. 32. Any bonds reciting that they are issued pursuant to this act shall in any action or proceeding involving their validity be conclusively deemed to be fully authorized by this act and to have been issued, sold, executed, and delivered in conformity herewith, and with all other provisions of statutes applicable thereto, and shall be incontestable, anything herein or in other statutes to the contrary notwithstanding, unless such action or proceeding is begun prior to the delivery of such bonds.

Bonds incontestable from delivery.

SEC. 33. The governing body shall annually levy and collect a tax *ad valorem* upon all the taxable property in the municipality sufficient to pay the principal and interest of all bonds issued under this act as such principal and interest become due: *Provided, however*, that so much of the net revenue derived by the municipality in any fiscal year from the operation of any revenue-producing enterprise owned by the municipality after paying all expenses of operating, managing, maintaining, repairing, enlarging, and extending such enterprise, shall be applied, first, to the payment of the interest payable in the next succeeding year on bonds issued for such enterprise, and, next, to the payment of

Tax for principal and interest.

Proviso: income from investments.

Taxing power.	<p>the amount necessary to be raised by tax in such succeeding year for the payment of the principal of said bonds, and the amounts required to be raised by tax in such succeeding year for the payment of the principal and interest of such bonds may be reduced by the amount of such revenue actually collected and set aside for such purposes. Every municipality shall have the power to levy taxes <i>ad valorem</i> upon all taxable property situated therein for the purpose of paying the principal of or the interest on any valid bonds or notes heretofore issued by such municipality and for the purpose of providing a sinking fund for the payment of said principal. The powers stated in this section in respect of the levy of taxes for the payment of the principal and interest of bonds heretofore or hereafter issued shall not be subject to any limitation prescribed by law upon the amount or rate of taxes which a municipality may levy. Taxes levied under this section shall be levied and collected in the same manner as other taxes are levied and collected upon property in the municipality.</p>
Powers not limited.	
Levy and collection.	

## PART V.

*Miscellaneous.*

Appropriations.	<p>SEC. 34. (1) No municipality shall—</p>
Borrowing money.	(a) Make an appropriation of money except as provided in this act;
Expenditures.	(b) Borrow money or issue bonds or notes except as provided in this act;
Contracts.	(c) Make an expenditure of money unless the money shall have been appropriated as provided in this act;
Appropriation by bond issue.	(d) Enter into any contract involving the expenditure of money unless a sufficient appropriation shall have been made therefor, except a continuing contract to be performed in whole or in part in an ensuing fiscal year, in which case an appropriation shall be made sufficient to meet the amount to be paid in the fiscal year in which the contract is made.
Passage and effect of ordinances.	(2) The authorization of bonds by a municipality shall be deemed to be an appropriation of the maximum authorized amount of the bonds for the purposes for which they are to be issued.
Proviso: approval of acts.	<p>SEC. 35. Ordinances and resolutions passed pursuant to this act shall be passed in the manner provided by other laws for the passage of ordinances and resolutions, but shall not be subject to the provisions of other laws prescribing conditions, acts, or things necessary to exist, happen, or be performed precedent to or after the passage of ordinances or resolutions in order to give them full force and effect: <i>Provided, however,</i> that in any municipality in which the acts of the governing body thereof involving the raising or expenditure of money are required by law to be approved by some other official board or officer of the municipality</p>

in order to make them effective, all ordinances and resolutions passed by the governing body under this act shall, unless they relate solely to elections held under this act, be so approved before they take effect.

SEC. 36. Any officer of a municipality or any one or more tax-able inhabitants thereof, or any creditor to whom the municipality is indebted to an amount not less than one thousand dollars, may, within the periods of limitation prescribed by this and other acts, maintain an action or other proceeding against the municipality or any officer thereof to set aside or have declared invalid any illegal official act on the part of the municipality or its officers, or to prevent any such act, or to compel the municipality or its officers to comply with the provisions of this and other laws relating to the municipality. The Superior Court of the county or district in which the municipality is situated shall have jurisdiction to enforce by mandamus, injunction, or other appropriate remedy the provisions of this act and of said laws. Jurisdiction of courts.

SEC. 37. That for the purpose of raising revenue for defraying the expenses incident to the proper government of the municipality the governing body shall have the power and are hereby authorized to levy and collect, for general purposes, an annual *ad valorem* tax on all taxable property in the municipality of and at the rate of not exceeding one dollar and twenty-five cents on the one hundred dollars valuation of said property, and a poll tax in accordance with the limitations contained in the Constitution of the State. Tax for general purposes.  
Property tax.  
Poll tax.

SEC. 38. All acts and parts of acts, general or special (including acts passed at this session of the General Assembly prior to the passage of this act), to the extent that they relate to the subject matter of this act, are superseded by this act: *Provided, however,* Former laws superseded.

(a) That acts and proceedings heretofore done or taken by any municipality or the voters thereof or any board or officers thereof pursuant to acts or parts of acts superseded by this act shall not be affected by this act, but all such acts or proceedings similar to any acts or proceedings provided for in this act shall have the same force and effect as if done and taken pursuant to this act, and only subsequent proceedings shall be taken as provided in this act: *Provided further,* Acts heretofore done.

(b) That in all cases where, pursuant to acts or parts of acts so superseded, an ordinance or resolution has been heretofore passed authorizing the issuance of bonds or notes or calling an election for such purpose, nothing in this act shall prevent the issuance of the bonds or notes in accordance with the terms of such ordinance or resolution, and it shall not be necessary to pass the ordinance provided for in section seventeen of this act, and no vote of the people shall be necessary for the issuance of such bonds or notes unless they are for purposes other than the pay- Bonds heretofore authorized.

ment of necessary expenses or unless such vote shall be required by the terms of the acts or parts of acts so superseded or by the terms of the ordinance or resolution so passed: *Provided further,*

Act for local improvements.

(c) That this act shall not be deemed to repeal any of the provisions of chapter fifty-six of the Public Laws of one thousand nine hundred and fifteen, except that in all matters relating to restriction of municipal power of taxation, assessment, borrowing money, contracting debts and loaning credit, the provisions of this act shall govern: *Provided*, that any municipality of the State may proceed under the provisions of chapter fifty-six of the Public Laws of one thousand nine hundred and fifteen, as herein amended, notwithstanding anything contained in any law heretofore enacted, whether general, special, private, or local.

Proviso: proceedings under former law.

When act effective.

SEC. 39. This act shall be in force from and after the adjournment of the General Assembly, regular session of one thousand nine hundred and seventeen.

Ratified this the 5th day of March, A. D. 1917.

## CHAPTER 139

AN ACT TO CORRECT THE CLERICAL, TYPOGRAPHICAL, AND OTHER ERRORS APPEARING IN HOUSE BILL NO. 562, SENATE BILL 520, RATIFIED THE 9TH OF JANUARY, 1917, IT BEING AN ACT TO APPOINT JUSTICES OF THE PEACE FOR THE SEVERAL COUNTIES AND TOWNSHIPS IN NORTH CAROLINA.

Preamble: errors.

Whereas the typist writing the above referred to bill for the introducer made clerical and typographical errors, and in the great rush of business at the time same was passed said errors were not observed; and whereas it is desirous that said errors be corrected; Therefore,

*The General Assembly of North Carolina do enact:*

Corrections by secretary of state.

SECTION 1. That the Secretary of State is hereby authorized and directed to make corrections in House Bill number five hundred and sixty-two, Senate Bill number five hundred and twenty, ratified the ninth day of January, one thousand nine hundred and seventeen, it being an act to appoint justices of the peace for the several counties and townships in North Carolina, as follows:

Alleghany county.

In Alleghany County, page two, where it is stated Grade Creek, strike out the letter "r" in Grade and insert in lieu thereof the letter "l" so it will read Glade Creek.

Ashe county.

In Ashe County, page three, in Horse Creek Township, where it reads "Adolphus Shipp," strike out the word "Shipp" and insert in lieu thereof "Shepherd."



In Jefferson Township strike out "F. L. Coloard" and insert in lieu thereof "F. L. Colvard."

In Avery County, page three, in Linville Township, strike out Avery county. the first letter "e" in Lenville and insert in lieu thereof the letter "i." Strike out "Donane Biard" and insert in lieu thereof "Donald Baird."

In Roaring Creek Township, strike out "W. R. Cooper" and insert in lieu thereof "W. I. Cooper."

In Newland Township, page four, strike out "W. J. F. Spence."

In Brunswick County, page six, in Smithville Township strike Brunswick county. out "S. P. Sharp" and insert in lieu thereof "S. P. Tharp."

Strike out "D. J. Watson" and insert in lieu thereof "D. I. Watson."

Strike out "E. B. Carr" and insert in lieu thereof "T. B. Carr."

In Shallotte Township, page seven, strike out "McD. M. Lamb" and insert in lieu thereof "McD. McLamb."

In Bladen County, page six, Elizabethtown Township, strike Bladen county. out "Marshbum" and insert in lieu thereof "Marshburn."

In Buncombe County, page nine, in French Broad Township, Buncombe county. strike out "Curtin Mills" and insert in lieu thereof "Curtis Miles."

In Burke County, page ten, in Silver Creek Township, strike Burke county. out "J. C. Bennett" and insert in lieu thereof "S. C. Bennett."

In Caldwell County, page ten, write the word "North" before Caldwell county. the word "Catawba." Strike out the word "Taylor" and insert in lieu thereof the word "Kayler."

In Caswell County, page eleven, in Locust Hill Township, Caswell county. strike out "N. C. Hodghen" and insert in lieu thereof "N. C. Hodges."

In Dan River Township, strike out "John F. Walten" and insert in lieu thereof "John F. Walters."

In Anderson Township, page twelve, strike out "J. S. Bascoe" and insert in lieu thereof "J. S. Roscoe." Strike out "L. D. Fitch" and insert in lieu thereof "L. B. Fitch."

In Cherokee County, page thirteen, Murphy Township, strike Cherokee county. out the letter "p" in Hempree, and insert the letter "b," so that it will read "George Hembree."

In Notla Township, page fourteen, repeal the name of J. T. L. Hartness and strike said name out.

In Valleytown Township, page thirteen, repeal the name of Cleveland county. D. S. Russell, and strike said name out.

That S. B. Hamrick of Cleveland County be appointed justice of the peace for Number Six Township, Cleveland County, for a period of six years, beginning May first, one thousand nine hundred and seventeen.

In Columbus County, page fifteen, in Lees Township strike out Columbus county. "V. R. White" and insert in lieu thereof "Volley White."



- Craven county. In Craven County, page fifteen, insert before the names of J. R. Jolly and J. S. Robinson, "Third Township."
- In Eighth Township strike out "N. C. Williams" and insert in lieu thereof "M. C. Williams."
- Davidson county. In Davidson County, page sixteen, where it reads "Comrad Hill Township" let it read "Conrad Hill Township."
- Gaston county. In Gaston County, page nineteen, in Cherryville Townuship, strike out "Hohn A. Kiser" and insert in lieu thereof "John A. Kiser."
- Gates county. In Gates County, page nineteen, in Mintonville Township, strike out the letters "J" and "W" before the word "Speight," and insert in lieu thereof the letters "W" and "H," so that it will read "W. H. Speight."
- Graham county. In Graham County, page nineteen, strike out the letter "c" where it last appears in "Cheoch" and insert the letter "a," so that it will read "Cheoah Township."
- Jackson county. In Jackson County, page twenty-eight, in Dillsboro Township, strike out "T. H. Tullen" and insert in lieu thereof "T. H. Queen."
- In Cashiers Township strike out "W. J. Hawkins" and insert in lieu thereof "W. T. Hawkins."
- Lee county. In Lee County, page twenty-nine, in West Sanford Township, strike out "Morgan" and insert in lieu thereof "Monger."
- Lincoln county. In Lincoln County, page thirty, in Ironton Township, strike out "Crouland" and insert in lieu thereof "Cronland."
- In North Brook Township strike out "Eaken" and insert in lieu thereof "Eaker."
- In Lincolnton Township, page thirty, repeal and strike out the name J. W. Mullen.
- Madison county. In Madison County, page thirty-one in Number One Township, strike out "Barnett Forfaer" and insert in lieu thereof "Barnett Fortener."
- In Number Two Township strike out "Sanky Briggmon" and insert in lieu thereof "Sanky Brigman."
- In Number Three Township strike out "Rufus Ellis" and insert in lieu thereof "Rufus Eller."
- In Number Five Township strike out "Thos. Higgins" and insert in lieu thereof "Thor Higgins."
- In Number Fourteen Township, page thirty-two, strike out "J. W. Riddle" and insert in lieu thereof "J. N. Riddle."
- In Number Sixteen Township, page thirty-three, strike out "Lon Peek" and insert in lieu thereof "L. Peek." Strike out "Lige Wilder" and insert in lieu thereof "Lige Wilde."
- Mecklenburg county. In Mecklenburg County, page thirty-four, in Charlotte Township, strike out "G" between William and Alexander, and insert in lieu thereof the letter "D" Strike out "Lewing" and insert in lieu thereof "Lawing."

In Mitchell County, page thirty-six, strike out the first "R" in Mitchell county. the name "R. R. E. Ellis." Strike out "W. B. Wilson" and insert in lieu thereof "R. V. Wilson."

In Cane Creek Township strike out "Thos. Young" and insert in lieu thereof "Fons Young."

In Poplar Township, page thirty-seven, strike out "Paul Patterson" and insert in lieu thereof "Paul Peterson."

In Snow Creek Township strike out "Gudger Foster" and insert in lieu thereof "Gudger Fortner."

That the name "A. M. Brewer" appointed for Pembroke Town- Robeson county. ship, Robeson County, be stricken out, and the name "A. M. Breece" substituted therefor.

That J. M. Smith be appointed justice of the peace for Wishart Township, Robeson County, for a term of six years, said term to begin May first, one thousand nine hundred and seventeen.

That N. C. Graham be appointed justice of the peace for Howells-ville Township, Robeson County, for a term of six years, said term to begin May first, one thousand nine hundred and seventeen.

That M. G. McKenzie be appointed justice of the peace for Lumberton Township, Robeson County, for a term of six years, said term to begin May first, one thousand nine hundred and seventeen.

In Rockingham County, page forty-nine, in Reidsville Town- Rockingham county. ship, strike out "Trant" and insert in lieu thereof "Trent."

In Leaksville Township strike out "Perry" and insert in lieu thereof "Terry." Add the letter "s" to the name of W. S. Hodge, so that it will read "Hodges."

In Scotland County, page fifty-three, in Williamson Township, Scotland county. strike out "H. B. Gibson" and insert in lieu thereof "H. D. Gibson."

In Spring Hill Township, page fifty-four, strike out "F. C. Norton" and insert in lieu thereof "D. C. Norton."

In Stanly County, page fifty-five, in Big Lick Township, strike Stanly county. out "R. E. C. Cable" and insert in lieu thereof "Q. E. C. Coble."

In Stanly County, Big Lick Township, where it reads "D. E. Elfird." let it read "D. E. Efrid."

In Almond Township let the name "C. Walter Sider" read "G. Walter Sides." also write "J. L. Cauble" and strike out "Canble."

Just following "Ocana Luffy Township. Dan Guess," pages Union county. fifty-nine and sixty, in Swain County, appear the following townships with the names opposite, namely: Jackson, Buford, Lane's Creek, Marshville, New Salem, Goose Creek, and Vance. Print last above named townships, beginning with Jackson and ending with Vance, together with names opposite same, following Sandy Ridge Township in Union County, for said townships and persons belong to Union County.

- Warren county. In Warren County, where the following named townships, with names opposite, appear as following Union County, on page sixty-three, let them be made to appear as belonging to Warren County, and following Flat Bush Township, page sixty-seven: Roanoke, Warrenton, Smith Creek, Shocco, Fork, Sandy Creek, Fishing Creek, Haw Tree, Six Pound.
- Watauga county. In Watauga County, page sixty-six, strike out "D. C. Mash" and insert in lieu thereof "D. C. Mast."
- Wayne county. In Wayne County, in Pikeville Township, strike out the letter "V" between "P" and "Scott" and insert the letter "B."
- Authority conferred on secretary of state. SEC. 2. That the Secretary of State is hereby authorized and directed to arrange the counties alphabetically and to make above enumerated corrections on the enrolled and ratified act on file in his office, file number four hundred and three, and in printing and publishing said act same shall be printed and published only as corrected as above provided for.
- Printing of act.
- Time for qualification. SEC. 3. That persons elected in said act shall have until the first Monday in April, one thousand nine hundred and seventeen, in which to qualify.
- Printing and distribution. SEC. 4. That within thirty days after ratification of this act the Secretary of State shall have said act printed and copies of same sent for distribution to the clerk of the Superior Court of each county in the State.
- SEC. 5. That this act shall be in force from and after its ratification.
- Ratified this the 5th day of March, A. D. 1917.

## CHAPTER 140

### AN ACT REGULATING THE USE OF AUTOMOBILES IN NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

- Definitions: motor vehicles. 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, drive 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
- Owner.
- Public highway.
- Business portion of city or village.

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.

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 by 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 serial 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.

Application for registration.

Specifications.

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 that 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.

Registration.

SEC. 4. Upon the filing of such application and the payment of 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 two display numbers as hereinafter provided for.

Assignment of number.

Certificate of registration.

Display numbers.

SEC. 5. All certificates of registration shall expire on June thirtieth, following date of issue. The Secretary of State shall require from each wholesale and retail dealer in automobiles in the State once each month a list of all retail sales, and it shall be the duty of each of the aforesaid dealers to furnish this information to the Secretary of State within the first ten days of each month of such sales made during the preceding month.

Term of registration.  
Dealer to report sales.

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. On each motor vehicle having a rating of twenty-six horse-power or less, a registration fee of five dollars. On each motor vehicle having a rating of more than twenty-six horse-power and not more than forty horse-power, a registration fee of seven dollars and fifty cents. On each motor vehicle having a rating of over forty horse-power, a registration fee of ten dollars. The method of computing horse-power shall be by the formula adopted by the Society of Automobile Engineers,

License fee.

Computation of horse-power.

Proviso: fee for motorcycles. and the National Automobile Chamber of Commerce: *Provided*, that the registration fee for a motorcycle shall be two dollars:

Proviso: half fee. *Provided further*, 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: *Provided further*, that no county, city, or town may require a total registration fee in an amount greater than one-half the fee required by the State.

Proviso: counties, cities, and towns.

SEC. 7. That section seven of chapter one hundred and seven of the Public Laws of one thousand nine hundred and thirteen be and the same is hereby amended by striking out all of said section and inserting in lieu thereof the following: "That all funds collected by the Secretary of State under the provisions of this act, or amendments to this act, shall be paid to the State Treasurer monthly, to be kept as a separate fund to be known as the Highway Maintenance Fund, which shall be drawn upon and expended as directed by the State Highway Commission for the maintenance of roads and bridges constituting the State system of highways as authorized by section eight of chapter one hundred and thirteen of Public Laws of one thousand nine hundred and fifteen creating the State Highway Commission, or as hereinafter provided: *Provided*, that an amount equal to at least seventy per cent of the fees collected in any county by the Secretary of State under the provisions of this act shall be expended by the State Highway Commission within one year after its payment by the Secretary of State to the State Treasurer, within such county from which the fees were collected; and *Provided further*, that all necessary expenses, including clerical assistance, the cost of purchasing number plates and mailing same, and for such blanks, books, and other supplies as cannot be furnished by the State Printer shall be paid for monthly from the revenue derived from this act by warrant of the Auditor on the State Treasurer: *Provided*, that said account shall be approved by the Governor and Council of State, and shall not in an aggregate exceed twelve and one-half per cent of the total amount collected by the Secretary of State for the provisions of this act. Nothing in this act shall prevent the State Highway Commission and the local road authorities to make agreements as to the method or the amount required for the maintenance of roads and bridges to be maintained under the provisions of this act."

Highway maintenance fund.

Direction of expenditure.

Proviso: amount to be spent in county of collection.

Proviso: payment of expenses.

Proviso: approval of account. Limit of amount.

Agreements for distribution.

Return of certificate on sale of vehicle.

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 furnished him as hereinbefore provided for, which certificate of registration shall be canceled: *Provided*, that such registered owner may, at the time of returning such

Proviso: application for transfer.



certificate, upon proper application for transfer filed in the office of the Secretary of State and the payment of a transfer fee of fifty cents, have a new certificate of registration issued to him, containing the original registration number, for a motor vehicle owned by him of not greater tax horse-power, such certificate to remain in force until June thirtieth following date of issue. In case the machine for which a transfer license is desired is of greater tax horse-power, the difference between the amount paid for the original license and the annual fee for the machine for which transfer license is desired shall be paid at the time such application for transfer is filed, but nothing herein contained shall be construed as authorizing the Secretary of State to make a rebate in case the transfer license is issued for a machine of less tax horse-power than the one originally registered. A license cannot be transferred from one person to another.

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 two display numbers, which shall at all times be conspicuously displayed by such owner, one on the front and one on the rear of the registered motor vehicle for which said display numbers are issued. The display numbers shall be rigidly fastened in a horizontal position, and the lower edges thereof shall be at least fifteen inches from the ground, and during the times when a motor vehicle is required to display lights the rear registered number shall be so illuminated as to be legible at a distance of fifty feet. 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 two display numbers on any motor vehicle operated on the highways of this State.

SEC. 10. The display numbers shall be made of suitable metal, in such size and form as the Secretary of State may prescribe, and shall be of a distinctive different color or shade each year.

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

Registration fee.	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 dealer as many duplicate pairs of such display numbers as they may desire, upon application to him and the payment of one dollar for each pair: <i>Provided</i> , that nothing in this section shall be construed to apply to a motor vehicle operated by any manufacturer or dealer for hire.
Duplicate pairs of numbers.	
Proviso: vehicles operated for hire.	
Nonresident owners.	SEC. 12. That nonresident owners or operators of motor vehicles shall be subject to the same requirements and laws as resident owners or operators: <i>Provided</i> , that the nonresident owner of a motor vehicle which is properly registered under the laws of another State, district, or territory shall be exempt from the registration provisions of this act for the same period that a properly registered owner of this State is exempt from the registration provisions of the State in which such nonresident resides, not exceeding sixty days: <i>Provided</i> , that nothing herein contained shall be construed to exempt any motor vehicle used for hire by a nonresident.
Proviso: reciprocal exemption.	
Proviso: vehicle used for hire.	
Operation by non-competent persons.	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 who is not competent physically and mentally, 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 speed record: <i>Provided</i> , nothing herein contained shall prevent racing on private race courses or tracks.
Intoxication.	
Races, bets or wagers, or speed records.	
Proviso: races on private tracks.	
Brakes.	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 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 shall also display a red light visible from the rear, which may be in combination with the light illuminating the display number on the rear, as provided in section nine of this act: <i>Provided</i> , 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.
Bells or horns.	
Lights.	
Proviso: exceptions as to lights.	
Stopping on signal.	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 reason-

able 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, and 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 sixteen years while passing any horse or horses or other draft animals which appear frightened, upon the request of the person in charge thereof and driving such horse or horses or other draft animals, to give such person 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 shall bring said vehicle to a full stop when going in the same direction as the street car. Upon approaching a pedestrian who is upon the traveled part of any highway, and not upon a sidewalk, and upon approaching an 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 deep 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 ten miles an hour, having regard to the traffic then on such highway and the safety of the public.

Proviso: stoppage of motor.

Assistance by motorists.

Passing street cars.

Pedestrians.

Crossings, curves and corners.

Localities requiring extra caution.

SEC. 16. Whenever a person operating a motor vehicle shall meet on the 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. 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, and shall signal with the outstretched hand the direction

Rule of the road.

Passings.

Intersections.

Signals.

Specifications for  
lights.

in which turn is to be made. A motor vehicle of any kind operated on the public highways of the State shall not use any lighting device of over four candlepower equipped with a reflector, unless the same shall be so designed, deflected, or arranged that no portion of the beam or reflected light when measured seventy-five feet or more ahead of the lamps shall rise above forty-two inches from the level surface on which the vehicle stands under all conditions of load.

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: *Provided*, that a rate of speed in excess of eighteen 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: *Provided further*, that no person shall operate upon the public highways inside the corporate limits of any incorporated city or town of this State a motor vehicle with muffler cut-out open.

Proviso: speed  
limits.

Proviso: mufflers.

Obstructions in  
roads.

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.

Stoppage of  
motors.

SEC. 19. That no person shall permit the motor of a motor vehicle to remain running when said motor vehicle is unoccupied on the public highways of this State for a longer period than five minutes: *Provided*, that no motor vehicle shall be left standing within fifteen feet of a fire plug upon the public highways of this State unless in charge of a person who can immediately move such vehicle in case of necessity.

Proviso: vicinity  
of fire plugs.

Use of vehicles  
without owner's  
permission.

SEC. 20. 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.

Proviso: construc-  
tion.

Violation of act  
misdemeanor.  
Punishment.

SEC. 21. 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.

Officers charged  
with enforcement  
of act.

SEC. 22. 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.

Arrests.  
Rights of persons arrested.

Liability of officers.

SEC. 23. No governing board of any city or town shall pass or have in effect or in force any ordinance contrary to the provisions of this act.

Ordinances.

SEC. 24. That chapter one hundred and seven, Public Laws of one thousand nine hundred and fifteen, and amendments thereto, and all laws and clauses of laws in conflict with this act are hereby repealed after this act goes into effect.

Laws repealed.

SEC. 25. That this act shall be in full force and effect from and after the first day of July, one thousand nine hundred and seventeen.

When act effective.

Ratified this the 7th day of March, A. D. 1917.

## CHAPTER 141

AN ACT TO REGULATE THE EXPENDITURE OF AUTOMOBILE LICENSE FEES AND PROVIDING A FUND FOR THE MAINTENANCE OF THE PUBLIC ROADS OF NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section seven of chapter one hundred and seven of the Public Laws of one thousand nine hundred and thirteen be and the same is hereby amended by striking out all of said section and inserting in lieu thereof the following: "That all funds collected by the Secretary of State under the provisions of this act, or amendments to this act, shall be paid to the State Treasurer monthly, to be kept as a separate fund to be known as the highway maintenance fund, which shall be drawn upon and expended as directed by the State Highway Commission for the maintenance of roads and of bridges constituting the State system of highways as authorized by section eight of chapter one hundred and thirteen of Public Laws of one thousand nine hun-

Monthly payment to treasurer.

Highway maintenance fund.  
Direction of expenditure.



dred and fifteen, creating the State Highway Commisison, or as hereinafter provided: *Provided*, that an amount equal to at least seventy per cent of the fees collected in any county by the Secretary of State under the provisions of this act shall be expended by the State Highway Commission within one year after its payment by the Secretary of State to the State Treasurer, within such county from which the fees were collected; and *Provided further*, that all necessary expenses, including clerical assistance, the cost of purchasing number plates and mailing same, and for such blanks, books and other supplies as cannot be furnished by the State Printer, shall be paid for monthly from the revenue derived from this act by warrant of the Auditor on the State Treasurer. *Provided*, that said account shall be approved by the Governor and Council of State, and shall not in an aggregate exceed twelve and one-half per cent of the total amount collected by the Secretary of State for the provisions of this act. Nothing in this act shall prevent the State Highway Commission and the local road authorities to make agreements as to the method or the amount required for the maintenance of roads and bridges to be maintained under the provisions of this act."

Proviso: expenditures in counties.

Proviso: executive expenses.

Proviso: approval of accounts.  
Limit of expense.

Work agreed on.

SEC. 2. This act shall be in force from and after its ratification. Ratified this the 5th day of March, A. D. 1917.

## CHAPTER 142

### AN ACT TO AMEND CHAPTER 55 OF THE PUBLIC LAWS OF 1915, RELATIVE TO BOND ISSUES FOR SCHOOL BUILDINGS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter fifty-five of the Public Laws of one thousand nine hundred and fifteen be and the same is hereby amended by adding at the end of section one thereof the following: "*Provided*, that upon petition of one-fourth of the resident freeholders in any county, township, or school district in which one election has previously been held and carried for a bond issue and tax under this act, a second election for increasing the bond issue and tax therefor, in said county, township, or school district for the purposes herein specified, not to exceed the maximum bond issue and tax herein fixed, shall be called and held in the manner herein prescribed for holding the first election."

Proviso: petition for second election.

Election to be held.

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

Ratified this the 5th day of March, A. D. 1917.

## CHAPTER 143

AN ACT TO AMEND CHAPTER 87 OF THE REVISAL OF 1905 BY REPEALING SECTIONS 3945 TO SECTION 3956, INCLUSIVE, AND ALL LAWS OR PARTS OF LAWS AMENDATORY THERETO, AND SUBSTITUTING IN LIEU THEREOF THE FOLLOWING RELATING TO COMMERCIAL FERTILIZERS AND FERTILIZER MATERIAL.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter eighty-seven of the Revisal of nineteen hundred and five, sections three thousand nine hundred and forty-five to section three thousand nine hundred and fifty-six, inclusive, and all laws or parts of laws amendatory thereto, be and the same are hereby repealed, and the following relating to commercial fertilizers and fertilizer material be and the same is hereby substituted therefor. That all persons, companies, manufacturers, dealers, or agents, before selling or offering for sale in this State any commercial fertilizer or fertilizer material, shall brand or attach to each bag, barrel, or package the brand name of the fertilizer, the weight of the package, the name and address of the manufacturer, and the guaranteed analysis of the fertilizer, giving the valuable constituents of the fertilizer in minimum percentages only, and also the sources of nitrogen or ammonia and potash. These items shall be branded or printed on the bag or package in the following order:

1. Weight of each package in pounds.
2. Brand name or trade-mark.
3. Guaranteed analysis.
4. Available phosphoric acid, ..... per cent.
5. Nitrogen\*, ..... per cent.
6. Potash, ..... per cent.
7. Name and address of the manufacturer.
8. A plainly printed tag, or brand, or print on percentage of water-soluble nitrogen.
9. Where potash is claimed as sulphate it must be derived from high-grade commercial sulphate of potash.

In bone-meal, tankage, or other products, where the phosphoric acid is not available to laboratory methods, but becomes available on the decomposition of the products in the soil, the phosphoric acid shall be claimed as total phosphoric acid, unless it be desired to claim available phosphoric acid also, in which latter case the guarantee must take the form above set forth. In the case of bone-meal and tankage, manufacturers may brand on the bags

\*Equivalent to ammonia ---- per cent.

Copy of brand filed.	information showing the fineness of the product, provided it takes a form approved by the Department of Agriculture. A copy of the brand or stamp on the bag or other package, or on the label attached thereto (all of which must comply with the above requirements), shall be filed with the Department of Agriculture on or before delivery of such fertilizer to dealers, agents, and consumers in this State, which brand or stamp shall be uniformly used during the fiscal year for which tags have been issued. Such brand, label, or stamp shall truly set forth the data required above.
Sources of fertilizing elements.	SEC. 2. <i>Sources of principal ingredients to be furnished to Department of Agriculture.</i> There shall be delivered to the Department a statement of the materials or sources from which the phosphoric acid, nitrogen, and potash are each derived in each brand of goods registered. The Department of Agriculture shall, under rules which it may formulate, furnish to any person applying for the same the sources of nitrogen, potash, and available phosphoric acid contained in any brand of fertilizer registered with the Department. If the source of the ingredient is changed, notification thereof shall be promptly furnished to the Department.
Information by department.	
Change of source.	
Duplicate names.	SEC. 3. If the same fertilizer is sold under more than one name, a statement shall be furnished to the Commissioner as to what brands are identical. A brand name entered by one person shall not be allowed to be registered by another; and no brand or name shall be allowed to be registered which is so nearly similar to another as to lead to uncertainty, confusion, or fraud.
Registry of brands.	The person whom the records of the Department show to have first registered the name shall be permitted to retain it, subject, however, to appeal to the board to determine who is entitled to the brand; but the action of the board shall be without prejudice to the legal rights of the parties to the brand or trade-mark. No brand or name once registered shall be changed to a lower grade at any subsequent registration. The Commissioner shall publish a list of brands or trade-marks registered with the Department.
Right to name.	
Grade not to be lowered.	SEC. 4. That the words "high grade" shall not appear upon any bag or other package of any complete fertilizer, which complete fertilizer contains, by its guaranteed analysis, less than eight per cent available phosphoric acid, two and forty-seven one-hundredths per cent nitrogen (equivalent to three per cent ammonia), and two per cent potash; that the word "standard" shall not appear upon any bag or package of any complete fertilizer which contains, by its guaranteed analysis, less than eight per cent available phosphoric acid, one and sixty-five one-hundredths per cent nitrogen (equivalent to two per cent ammonia), and two per cent potash, or a grade or analysis of equal total commercial value; that the words "high grade" shall not appear upon any bag or package of any acid phosphate with potash
Lists of brands or trade-marks.	
"High grade."	
"Standard."	
High-grade acid phosphate with potash.	

which shall contain, by its guaranteed analysis, less than thirteen per cent available phosphoric acid and one per cent potash, or a grade or analysis of equal total commercial value; that the word "standard" shall not appear upon any bag or other package of acid phosphate with potash which shall contain, by its guaranteed analysis, less than eleven per cent available phosphoric acid and one per cent potash, or a grade or analysis of equal total commercial value; that the words "high grade" shall not appear upon any bag or other package of any plain acid phosphate which shall contain, by its guaranteed analysis, less than sixteen per cent available phosphoric acid; and, lastly, that the word "standard" shall not appear upon any bag or other package of any plain acid phosphate which shall contain, by its guaranteed analysis, less than fourteen per cent of phosphoric acid. It is further hereby provided that no complete fertilizer, acid phosphate with potash, and phosphate with nitrogen, or plain acid phosphate, shall be offered for sale in this State which contains less than twelve per cent of total plant food, namely, available phosphoric acid, nitrogen, or potash, either singly or in combination, except potash in combination with lime, which shall contain not less than two per cent of potash: *Provided*, that in mixed fertilizers there shall be claimed not less than one per cent of potash and eighty-two one-hundredths per cent of nitrogen (equivalent to one per cent ammonia) when one or both are present in the same mixture: *Provided*, that mixed fertilizers known as superphosphates and containing only phosphoric acid and ammonia may have only ten per cent of plant food, and shall be known as "high grade" when containing six per cent of phosphoric acid and four per cent of ammonia. No commercial fertilizer shall be sold or offered or exposed for sale or use within this State as to which the words "high grade" or "standard" are prohibited by this action, unless the words "low grade" are printed in two-inch letters in a conspicuous place upon the package of said commercial fertilizer.

SEC. 5. *Sale of fertilizers below guaranteed quality; powers and duties of Commissioner; penalty for fraud.* Whenever the Commissioner of Agriculture shall be satisfied that any fertilizer is five per cent below the guaranteed value in plant food it shall be his duty to assess such deficiency against the manufacturer of the fertilizer and require that twice the value of the deficiency be made good to any person who purchases for his own use such low-grade fertilizer; and should any fertilizer fall as much as ten per cent below the guaranteed value in plant food it shall be his duty to assess three times the value of such deficiency against the manufacturer of the fertilizer and require the same to be paid to the consumer of such fertilizer; and the Commissioner may seize any fertilizer belonging to such manufacturer if the deficiency shall not be paid within thirty days after notice to such manufacturer. If the Commissioner shall be satisfied that such

Standard acid phosphate with potash.

High-grade acid phosphate.

Standard acid phosphate.

Minimum requirements.

Proviso: mixed fertilizers.

Proviso: superphosphates.

Low-grade fertilizers.

Assessment of deficiency.

Five per cent deficiency.

Ten per cent deficiency.

Seizure.

Assessment in case of fraud.



deficiency in plant food was due to the intentions of the manufacturer of same to defraud, then he shall assess and collect from the said manufacturer double the amount of the deficiency which he would have assessed and collected as hereinbefore provided, and pay the same over to the consumer of such fertilizer. Any excess in any ingredient above the guarantee shall not be credited to deficiency of any other ingredient. If the deficiency is more than fifteen per cent, that is, excess of phosphoric acid, or ammonia, or potash, it cannot be credited to the deficiency in any other of these ingredients. In fixing the penalties mentioned in this section, or any other section of this act, the Commissioner of Agriculture shall estimate them by the wholesale price at the factory at the time of contract. If any manufacturer shall resist such collection or payment, the Commissioner shall immediately publish the analysis and facts in the bulletin and in one or more newspapers in the State, to be selected by him. The Agricultural Department shall secure sufficient chemists and assistants, and provide the necessary equipment to enable the Department to make a report of the chemical analysis of all fertilizer samples sent to the Department by the purchaser or consumer, within twenty days from the time the same is received by the Department, and they shall so make reports unless otherwise requested by the sender, and shall also publish a bulletin of all analyses on the first of each month for the preceding month: *Provided*, that if the analysis made by the Department shall show more than twelve and one-half per cent deficiency in the whole, the purchaser may, in lieu of accepting the penalty as provided by law, cancel the contract of purchase; but he must within five days after receipt of said analysis notify the seller of his intention to cancel the contract and his refusal to keep the said fertilizer.

SEC. 6. It shall be unlawful to sell or offer for sale in this State any fertilizer or fertilizer material which contains hair, hoof meal, horn, leather scraps, or other deleterious substances not available as food for plants, but in which fertilizer or fertilizer material such forbidden materials aid in making up the required or guaranteed analysis. Whenever the analysis by the Department shall show the presence of any of these unlawful materials in goods registered for sale, publication shall be made in the next monthly bulletin and in one or more newspapers, to be selected by the Commissioner, giving the name and brand of the goods and the unlawful substance contained in its composition. No manufacturer or seller of such goods shall be allowed to collect pay for same, and when payment has been made it shall be returned by the seller to the purchaser. A copy of the bulletin containing the statement of the presence of unlawful material in the named goods shall be evidence in any court in this State in bar of payment and for recovery of money paid for goods so named. The presence of any forbidden material shall vitiate the

Excess not credited.

Fifteen per cent deficiency.

Estimate of price.

Publication on nonpayment.

Chemists, assistants, and equipment.

Report.

Bulletin.

Proviso: cancellation of purchase.

Substances forbidden.

Publication of unlawful ingredients.

Rights of purchaser.

Copy of bulletin evidence.

Vitiation.



whole: *Provided*, that the manufacturers who desire to use any such material may do so under such regulations as the board may prescribe. Proviso: use of forbidden material.

SEC. 7. *Authority to analyze samples; certificate of State Chemist evidence.* The Department of Agriculture shall have the power at all times and at all places to have collected by its inspector samples of any commercial fertilizer or fertilizer material offered for sale in the State, and have the same analyzed; and such samples shall be taken from at least ten per cent of the lot from which they may be selected: *Provided*, that no sample shall be drawn from less than ten bags of any one lot or brand. Collection of samples.

The samples must be drawn in the presence of either the agent or seller or dealer, or some other representative of the manufacturer: *Provided*, that when the agent or seller or dealer, or local representative of the manufacturer, is not present or refuses to act, two disinterested persons may act as witnesses. Proviso: samples from ten bags.

The purchaser or consumer, or the agent of either, may take fertilizer samples under the following rules and regulations: When any purchaser or consumer, or the agent of either, desires to take a sample of any fertilizer or fertilizer material he shall notify the manufacturer in writing, giving him not less than six days notice from the posting of the letter of the time or times and place or places for taking said sample or samples, and if the manufacturer refuses or fails to witness and assist in drawing the sample or appoint some one to represent him at the designated time and place, two disinterested freeholders may do so. Presence of seller.

The Department of Agriculture shall make additional rules and regulations under and by which the purchaser or consumer, or agent of either, may take the sample or samples of fertilizer or fertilizer material as herein provided, and forward the same to the Department for analysis under the provisions of this act: *Provided*, that no sample may be taken except within thirty days after the actual delivery to the consumer except by the State Fertilizer Inspector. Proviso: witness.

In the trial of any suit or action wherein there is called in question the value or composition of any fertilizer, a certificate signed by the State Chemist and attested with the seal of the Department of Agriculture, setting forth the analysis made by the State Chemist of any sample of said fertilizer drawn under the provisions of this chapter, and analyzed by him under the provisions of the same, shall be *prima facie* proof that the fertilizer was of the value and constituency shown by his said analysis. Samples taken by purchaser.

And the said certificate of the State Chemist shall be admissible in evidence to the same extent as if it were his deposition taken in said action in the manner prescribed by law for the taking of depositions. Notice to manufacturer.

The Department may in its discretion refuse to analyze any sample that is not drawn and forwarded to the Department in accordance with the regulations which it may adopt. Witnesses.

Rules by department.

Proviso: time for taking samples.

Certificate of state chemist.

Certificate evidence.

Refusal of analysis.

Proviso: information only.

Proviso: suits for damages.

Rights of contract.

Tax tags on shipments in bulk.

Delivery to consignee.

Notice to commissioner.

Proviso: analysis and other regulations.

Statements by transportation companies.

Examination of books.

Seizure and sale.

Proceeds to fund of department.

Release on payment of tax.

Direction of commissioner.

for the carrying out of this act: *Provided*, that such samples not taken in accordance with such regulations shall be for information only: and *Provided further*, that no suit for damages from results of use of fertilizer may be brought except after chemical analysis showing deficiency of ingredients, unless it shall appear to the Department of Agriculture that the manufacturer of said fertilizer in question has, in the manufacture of other goods offered in this State during such season, employed such ingredients as are outlawed by the provisions of this act, or unless it shall appear to the Department of Agriculture that the manufacturer of such fertilizer has offered for sale during that season any kind of dishonest or fraudulent goods. That nothing in this act shall impair the right of contract.

SEC. 8. If any manufacturer, dealer, agent, or other seller of fertilizer shall desire to ship in bulk any fertilizer or fertilizer material to an amount of five tons or more, the said manufacturer or seller of fertilizer shall send with the bill of lading sufficient tax tags to pay the tax on the amount of goods, and the agent of the railroad or other transportation company shall deliver the tags to the consignee when the goods are delivered. The said shipper shall also notify the Commissioner of Agriculture of the points to and from which the goods are shipped and the date of forwarding: *Provided*, the analysis thereof and the source or sources from which the same are derived and the other regulations required of shippers in bags shall apply to the said shippers in bulk.

SEC. 9. It shall be lawful for the Department of Agriculture to require the officers, agents, or managers of any railroad, steamboat, or other transportation company transporting fertilizers or fertilizer material for delivery in this State to furnish monthly statements of the quantity of such fertilizers, with the names of the consignor and consignee, delivered on their respective lines at any and all points within the State; and the Department is hereby empowered to compel such officers, agents, or managers to submit their books for examination, if found expedient to do so.

SEC. 10. All fertilizers and fertilizer material sold or offered for sale contrary to the provisions of this chapter shall be subject to seizure, condemnation, and sale by the Commissioner. The net proceeds of such sale shall be placed in the general fund of the Department. The Commissioner, however, may, in his discretion, release the fertilizers so seized and condemned, upon payment of the required tax or charge, a fine of ten dollars, and all cost and expenses incurred by the Department in any proceedings connected with such seizure and condemnation, and upon compliance with all other requirements of this chapter.

SEC. 11. Such seizure and sale shall be made under the direc-

tion of the Commissioner by any officer or agent of the Department. The sale shall be made at the courthouse door in the county in which the seizure is made, after thirty days advertisement in some newspaper published in such county, or if no newspaper is published in such county, then by like advertisement in a newspaper published in the nearest county thereto having a newspaper. The advertisement shall state the brand or name of the goods, the quantity, and why seized and offered for sale.

SEC. 12. For the purpose of defraying expenses connected with the inspection of fertilizers and fertilizer material in this State, there shall be paid to the Department of Agriculture a charge of twenty cents per ton on such fertilizers and fertilizer material, except that which is sold to a manufacturer for the sole purpose of use in the manufacture of fertilizers, for each fiscal year ending November thirtieth, which shall be paid before a delivery to agents, dealers, or consumers in this State; but the Commissioner, with the advice and consent of the board, shall have discretion to exempt such natural material as may be deemed expedient. Each bag, barrel, or other package of such fertilizer or fertilizer material shall have attached thereto a tag stating that all charges specified in this section have been paid, and the Commissioner, with the advice and consent of the board, is hereby empowered to prescribe a form of such tags, and to adopt such regulations as will insure the enforcement of this law. Whenever any manufacturer of fertilizer or fertilizer material shall have paid the charges required by this section his goods shall not be liable to further tax, whether by city, town or county: *Provided*, this shall not exempt from *ad valorem* tax.

SEC. 13. Every merchant, trader, manufacturer, or agent who shall sell or offer for sale any commercial fertilizer or fertilizer material without having attached thereto such labels, stamps, and tags as are required by law, or who shall use the required tags a second time to avoid the payment of the tonnage charge, and every person who shall aid in the fraudulent selling or offering for sale of any such fertilizer, shall be liable to a penalty of the price paid the manufacturer for each separate bag, barrel, or package sold, or offered for sale, or removed, to be recovered by 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. If any such fertilizer shall be condemned as provided by law, it shall be the duty of the Department to have an analysis made of the same and cause printed tags or labels expressing the true chemical ingredients thereof to be put upon each bag, barrel, or package, and shall fix the commercial value at which it may be sold; and it shall be unlawful

Place of sale.

Advertisement.

Ton tax on fertilizers.

Power of exemption.

Tax tags.

Form of tags.

Tax exclusive.

Proviso: *ad valorem* tax.

Penalty for sale without tax paid.

Recovery of penalty.

One-half to informer.

Fertilizers condemned.

for any person to sell or offer for sale or remove any such fertilizer, or for any agent of any railroad or other transportation company to deliver any such fertilizer in violation of this section.

Repealing clause. SEC. 14. All laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

When act effective. SEC. 15. That this act shall be in full force and effect from and after November thirtieth, one thousand nine hundred and seventeen.

Ratified this the 5th day of March, A. D. 1917.

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CHAPTER 144

AN ACT TO REPEAL CHAPTER 101 OF THE PUBLIC LAWS OF 1915.

*The General Assembly of North Carolina do enact:*

Primary law repealed. SECTION 1. That chapter one hundred and one of the Public Laws of the year one thousand nine hundred and fifteen be and the same are hereby repealed.

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

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

Ratified this the 5th day of March, A. D. 1917.

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CHAPTER 145

AN ACT TO PROVIDE FOR THE PUBLICATION OF A ROSTER OR "BLUE BOOK" SHOWING THE OFFICERS AND EMPLOYEES, AND THEIR COMPENSATION, IN EACH DEPARTMENT OF THE STATE GOVERNMENT.

*The General Assembly of North Carolina do enact:*

Legislative reference librarian to prepare roster. SECTION 1. That it is hereby made the duty of the Legislative Reference Librarian, heretofore appointed under and by virtue of chapter two hundred and two of the Public Laws of North Carolina, session of one thousand nine hundred and fifteen, to immediately prepare a roster or "Blue Book" which shall show in detail the number of officers and employees in each department of the State Government, including the National Guard, Department of Agriculture, educational, penal, charitable institutions, and any other department controlled or supported wholly

Details.



or in part by the State, together with the compensation paid to each of said officers or employees. And if any person shall be an employee of more than one department of the State Government, or any institution controlled or supported wholly or in part by it, the salary or compensation received by such person shall be set out in each department where he is employed, and reference made in that department to the other department from which he shall receive a salary or other compensation.

Employee of more than one department.

SEC. 2. That the said roster or "Blue Book" shall be completed on or before the first day of January, one thousand nine hundred and eighteen, and printed within two (2) months thereafter.

Time for completion and printing.

SEC. 3. That one copy of said roster or "Blue Book" shall be furnished to the clerk of the Superior Court of each county in the State; one copy furnished to each member of the General Assembly of one thousand nine hundred and seventeen; one copy furnished to each member of the General Assembly of one thousand nine hundred and nineteen as soon after the election of one thousand nine hundred and eighteen as the result thereof shall be ascertained; and one copy furnished to each member of the Constitutional Convention as soon as the result of the election for that purpose shall have been ascertained. That other copies of said roster or "Blue Book" shall be sold to the public at such price as shall be fixed by the said Legislative Reference Librarian, and as near the cost of publishing the same as can be reasonably ascertained.

Distribution.

Sale.  
Price.

SEC. 4. That it shall also be the duty of the said Legislative Reference Librarian to collate and print under appropriate headings, and with appropriate arrangement, the annual amount and purpose of every appropriation payable out of the State Treasury, whether by special or general law.

Amount and purpose of appropriations.

SEC. 5. That the said Legislative Reference Librarian, being a salaried officer, shall receive no further or extra compensation for his services in preparing and publishing said roster or "Blue Book."

Compensation.

SEC. 6. That this act shall not be construed to require the publication of the names of pensioners, nor of school teachers or officers not employed directly by the State Department of Education or the Superintendent of Public Instruction; but the amount of such money paid out of the State Treasury to the various counties of the State for pensions or educational purposes shall be set forth in said roster or "Blue Book" by counties; nor shall this act apply to the officers or employees of the North Carolina Agricultural Society, nor local agricultural or fair societies, nor to the orphan societies to the support of which the State contributes; but all institutions or departments of the State Government shall be considered to be embraced in this act which receive any appropriation from the State Treasury, general or special, except those above excepted.

Names not published.

Payments for pensions and educational purposes.

Officers and employees of agricultural societies.

Institutions and departments covered.



Groups of employees.

SEC. 7. That in giving the names of the officers and employees of the various asylums, education, charitable, and other institutions, and their compensation, wherever there are a number of employees receiving the same compensation, the names of such employees may be grouped, with a statement that they receive the same compensation.

Groups of each department, institution, and bureau.

SEC. 8. That in compiling the said roster or "Blue Book" the said Legislative Reference Librarian shall make groups of each department of the State Government, Department of Agriculture, National Guard, institutions, and all bureaus thereunder, and all other departments by whatsoever name called, which are maintained or aided by the State, and shall set the same forth under appropriate headings, so that the details of each department will be of easy access to any person consulting said book.

Statement of bonded debt.

SEC. 8 (a). That the said roster or "Blue Book" shall contain in separate groups, sections, or divisions a statement showing the bonded indebtedness of each and every of the counties, cities, and towns of the State, the date of maturity and rate of maturity and rate of interest of such bonds, and for what purposes issued.

Maturity and interest.

Cost of printing.

SEC. 9. That the cost of printing said roster or "Blue Book" shall be paid by the State Treasurer upon the order of the Governor, who shall issue a requisition to the State Auditor for the cost of publishing the same, which requisition shall be approved by the State Auditor and paid by the State Treasurer out of any funds in the State Treasury not otherwise appropriated.

Lists to be furnished.

SEC. 10. It is hereby made the duty of every person who shall be the official head of any department of the State Government and of every person who shall be the official head of any State institution of any character (for which the State makes an appropriation) to furnish to the Librarian of the Legislative Reference Library a complete list of all officers and employees of each department or institution, with a succinct statement of their duties and compensation. The Auditor and Treasurer are directed to furnish on request of Librarian all such information from their offices and records as he may request.

Duties and compensation.  
Auditor and treasurer to furnish information.

Number of copies to be printed.  
Additional number.

SEC. 11. Five thousand copies of the said "Blue Book" shall be printed; and if the Governor shall be of the opinion that more should be printed, he is authorized to direct the publication of such additional number as he may think proper.

Sources and amount of state revenue.  
State debts.  
State investments and income.

SEC. 12. The said Librarian shall also prepare and publish in said "Blue Book" the sources of the State's revenue and the amount thereof, the State's indebtedness and the amount thereof, and the State's investments in stocks, bonds, etc., the value of same and the approximate annual income thereon.

SEC. 13. That this act shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1917.

## CHAPTER 146

AN ACT TO ESTABLISH A STATE BOARD OF EXAMINERS  
AND INSTITUTE CONDUCTORS.

*The General Assembly of North Carolina do enact:*

SECTION 1. There shall be and is hereby constituted a State Board constituted.  
Board of Examiners and Institute Conductors, which shall consist Number and  
of six members—three men and three women—of recognized qualification.  
ability, character, professional training, and successful experience  
in teaching or in supervising schools, to be designated as Institute  
Conductors, who shall be appointed by the Governor of the State, Appointment and  
three for a term of two years, three for a term of four years, and terms.  
their successors for a term of four years. All vacancies occur- Vacancies.  
ring in the membership of said board by death or resignation or  
otherwise shall be filled in the same manner for the unexpired  
term. The State Superintendent of Public Instruction shall be  
*ex officio* chairman of said board, and the State Supervisor of  
Teacher-Training and Superintendent of the State Normal  
Schools for the Colored Race and the Cherokee Indians shall be  
*ex officio* secretary. The salary of each institute conductor shall Salaries.  
be fixed by the State Board of Education, upon the recommenda-  
tion of the executive committee of the North Carolina Teachers'  
Assembly, at a sum not to exceed two thousand five hundred dol-  
lars per year exclusive of expenses. For immoral conduct, in- Removal for  
competency, failure to perform duty, or other good and sufficient cause.  
cause, the State Board of Education may remove from office any  
member of said Board of Examiners and Institute Conductors,  
after due notice in writing to said member of the charges, who  
shall be given at least five days to appear and answer and offer  
evidence, and who shall have the right of appeal from the action Right of appeal.  
of the State Board of Education to the courts of the State.

SEC. 2. Said Board of Examiners and Institute Conductors shall Examinations,  
have entire control of examining, accrediting without examination, accrediting, and  
and certificating all applicants for the position of teacher, prin- certificates.  
cipal, supervisor, superintendent, and assistant superintendent in  
all public elementary and secondary schools of North Carolina,  
urban and rural, and no person shall be employed or serve in  
said schools as teacher, principal, supervisor, superintendent or Certificate  
assistant superintendent, who shall not be certificated for such prerequisite to  
position by said board under the provisions of this act: *Provided*, *however*, that the examination and certification of all applicants *Provided: second and third grade certificates.*  
for second and third grade certificates shall be under the control  
of the county superintendent of each county or of the town or  
city superintendent of each town or city system operated under  
special act or charter. Said board shall prescribe rules and regu- Rules and regu-  
lations.

Approval of certificates.	lations for examining, accrediting without examination, and certifying all such applicants for the renewal and extension of certificates and for the issuance of life certificates. No certificate issued by said board shall be valid until approved and signed by the county superintendent of the county or the city superintendent of the city in which the examination of the holder of said certificate was held, or in the schools of which the holder of said certificate, if issued without examination, applies to teach. Any certificate when so approved by said county or city superintendent shall be of State-wide validity, and in case said county or city superintendent shall refuse to approve and sign any such certificate, he shall notify the secretary of the State Board of Examiners and Institute Conductors and state in writing the reasons for such refusal, and said State Board of Examiners and Institute Conductors shall have the right, upon appeal by the holder of said certificate, to review and investigate and finally determine the matter.
State-wide validity.	
Refusal of approval.	
Right of review.	
Certificates heretofore granted.	SEC. 3. All State high school certificates, five-year State elementary school certificates, and first-grade county certificates in force at the time of the ratification of this act shall continue in force until the date of their expiration as stated in each certificate, after which the present holders of such certificates shall be subject to such rules and regulations as the State Board of Examiners and Institute Conductors may adopt in regard to the issuance or renewal, with or without examination, of certificates of the same class. Said Board of Examiners and Institute Conductors shall issue to all city superintendents, to all county superintendents, and to all assistant superintendents in service at the time of the ratification of this act temporary superintendents' or assistant superintendents' certificates without examination, and prescribe rules and regulations for the renewal and extension of the same; and in cases of undoubted fitness, competency, and progressive efficiency, evidence of which shall be submitted in writing to said board, it shall issue to all such superintendents and assistant superintendents a permanent certificate without examination under such rules and regulations as said board may adopt. On or before July first, nineteen hundred and seventeen, the superintendent or other supervising officer of every city, town, or other specially chartered school that now has power and authority to elect teachers without a county or State certificate shall file with the State Board of Examiners and Institute Conductors a complete list of the names of all teachers, principals, and supervisors in service in the school or schools under his supervision during the school year ending June thirtieth, nineteen hundred and seventeen, together with a certified statement from them and from said superintendent or supervising officer of the qualifications, preparation, professional training, and teaching experience
Renewals.	
Temporary certificates to superintendents and assistants.	
Renewal and extension.	
Permanent certificates without examination.	
Lists to be filed by school authorities.	
Statement and recommendation.	

of each, and the recommendation of said superintendent or supervising officer as to the grade of certificate to which each is entitled. Whereupon the State Board of Examiners and Institute Conductors may authorize and cause to be issued to such teachers, principals, and supervisors, without examination, a permanent certificate of the grade recommended, subject, however, to the rules and regulations of said board for keeping permanent certificates in force.

SEC. 4. The State Board of Examiners and Institute Conductors shall prepare questions for the examinations authorized under this act, and the State Superintendent of Public Instruction shall cause lists of the questions so prepared to be printed, and shall, before the date of such examination, send in sealed packages, not to be opened until the day of the examination, to each superintendent or other person appointed to conduct said examinations in the various counties or cities of the State, a sufficient number of such lists. The second Tuesday in April, July, and October of each year is hereby designated for said examinations, which may be continued from day to day for three successive days, under such rules and regulations as said board may adopt; but no examination shall commence on any other day than the first day of each period mentioned in this section, and no examination shall be held at any other time: *Provided, however,* that said board may in its discretion provide for special examinations to be conducted by such persons as it may appoint. Said examinations shall be conducted by the county superintendent of each county for all applicants in his county, and, in cities and towns of two thousand or more inhabitants said examinations for applicants for positions in the schools under their supervision may be conducted by the licensed superintendents of the schools in said cities and towns. All examination papers shall be promptly transmitted to the secretary of the State Board of Examiners and Institute Conductors. All examinations of applicants for superintendents' certificates shall be conducted by the State Board of Examiners and Institute Conductors under such rules and regulations as it may adopt therefor. Upon the recommendation of the superintendent concerned, said board may grant a temporary certificate or permit valid in the county or city designated, to any teacher who at the time of the last preceding examination was not in the State, or who at such time was prevented by illness from taking the examination, as evidenced by the certificate of a physician. Such temporary certificate or permit, however, shall be valid only from the date of issuance to the date on which the State Board of Examiners and Institute Conductors shall make their report upon applicants at the next meeting succeeding regular examination, and no such temporary certificate or permit shall be renewed.

Issue of permanent certificates.

Questions for examination.

Lists printed.

Distribution of lists.

Dates for examinations.

Proviso: special examinations.

Conduct of examinations.

Examination papers transmitted.

Examinations for superintendent's certificate.

Temporary certificates.



Employment of  
assistants.

Compensation.

Stenographer.

Printing.

Employment of  
persons without  
certificate illegal.

Appropriations  
withheld.

Approval of  
voucher for  
salary forbidden.

Payment of  
salary forbidden.

Proviso: tempo-  
rary or emer-  
gency employment.

Plan, direction,  
and supervision  
of work.

County teachers'  
institutes.

SEC. 5. Said Board of Examiners and Institute Conductors may, with the approval of the State Board of Education when adjudged by it to be absolutely necessary, employ competent persons to assist in the reading and grading of examination papers, and shall fix the compensation of such persons not to exceed five dollars a day for the time employed, to be paid upon the requisition of the chairman of the board out of the funds provided under this act. Said board is authorized to employ a stenographer at such compensation as it may fix, and to have done as public printing by the State Printer all printing necessary for its work.

SEC. 6. After July the first, nineteen hundred and seventeen, it shall be unlawful for any board of trustees or school committee of any public school that receives any public school money from county or State to employ or keep in service any teacher, superintendent, principal, supervisor, or assistant superintendent that does not hold a certificate in compliance with the provisions of this act. Upon notification by the State Board of Examiners and Institute Conductors to the State Board of Education or to the county board of education that any school committee or board of trustees is employing or keeping in service a teacher, supervisor, principal, superintendent, or assistant superintendent in violation of the provisions of this act, said State Board of Education shall withhold from such county any and all appropriations from the State Treasury for such school, and said county board of education shall withhold from said school any and all appropriations from the county school fund until the law has been complied with. The county, town, or city superintendent or other official is hereby forbidden to approve any voucher for salary for any such person employed in violation of the provisions of this act, and the treasurer of the county, town, or city schools is hereby forbidden to pay out of the school fund the salary of any such person: *Provided*, that nothing herein shall prevent the employment of temporary substitute or emergency teachers under such rules as the State Board of Examiners and Institute Conductors may prescribe.

SEC. 7. In coöperation with the Supervisor of Teacher-Training and Superintendent of the State Normal Schools for the Colored Race and for the Cherokee Indians, said board shall plan, direct, and supervise the work of said schools, and shall have general direction and supervision of the work of all teachers' associations and reading circles and of such other work as may be deemed necessary for professional training and home study for teachers.

SEC. 8. Said Board of Examiners and Institute Conductors shall plan, direct, and the six members of the board designated herein as institute conductors shall conduct, biennially in each county in North Carolina a county teachers' institute for not less than two



weeks for the public school teachers of said county, at such time and place therein as may be designated by said board, having due regard in fixing the time and place to the convenience of the teachers and the recommendations of the county board of education and county superintendent. All public school teachers of the State, rural and urban, including all public high school teachers, principals, supervisors, and superintendents, are hereby required to attend biennially some county institute continuously for two weeks or some summer school for teachers accredited by said board, continuously for one entire term of such summer schools, unless excused from attendance by said board for sickness evidenced by the certificate of a physician, or for other cause adjudged by the board to be providential. Failure to attend such institute or accredited summer school, unless so excused, shall debar any person so failing from teaching or supervising in any public school, high school, urban or rural, until such person shall have attended some county institute or summer school as herein required; and said board is authorized to cancel the certificate of any person failing to comply with the provisions of this section. Said board shall provide for separate county institutes for the teachers of each race, and is further authorized to provide for joint county institutes for two or more counties for the teachers of either race, and to provide for holding the county institute of any county in which an accredited summer school is conducted in conjunction with said summer school. Said board is hereby authorized to employ competent negro teachers to assist in conducting the county institutes for negro teachers and to fix their compensation, which shall be paid out of the funds provided in this act. That the schedule of institutes shall be arranged annually so as not to interrupt the regular session of the public schools, rural or urban, in any county, except with the consent of the county board of education, or the trustees of urban schools operated under special charters.

Attendance of teachers required.

Summer schools.

Failure a bar to employment.

Cancellation of certificate.

Separate institutes for races.  
Joint institutes.

Institutes in conjunction with summer schools.

Employment of negro teachers as assistants.

Compensation.

Schedule of institutes.

SEC. 9. There shall be the following classes of first-grade certificates: (1) Superintendents' and Assistant Superintendents'; (2) High School Principals'; (3) High School Teachers'; (4) Elementary School Teachers'; (5) Elementary Supervisors'; and (6) Special. Said State Board of Examiners and Institute Conductors may subdivide and shall define in detail the different classes of first-grade certificates, determine the time of their duration and validity, prescribe the standards of scholarship for same, and the rules and regulations for the examination for them and for their issuance, and their renewal or extension.

Classes of first-grade certificates.

Powers of board.

SEC. 10. Any person who purloins, steals, buys, receives, or sells, gives, or offers to buy, give, or sell any examination questions or copies thereof of any examination questions or copies thereof of any examination provided and prepared by law before the date

Questions for examinations guarded.

Misdemeanor.  
Punishment.

of the examination for which they shall have been prepared, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined or imprisoned, or both, in the discretion of the court.

Appropriation.

SEC. 11. For the payment of the salaries and all other expenses authorized under this act, and for carrying out all of the provisions thereof, the State Board of Education is hereby authorized and directed to deduct and set aside annually on and after January first, nineteen hundred and eighteen, the sum of twelve thousand five hundred dollars (\$12,500) out of the appropriation to the public schools provided under section one of chapter thirty-three of the Public Laws of one thousand nine hundred and thirteen, and the further sum of twelve thousand five hundred dollars (\$12,500) annually out of the appropriation to the public schools known as the State Equalizing School Fund provided under section three of chapter thirty-three of the Public Laws of one thousand nine hundred and thirteen, making a total of twenty-five thousand dollars (\$25,000) annually. These respective amounts shall be annually deducted from each of these appropriations before the annual apportionment of said appropriations is made under chapter thirty-three of the Public Laws of one thousand nine hundred and thirteen. Any unused balance thereof remaining in the hands of the State Treasurer on the first Monday of January of each year following its apportionment for these purposes shall be returned to the State Equalizing School Fund: *Provided, however,* that the State Board of Education is hereby authorized and directed to deduct from the State Equalizing School Fund to be apportioned by it under section four of chapter thirty-three of the Public Laws of one thousand nine hundred and thirteen for the school year ending June thirtieth, one thousand nine hundred and seventeen, the sum of fifteen thousand dollars, to be used in payment of the salaries and other expenses under this act from the ratification of this act until the first Monday in January, one thousand nine hundred and eighteen.

Surplus returned  
to equalizing  
fund.

Proviso: fund  
for current year.

Laws repealed.

SEC. 12. Sections four thousand one hundred and sixty-two and four thousand one hundred and sixty-seven of chapter eighty-nine of the Revisal of one thousand nine hundred and five, as amended by the General Assemblies subsequent to one thousand nine hundred and five, and all other laws and parts of laws in conflict with the provisions of this act, are hereby repealed.

SEC. 13. This act shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1917.

## CHAPTER 147

AN ACT TO PROHIBIT THE SALE OF PUBLIC BONDS  
WITHOUT NOTICE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any board of county commissioners, board of aldermen, or other governing body of any city or town, board of road commissioners, school board or school committee, any drainage commissioner, any board of drainage commissioners of any county, city, town, road, school, or drainage district in the State of North Carolina to sell bonds for any purpose, either at public or private sale, without giving notice of the time and place of sale in some newspaper published in said county, city, or town at least thirty days prior to the date of sale: *Provided*, that where there is no newspaper published in the county, such notice shall be posted at the courthouse door in said county at least thirty days prior to such sale. Sale of bonds without advertisement forbidden. Proviso: notice posted.

SEC. 2. That any violation of this act by any person or persons, corporation or corporations, whose duty it shall be to issue and sell such bonds shall constitute a misdemeanor punishable by fine or imprisonment, or both, in the discretion of the court. Misdemeanor. Punishment.

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

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

Ratified this the 5th day of March, A. D. 1917.

## CHAPTER 148

AN ACT TO REQUIRE DEEDS AND AGREEMENTS FOR  
EASEMENTS TO BE PLACED ON RECORD.

*The General Assembly of North Carolina do enact:*

SECTION 1. That all persons, firms, or corporations now owning or hereafter acquiring any deed or agreement for rights of way and easements of any character whatsoever shall within ninety days after the ratification of this act record such deeds and agreements in the office of the register of deeds of the county where the land affected is situated: *Provided*, that where such deeds and agreements may have been acquired, but no use has been made thereof, that such person, firm, or corporation holding such deeds and agreements, or any assignment thereof, shall not be required to record such deeds and agreements until within Registration within ninety days. Proviso: registration within ninety days of beginning of use.

ninety days after the beginning of the use of the easements granted by said deeds and agreements: *Provided, however,* that nothing in this act shall require the registration of the following classes of instruments or conveyances, to wit:

Proviso: excep-  
tions.

Instruments  
prior to 1910.

Instruments  
heretofore defect-  
ively executed  
or witnessed.

Decrees of courts.

Telephone com-  
panies and alley-  
ways.

Counties excepted.

Misdemeanor.

Separate offenses.

1. It shall not apply to any deed or instrument executed prior to January first, one thousand nine hundred and ten.

2. It shall not apply to any deed or instrument so defectively executed or witnessed that it cannot by law be admitted to probate or registration, provided that such deed or instrument was executed prior to the ratification of this act.

3. It shall not apply to decrees of a competent court awarding condemnation or confirming reports of commissioners, when such decrees are on record in such courts.

4. It shall not apply to local telephone companies, operating exclusively within the State, or to agreements about alley-ways. This act shall not apply to Surry, Wilkes, Alleghany, Lee, and Harnett counties.

SEC. 2. That any person, firm, or corporation knowingly and willfully violating this act shall be guilty of a misdemeanor, and each day's continuance of this violation shall be a separate offense.

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

Ratified this the 5th day of March, A. D. 1917.

## CHAPTER 149

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS AND THE COUNTY BOARD OF EDUCATION OF ANY COUNTY TO CO-OPERATE WITH THE TRUSTEES OF ANY PUBLIC LIBRARY IN ANY CITY OR TOWN IN EXTENDING THE SERVICE OF SUCH LIBRARY TO RURAL COMMUNITIES.

*The General Assembly of North Carolina do enact:*

Coöperation  
authorized.

Appropriation.

SECTION 1. That the board of county commissioners and the county board of education of any county in which there is a public city or town library are hereby authorized and empowered, in their discretion, to coöperate with the trustees of said library in extending the service of such library to the rural communities of the county, and to appropriate out of the funds under their control an amount sufficient to pay the expense of such library extension service.

SEC. 2. This act shall be in force from and after its ratification. Ratified this the 5th day of March, A. D. 1917.

## CHAPTER 150

AN ACT TO AMEND CHAPTER 97 OF THE REVISAL OF 1905, RELATING TO HOSPITALS FOR THE INSANE, TO PROVIDE FOR THE APPOINTMENT OF A CONSOLIDATED BOARD OF DIRECTORS FOR SUCH HOSPITALS, AND TO CREATE A CO-OPERATIVE PURCHASING COMMITTEE FOR SAID INSTITUTIONS, AND FOR THE SCHOOL FOR THE DEAF, THE SCHOOL FOR THE BLIND, AND THE CASWELL TRAINING SCHOOL.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter ninety-seven of the Revisal of one thousand nine hundred and five, relating to hospitals for the insane, be and the same is hereby amended as follows:

Section four thousand five hundred and forty-four, line fourteen, after the words "board of directors," strike out the words "of these two hospitals" and insert in lieu thereof the words "hereinafter provided for"; in line fifteen strike out the words "by agreement"; in line seventeen strike out the words "by agreement."

Section four thousand five hundred and forty-five is hereby amended as follows: In line two strike out the words "of the State Hospital at Raleigh."

Section four thousand five hundred and forty-seven is hereby amended to read as follows:

"SEC. 4547. *Board of directors, how elected; term of office.* Such corporations shall be under the management of a board of nine directors, no two of whom shall be resident of the same county, nominated by the Governor and, by and with the advice and consent of a majority of the Senators-elect, appointed by him, of whom five shall be a quorum, except when three of their number are in this chapter empowered to act for special purposes. Such board of directors shall be in classes of three and the term of office of such classes shall expire as follows: Those of the first class, on the first day of April, one thousand nine hundred and nineteen; of the second class, on the first day of April, one thousand nine hundred and twenty-one; and of the third class, on the first day of April, one thousand nine hundred and twenty-three. At the expiration of their respective terms of office all appointments shall be for a term of six years, except such as are made to fill unexpired terms."

That three members of said board shall be appointed from that portion of the State now served by the State Hospital for the Insane at Morganton, and they shall constitute the executive committee for said hospital. Three members of said board shall be appointed from that portion of the State served by the State

Change of line and transfer of patients.

Directors.

Number of directors.

Residence.

Nomination and appointment.

Quorum.

Classification and terms of offices.

Executive committee for Morganton hospital.

Executive committee for Raleigh hospital.



Executive committee for Goldsboro hospital.	Hospital for the Insane at Raleigh, and they shall constitute the executive committee for said hospital. The remaining three members of said board may be appointed from any part of the State, and they shall constitute the executive committee for the State Hospital for the Insane at Goldsboro. That each of the executive committees herein named is hereby authorized and empowered to make such rules and regulations as may be necessary with respect to the receipts from pay patients and other cash sales of each institution, which sums shall belong to and be expended by the institutions collecting the same.
Receipts from pay patients.	
Other cash sales.	
Section repealed and appointments revoked.	That section four thousand five hundred and forty-seven of the Revisal of one thousand nine hundred and five be and the same is hereby repealed, and all appointments heretofore made under said section be and the same are hereby revoked.
Executive committee.	That section four thousand five hundred and forty-eight be and the same is hereby amended as follows: In line two strike out the word "each" and insert the word "the."
	Section four thousand five hundred and forty-nine is hereby amended to read as follows:
Direction and management of institutions.	"SEC. 4549. <i>Directors may receive property; salary of.</i> The board of directors herein provided for shall direct and manage the affairs of the three institutions named in section four thousand five hundred and forty-two of the Revisal of one thousand nine hundred and five, and shall have power to receive, hold, manage, convey, or otherwise dispose of in the name of either institution all such property or estate as may hereafter be given or otherwise conveyed to either corporation. The members of such board shall be paid for their services the sum of four dollars per day and actual expenses while engaged in the discharge of their official duties."
Management of property.	
Pay of directors.	
	Section four thousand five hundred and fifty is hereby amended to read as follows:
Annual meetings.	"SEC. 4550. <i>Meetings of directors, when held.</i> The board of directors shall convene at each of the several hospitals herein named during the month of April in each year, at a time to be fixed by such board and at such other times as they shall appoint, and investigate the administration of its affairs, and report on the same to the General Assembly, with such remarks and recommendations as to them shall seem expedient."
Special meetings.	
Investigation of administration.	
Report and recommendations.	
	Section four thousand five hundred and fifty-one is hereby amended to read as follows:
By-laws and regulations.	"SEC. 4551. <i>By-laws and rules made by directors.</i> The board of directors shall make all such by-laws and regulations for the government of these institutions as shall be necessary; among which regulations shall be such as shall make the institutions as nearly self-supporting as is consistent with the purpose of their creation."

Section four thousand five hundred and fifty-four is hereby amended as follows: In line six strike out the words "respective Board of directors. boards" and insert in lieu thereof the words "board of directors."

Section four thousand five hundred and fifty-four is hereby amended as follows: In line nine strike out the words "of his Jurisdiction. hospital."

Section four thousand five hundred and fifty-nine is hereby amended as follows: In lines two and three strike out the Consolidation. words "of each hospital"; in line twelve, after the period in said line. strike out the words, "each board is," and insert the words "such boards are."

Section four thousand five hundred and sixty-one is hereby amended as follows: In line two, after the caption, strike out Consolidation. the word "each" and insert the word "the"; in line three strike out the words "their institutions" and insert the words "each of said institutions."

Section four thousand five hundred and sixty-two is hereby amended as follows: In line six strike out the words "of his Consolidation. hospital."

Section four thousand five hundred and fifty-seven is hereby amended as follows: In line one, after the caption strike out Consolidation. the word "each" and insert the word "the"; in line four strike out the word "hospital" and insert the word "hospitals."

Section four thousand five hundred and sixty-eight is hereby amended as follows: In line two, after the caption, strike out Consolidation. the word "each" and insert the word "the."

Section four thousand five hundred and seventy-one is hereby amended as follows: In line two strike out the words "of each Consolidation. hospital."

Section four thousand five hundred and seventy-three is hereby amended as follows: In line three strike out the word "boards" Consolidation. and insert the word "board." In line six strike out the word "boards" and insert the word "board."

Section four thousand five hundred and eighty is hereby amended as follows: In line four strike out the words "of his Consolidation. hospital."

Section four thousand five hundred and ninety-three is hereby amended as follows: In line twenty-two strike out the words Consolidation. "either of said boards" and insert the words "said board."

Section four thousand five hundred and ninety-six is hereby amended as follows: In line three strike out the words "of any hospital."

SEC. 2. There is hereby created a coöperative purchasing com- Coöperative pur-  
mittee, hereinafter called "the committee," which shall consist chasing committee.  
of the superintendents of the State Hospitals for the Insane at Morganton, Raleigh, and Goldsboro, and the superintendents of the School for the Deaf at Morganton, the School for the Blind

- Organization.** at Raleigh and the Caswell Training School at Kinston. Said committee shall organize by the election of one of its members as chairman and another as secretary. The chairman shall preside at all meetings of the committee and the secretary shall keep minutes of their proceedings. In the absence of the chairman, some other member of the committee may be selected to act in his stead during such absence. Three members of said committee shall constitute a quorum for the transaction of business. Said committee shall meet at least four times each year, and may, in their discretion, meet as often as once each month at such place and time as may be designated by the chairman thereof.
- Quorum.**
- Quarterly meetings.**
- Quarterly reports.** The committee shall make quarterly reports to the Governor of the State, setting forth the transactions of the committee, the supplies purchased, the price, quantity, and quality thereof, the total expenditures for each quarter, and the quantity and cost of all supplies purchased for and on behalf of each institution. Said committee shall publish annually a report setting out in detail, with proper and sufficient tables and explanations, their transactions for the year ending November thirtieth of each year.
- Annual reports.**
- Rules and regulations.** SEC. 3. That said committee is hereby authorized to make such rules and regulations as they may deem necessary for the economical purchase of all the supplies for each of the institutions heretofore named as in their judgment may be deemed necessary to effectuate an economical administration of this act. They are hereby authorized to make provisions for the employment of such clerical assistance as may be necessary to carry this act into effect.
- Clerical assistance.**
- Location of office.** SEC. 4. That the office of said committee shall be located in the city of Raleigh. The Board of Public Buildings and Grounds is hereby authorized and directed to supply and equip sufficient office room for the proper administration of this act.
- Office room and equipment.**
- Institutions to report to committee.** SEC. 5. That for the purpose of obtaining comparative information the following institutions are hereby required to report quarterly to said purchasing committee the amount of supplies purchased, including in a general way staple articles of diet, coal, and other fuel and other institutional equipment: State's Prison, East Carolina Teachers' Training School, the three negro normal schools, the A. and M. College, the various State departments, the University, the Normal and Industrial College, the Agricultural and Technical College, the Stonewall Jackson Training School, the Appalachian Training School, and the Cullowhee Normal School.
- Books to be kept.** SEC. 6. That said committee shall keep a full and complete set of books, which shall show in detail all transactions with and purchases for each of said institutions. Any other State institutions may make application to said committee and request it to purchase the necessary supplies for such institution or any part
- Purchases for other institutions.**

thereof; and it shall be the duty of said committee to make such purchases for and on behalf of such institution, and to see to Delivery. the proper delivery of supplies so furnished in the same manner as if such institution or institutions were included in this act: *Provided*, that such institution or institutions shall pay to said committee its or their pro rata part of the expenses incident to the enforcement of this act. If any State institution not named herein shall request the purchase of supplies for it, as is provided for in this act, such institution shall also pay its pro rata part of the expenses herein required. Proviso: pro rata of expense.

SEC. 7. That for the purpose of meeting the necessary expenses herein provided for and required, each of the institutions herein named shall pay its pro rata part, which shall be determined by the amount of the purchases made for and on behalf of each institution each year. Division of expenses.

SEC. 8. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed. Repealing clause.

SEC. 9. That section one of this act shall be in force from and after its ratification, and the remaining sections thereof shall be in force from and after the first day of July, one thousand nine hundred and seventeen. When act effective.

Ratified this the 5th day of March, A. D. 1917.

## CHAPTER 151

AN ACT TO AUTHORIZE AND EMPOWER THE BOARDS OF COUNTY COMMISSIONERS OF THE RESPECTIVE COUNTIES OF THE STATE OF NORTH CAROLINA TO CHANGE THE LOCATION OF GRAVEYARDS AND CEMETERIES LOCATED ON COUNTY LANDS, AND TO REMOVE BODIES FROM OLD LOCATION AND REINTER THE SAME IN NEW GRAVEYARDS AND CEMETERIES LOCATED ON COUNTY LANDS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the board of county commissioners of the respective counties of the State of North Carolina be and they are hereby authorized and empowered to locate and establish new graveyards or cemeteries upon the lands of their respective county for the burial of the inmates of the respective county homes. Location and establishment.

SEC. 2. That whenever new graveyards or cemeteries are established by the boards of county commissioners, then and in that event the respective boards of county commissioners are hereby authorized and empowered to remove to the new graveyard or Removal.



cemetery all bodies of the inmates of the county home to the new graveyard or cemetery established by the board of county commissioners of said county.

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

Ratified this the 5th day of March, A. D. 1917.

## CHAPTER 152

AN ACT TO AMEND CHAPTER 442 OF THE PUBLIC LAWS OF 1909, ENACTING A GENERAL DRAINAGE LAW AND PROVIDING FOR THE ESTABLISHMENT OF DRAINAGE DISTRICTS, AND THE ACT AMENDATORY THEREOF, BEING CHAPTER 67 OF THE PUBLIC LAWS OF 1911, AND FOR OTHER PURPOSES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section two (2) of chapter four hundred and forty-two (442), Public Laws of nineteen hundred and nine (1909), as amended by section one of chapter sixty-seven, Public Laws of nineteen hundred and eleven (1911), be further amended by adding the following: That the words in said section two (2) of chapter four hundred forty-two (442), Public Laws of nineteen hundred and nine (1909), namely, "and the compensation for the services of such engineer and his necessary assistants, to be fixed as herein provided, shall be paid by the State Geological and Economic Survey, said sum or sums so paid to be refunded when the drainage fund is subsequently provided by the sale of bonds or otherwise," are and shall be stricken out of said section. That no member of the board of viewers so appointed shall own any land within the boundaries of the proposed district. That in the selection of the two members of the board of viewers, other than the engineer, the clerk before making said appointment shall make careful inquiry into the character and qualifications of the proposed members, to the end that the members so appointed shall possess the necessary character, capacity, fitness, and impartiality for the discharge of their important duties. The compensation of the engineer, including his necessary assistants, rodmen, and laborers, and also the compensation of the viewers, shall be fixed by the clerk. In fixing such compensation, particularly of the drainage engineer, the clerk shall confer fully with the State Geologist and with the petitioners. The compensation to be paid the two members of the board of viewers, other than the engineer, shall not exceed four dollars (\$4) per day for the time actually employed in the discharge of their duties, and in addition any actual and necessary expenses of travel and subsistence while in

Payment of  
engineer.

Viewers not to  
own lands.

Selection of  
viewers.

Pay of engineer  
and viewers.

Limit of pay.



the actual discharge of their duties, an itemized report of which shall be submitted and verified. The petitioners shall select some learned attorney or attorneys to represent them, who shall prosecute the drainage proceeding and advise with the petitioners and the board of viewers and shall agree upon the compensation for his professional services up to the time when the district shall be established and the board of drainage commissioners elected, or as nearly so as the same may be approximated. If the petitioners are unable to agree upon the selection of an attorney or attorneys, such selection may be made by the clerk of the court. The foregoing provision shall not interfere with the right of any individual petitioner or petitioners in the selection of an attorney or attorneys to represent their individual interests if they shall deem the same desirable or necessary. The clerk shall make an estimate of the aggregate sum of money which shall appear to be necessary to pay all the expenses incident to the performance of the duties by the board of viewers, including the compensation of the drainage engineer and his necessary assistants, and also including the sum for the compensation of the attorney for the district, and such court costs as may probably accrue, which estimates shall embrace the period of services up to and including the establishment of the drainage district and the selection and appointment of the board of drainage commissioners. The clerk shall then estimate the number of acres of land owned or represented by the petitioners, as nearly so as may be practicable without actual survey, and shall assess each acre so represented a level rate per acre, to the end that such assessment will realize the sum of money which he has estimated as necessary to pay all necessary costs of the drainage proceeding up to the time of the appointment of the drainage commissioners, as above provided. The board of viewers; including the drainage engineer, shall not be required to enter upon the further discharge of their duties until the amount so estimated and assessed shall be paid in cash to the clerk of the court, which shall be retained by him as a court fund, and for which he shall be liable in his official capacity, and he shall be authorized to disburse the same in the prosecution of the drainage proceeding. Unless all the assessments shall be paid within a time to be fixed by the court, which may be extended from time to time, no further proceedings shall be had, and the proceeding shall be dismissed at the cost of the petitioners. If the entire sum so estimated and assessed shall not be paid to the clerk within the time limited, the amounts so paid shall be refunded to the petitioners pro rata after paying the necessary costs accrued. Nothing herein contained shall prevent one or more of the petitioners from subscribing and paying any sum or sums in addition to their assessment in order to make up any deficiency arising from the delinquency of one or more of the petitioners. When the sum of money so estimated shall be paid, the board of

Employment of attorney.

Compensation.

Individual employment.

Clerk to estimate cost.

Clerk to estimate acreage.

Assessment.

Payment of assessment preliminary to work.

Liability of clerk. Disbursement.

Proceedings dismissed.

Payments refunded.

Subscription for deficiency.

Viewers to proceed with duty.

Assessments for preliminary work refunded.

viewers shall proceed with the discharge of their duties, and in all other respects the proceeding shall be prosecuted according to the law. After the district shall have been established and the board of drainage commissioners appointed, it shall be the duty of the board of drainage commissioners to refund to each of the petitioners the amount so paid by them as above provided, out of the first moneys which shall come into the hands of the said board from the sale of bonds or otherwise, and the same shall be included in ascertaining the total cost of improvement.

Pay of engineers and others.

SEC. 2. That section thirty-six of chapter four hundred forty-two (442) of the Public Laws of nineteen hundred and nine (1909) be and the same is hereby repealed.

Control and repair of ditches.

SEC. 3. That section thirty of chapter four hundred forty-two (442) of the Public Laws of nineteen hundred and nine (1909) be amended by striking out at the end of said section the last clause thereof, which contains the following words: "When the ditch is constructed it shall become a part of the drainage system and shall be under the control of the board of drainage commissioners and be kept in repair by them as herein provided."

Boundary, classification, and assessment established.

SEC. 4. The boundaries of lands as surveyed and mapped, the ownership thereof, and the classification and assessment thereof as appears in the final report and map and upon the assessment roll, shall be and remain as of the time when the district was established and the final report of the board of viewers was approved by the court. No conveyance or devise of land or devolution by inheritance after the petition has been filed or the owner thereof has been served with the original summons, either by personal service or by publication, shall affect the status or liability of such land as a part of such drainage district, except as herein provided. If the owner or owners of any lands included in such district shall, after the filing of the petition, and after being served with the original summons and before the approval of the final report, convey the whole or any part of such lands, or the title thereto shall be otherwise changed, then and in such event the grantor and grantee or new owner, or either, may file a petition in an ancillary proceeding before the clerk of the Superior Court setting forth the facts, with a description of the lands conveyed either in part or the entire body of land, together with a description of the land excepted and not conveyed. If the grantor or grantee or new owner in whole or in part file such petition, the other not so joining shall be served with notice of same. The clerk may require the petitioner to attach to the petition a map showing the boundaries of the entire body of land as it appears in the record of the proceedings, and also showing the part conveyed. If the ownership of such land has been changed by devise or inheritance, or any joint ownership has been changed by partition, such new owners may file a pe-

Liability attached to land.

Proceedings upon conveyance of lands.

tion as herein provided. Such petition shall conclude with a prayer that the grantee or new owners be made a party to the proceeding. The court after a hearing may make the grantee or new owner a party to the drainage proceeding and shall certify to the engineer and viewers a description of the land so conveyed or held by the new owner or owners, with directions to verify the boundaries and to classify the said land to the same extent as if the grantee was the original party. Any part of such lands not so conveyed shall be and remain a part of the district. After the district shall be established, the lands classified, the final report approved, and the assessment roll filed, no conveyance of any land in the district shall affect or change the existing status or liability of such land as to assessment charges or otherwise, except in the manner herein defined. When the title and ownership of any tract or tracts of land embraced in the district have been changed or vested in another or others by grant, devise, or inheritance, or by partition between joint owners, subsequent to the establishment of the district, the assessment roll may be amended in the following manner: The grantor and grantee, or the new owner or owners, may file a petition with the chairman of the board of drainage commissioners alleging that the ownership of the land has changed, and the manner thereof, in whole or in part. If the whole body of land as appears in the final report or on the assessment roll has changed ownership, a general description consistent with such final report and map shall be sufficient. If the ownership of the body of land has changed only as to part thereof, the petition shall contain a description of the part thereof claimed by the new owners, and the number of acres and the classifications, or the several classes if it be in more than one class, and also a description of that part of the land the title to which remains in the original owner, with the number of acres and with the classification and the several classes if it contains more than one class of land. The petition shall so describe the land and the number of acres in each class as to that part of which the ownership has changed as to maintain the number of acres originally assessed, and the class or classes in which the same has been assessed, and the chairman of the board of drainage commissioners may require the petitioners to have the said lands surveyed, and submit a map if the same shall be necessary. The chairman of the board of drainage commissioners shall present this petition to the clerk of the Superior Court at any time thereafter, not later than the first Monday in July following. It shall be the duty of the clerk to examine and verify the facts set forth in the petition, and particularly if the number of acres assessed and the classes thereof against the new owners added to the number of acres and the classes assessed against that part of the land, the title to which has not changed, shall equal the total number of acres and

New owners  
made parties.

Status of land  
conveyed.

Amendment of  
assessment roll.

Procedure.

Order changing  
assessment roll.

Changes in assess-  
ment rolls.

Presentation of  
sundry petitions.

Day for hearing  
petitions.

Proceedings to  
enforce action.

Misdemeanor.

Punishment.

Petition filed  
with clerk.

the classes so assessed as appear against such entire body of land in the final report and assessment roll. If the clerk shall be so satisfied, he shall enter upon an order or decree changing the original assessment roll, or the assessment roll as theretofore amended, by adding the name of the new owner with the number of acres assessed in each class, and by amending the number of acres assessed and the classes thereof against the original owner as appears on the original assessment roll or assessment roll as theretofore amended. It shall be the duty of the clerk after such order to make such changes in the assessment roll. It shall be the duty of the clerk of the Superior Court in making changes in the original assessment roll from time to time to observe and maintain the total number of acres in each class, to the end that the revenue produced from the annual assessment shall not be thereby diminished. The chairman of the board of drainage commissioners, instead of presenting to the clerk of the court each petition of landowners separately, may combine a number of petitions and present the same to the court at one and the same time. The first Monday in July in each year is hereby set apart as a special day on which petitions for changing the assessment roll may be submitted, at which time the clerk shall hear all petitions not theretofore submitted. If the chairman of the board of drainage commissioners shall fail to act when any petition shall be submitted to him as herein provided, or the chairman or any member of the board shall fail to discharge any duty imposed by this section or any other provision of the general drainage law, it is hereby made the duty of the clerk of the Superior Court, either independently or upon the request of any land owner in the district, to cite the said chairman or member to appear before him upon a certain day and show cause why he should not be removed from office, and unless good cause be shown, it shall be the duty of the clerk to remove the chairman or any member of the board of drainage commissioners and to certify his action, to the end that another member may be elected according to law. If the failure of the chairman or any member of the board of drainage commissioners to discharge such duty shall be willful, he shall be guilty of a misdemeanor, and upon conviction shall be punished by fine or imprisonment, or both, in the discretion of the court. If the grantor and grantee, or all those claiming to have acquired title to any body of land on the assessment roll and whose assessment will be affected, cannot agree upon joinder in a petition to the chairman of the board of drainage commissioners, or if the said chairman fails within a reasonable time to discharge his duty by presenting the petition to the court, then either party interested in the tract of land as it appears on the assessment roll may file a petition with the clerk of the Superior Court setting forth the facts as to the change in ownership and title of such land, with the description of the entire tract of land



and the number of acres in each class, together with a description of that part of the land as to which the ownership has changed, with the number of acres in each class, and pray the court to order that the assessment roll be amended in accordance with the title and interest of the several owners. At the time of filing the petition a summons shall issue to the other parties interested in the said tract of land to show cause on a day certain why the prayer of the petition should not be granted. Upon the return day the clerk of the court shall hear all the evidence, find the facts, and enter up a judgment directing the appropriate amendment to the assessment roll. It shall be the duty of the clerk to amend the assessment roll in accordance with his judgment. No judgment or amendment of the assessment roll shall be valid unless the number of acres and the classes assessed against the original and new owners shall equal the area and classification as contained in the tract of land as it appears on the original assessment roll. This petition may be presented to the court at any time, but the first Monday in July in each year is hereby designated as the day upon which all petitions for amendments to the assessment roll may be submitted. Any amendments to the assessment roll ordered after the last day of August in each year shall not become effective until the first day of September the following year, and the assessment roll as it appears on the first day of September of each year shall constitute the assessment roll to be delivered to the sheriff on the first Monday in September, and he shall collect the drainage assessments as they appear thereon without regard to any changes in title or ownership or any changes in the assessment roll made by the court, after the thirty-first day of August. All amendments sought to be made to the assessment roll shall have reference to the assessment roll as it appears at the time the amendment is sought, which shall be either the original assessment roll or as amended; but it shall be the duty of the clerk of the Superior Court to examine frequently the assessment roll as amended, and before the same shall be further amended, and make certain that the aggregate number of acres in each class as appeared on the original assessment roll shall not be reduced, nor the aggregate annual assessments reduced. Any amendments ordered shall be made on the assessment roll and become due in the following September, and on all subsequent assessment rolls which have not become due or collectible. It shall be the duty of the chairman and the secretary of the board of drainage commissioners of the district to render to the clerk of the court any clerical assistance involved in changes in the assessment rolls, but the primary duty and responsibility in making such amendments shall remain with the clerk of the Superior Court, and he shall be held liable for any error or omission which may work a loss to the district or the bondholders. If such amendments to the assessment rolls shall make necessary the

Issue of summons.

Hearing on return day.

Amendment of assessment roll.

Presentation of petition.  
Day for hearing.

Time when change is effective.

Assessment roll referred to.

Assessments to become due.

Clerical assistance.

Liability of clerk.  
New assessment rolls.



Original rolls preserved.	preparation of new assessment rolls, the clerk of the Superior Court shall be required to prepare such new assessment rolls with the clerical assistance of the chairman and secretary of the board of drainage commissioners, and such new assessment rolls shall be signed by the chairman and secretary of the board of drainage commissioners and by the clerk of the Superior Court before delivery to the sheriff or tax collector as required upon the original assessment rolls. The original assessment rolls shall be preserved by the clerk of the court among his records for future reference.
Copies of rolls.	In the event it shall be necessary to prepare new assessment rolls, the clerk shall prepare four copies, one copy for the drainage record, another for the sheriff or tax collector, another for the chairman of the board of drainage commissioners, and the other for filing and preserving among the records, and which fourth copy shall never be mutilated or interlined, but shall be preserved in its original form for reference. As to all drainage districts heretofore established, the clerk of the court shall prepare an additional copy of all the original assessment rolls for the several years the lands in such districts are assessed and securely preserve the same, at least until all outstanding bonds of the district shall be paid, to the end that they may always be accessible for reference and comparison. It shall not be necessary hereafter to deliver to the sheriff or tax collector a copy of the assessment roll for the current year in which assessments are due and payable, but the copy provided for him may remain among the records of the clerk of the court for safe keeping and reference by him. As compensation to the clerk of the court for the performance of duties imposed herein, he shall be paid such sum or sums by the board of county commissioners as they may deem fair and adequate, and the same is hereby declared a proper charge against the county, but no additional compensation shall be paid to the clerk in those counties where he receives a salary in lieu of fees. Any costs which may accrue in amendments to the assessment rolls shall be adjudged against the parties in interest, in the discretion of the clerk, and such costs shall be paid before the amendment shall become effective. As to all petitions which shall be filed and submitted to the court on the first Monday in July, no costs shall be paid or adjudged against any party in those counties where the clerk and sheriff receive a salary in lieu of fees. As to all petitions filed with the chairman of the board of drainage commissioners, or as to the discharge of any duty by the chairman required of him under the general drainage law, he shall be presumed to act for the board, and the chairman shall do all things necessary to protect and maintain the interests of the drainage district. If the chairman shall be or become a landowner in the drainage district and may desire an amendment to the assessment rolls, he may file his petition before
Districts heretofore established.	
Copy for sheriff.	
Pay of clerk.	
Costs.	
Counties paying salaries.	
Chairman becoming landowner.	

any other member of the board, or file the same directly with the clerk of the Superior Court. The provisions of this section shall apply to landowners in districts heretofore established, also to drainage proceedings heretofore instituted to the same extent as to drainage proceedings hereafter instituted and established.

Districts heretofore established and proceedings instituted.

SEC. 5. That section nineteen of chapter four hundred and forty-two (442) Public Laws of nineteen hundred and nine (1909) be amended by adding to said section the following: "That in the election of drainage commissioners by the owners of land, each landowner shall be entitled to cast the number of votes equaling the number of acres of land owned by him and benefited, as appears by the final report of the viewers. Each landowner may vote for the names of three persons for commissioners. If any person or persons in any district shall own land in any district containing an area greater than one-half of the total area in the district, such owner shall only be permitted to elect two of the drainage commissioners, and a separate election shall be held under the direction of the clerk by the minority landowners, who shall elect one member of the drainage commissioners. Immediately after the election of said board of drainage commissioners, and after the members of the said board shall be appointed by the clerk, the clerk of the court shall notify each of them in writing to appear at a certain time and place within the county and organize. The clerk of the Superior Court shall appoint one of the three members as chairman of the board of drainage commissioners, and in doing so he shall consider carefully and impartially the respective qualifications of each of the members for the position. The term of service of the members of the board of drainage commissioners so elected and appointed shall begin immediately after their organization. One commissioner shall serve for one year, one for two years, and the other for three years, the term to be computed from the first day of October following their organization. The members so serving for one, two, and three years, respectively, shall be designated by the clerk of the court or designated by lot among the members, in the discretion of the clerk. Thereafter each member shall be elected for three years. In the year when the term of any member or members shall expire the clerk of the court shall provide for an election of their successors to be held on the second Monday in August preceding the expiration of their term on the thirtieth day of September. The clerk of the court shall record in the drainage record the date of election, the members elected, and the beginning and expiration of their term of office. If a vacancy shall occur in the office of any commissioner by death, resignation, or otherwise, the remaining two members are to discharge the necessary duties of the board until the vacancy shall be filled; and if the vacancy shall be in the office of chair-

Election of drainage commissioners.

Vote for three persons.  
Limitation.

Separate election.

Notice to commissioners-elect.

Appointment of chairman.

Term of service.

Election of successors.

Record of election.

Vacancies.

Record kept by clerk.	man or secretary, the two remaining members may elect a secretary, and the clerk shall appoint one of the two remaining members to act as chairman to hold until the vacancy in the board shall be filled. The clerk shall keep a similar record of any election to fill vacancies, and the member or members shall be elected in like manner as the original members, and shall serve
Notice of vacancy.	until the expiration of the term of his predecessor. The secretary of the board of drainage commissioners shall promptly notify the clerk of the Superior Court of any vacancy in the board. If for any reason the clerk of the court shall fail to provide for an election of drainage commissioners on the second Monday in August to succeed those whose terms will expire on the thirtieth day of September, the said clerk shall have authority at the most convenient date thereafter to provide for such election, and in the meantime the incumbents shall continue to hold their office as commissioners until their successors are elected and qualified.
Commissioners heretofore elected.	The term of office of boards of drainage commissioners heretofore elected and appointed shall expire on the thirtieth day of September, nineteen hundred and seventeen (1917), and their successors shall be elected on the second Monday in August, nineteen hundred and seventeen (1917), in the manner provided by law. The board shall meet once each month at a stated time and place during the progress of drainage construction, and more
Monthly meetings.	often if necessary. After the drainage work is completed, or at any time, the chairman shall have the power to call special meetings of the board at a certain time and place. The chairman shall also call a meeting at any time upon the written request of the
Special meetings.	owner of a majority in area of the land in the district. The chairman of the board of drainage commissioners shall receive compensation based on an annual payment of fifty dollars (\$50) per annum in districts containing less than five thousand (5,000) acres in the aggregate, but the clerk of the Superior Court shall be authorized to increase this annual compensation to one hundred dollars (\$100) if the duties required of the chairman shall appear to justify such increase. In addition, the chairman shall receive his actual and necessary expenses of travel and subsistence, for which he shall file an itemized statement of the amounts actually paid. The remaining two members of the board shall receive a compensation of three dollars (\$3) per day while necessarily engaged in attendance upon meetings of the board, or in the discharge of other necessary duties imposed by the board, and, in addition, shall receive their actual and necessary expenses in attending meetings of the board. The secretary of the board, if other than a member of the board, shall receive such compensation for work actually performed as may be determined by the board. In drainage districts of unusually large area and requiring greater time and attention, the chairman of the board may be paid a greater compensation than one hundred
Pay of chairman.	
Pay of commissioners.	
Pay of secretary.	
Increase of pay.	

dollars (\$100) per annum, to be allowed by the clerk of the Superior Court, based on a petition filed by the board with the clerk, setting forth all the facts necessary for a determination of the matter. All such payments allowed to the chairman and members of the board shall be paid by vouchers upon the treasurer of the district issued in proper form. The provisions of this section with respect to the basis on which the landowners shall vote for commissioners shall not apply to districts already organized; but in those districts the landowners shall be entitled to cast the number of votes as provided by law prior to the ratification of this act. The provisions of this section relating to the election of drainage commissioners shall not apply to any drainage district already organized.

Vouchers.

Votes in existing districts.

SEC. 6. That section twenty-five of chapter four hundred forty-two (442) of the Public Laws of one thousand nine hundred and nine (1909), as amended by section six of chapter sixty-seven of the Public Laws of one thousand nine hundred and eleven (1911), be further amended by adding thereto the following: "That where any public canal established under the provisions of the general drainage law shall intersect any private road or cartway the actual cost of constructing a bridge across said canal at such intersection shall be paid for from the funds of the drainage district and constructed under the supervision of the board of drainage commissioners, but the said bridge shall thereafter be maintained by and at the expense of the owners of the land exercising the use and control of said private road: *Provided*, if the said private road shall be converted into a public highway, the maintenance of said bridge shall devolve upon the board of commissioners of the county or by such other authority as by law shall be required to maintain public highways and bridges."

Construction of bridges.

Maintenance of bridges.

Proviso: private road converted into highway.

SEC. 7. That section one thousand seven hundred and ninety-two (1792) of the Revisal of North Carolina, which recites the classes of investments in which guardians, trustees, and others may invest their surplus funds, shall be amended by adding after the words "North Carolina," in line five, the following words: "or in drainage bonds duly issued under the provisions of chapter four hundred and forty-two of the Public Laws of one thousand nine hundred and nine"; and that said section shall be further amended by adding after the words "North Carolina" and before the words "shall be," in line eight, the following words: "and such drainage bonds." That the State Treasurer is authorized to receive drainage bonds issued by drainage districts in North Carolina as deposits from banks, insurance companies, and other corporations required by law to make deposits with the State Treasurer: *Provided*, that the Attorney-General shall have approved the form of said bonds.

Investment of trust funds.

Bonds as security deposits.

Proviso: approval of attorney-general.

SEC. 8. That subdistricts may be formed by owners of land in main districts theretofore established in the manner provided by

Subdistricts.



Ditches or canals of main districts.	chapter four hundred and forty-two, Public Laws of one thousand nine hundred and nine, and acts amendatory thereto, for the organization of main districts. Such subdistricts shall have the right to use the ditches or canals of the main districts for outlets.
Effect of formation of subdistricts.	The formation of subdistricts shall not operate to release the lands in any subdistrict from the payment of any assessment or levy made prior to the formation of such subdistricts, nor from any assessment which may thereafter be made for the completion and maintenance of the canals in main districts, or for the payment of the principal and interest on any indebtedness incurred by the main district, nor shall it give the subdistrict any claim on the funds of such main district for its local use. It shall be the duty of the drainage commissioners of the main district to control all matters pertaining to the main district drainage. Drainage commissioners for the subdistricts shall have authority and control over all matters pertaining to drainage within their respective subdistricts, except such work as belongs exclusively to the main district.
Control of main district.	
Control of sub-districts.	
Redemption of land sold for assessments.	SEC. 9. That section twelve of chapter sixty-seven of the Public Laws of one thousand nine hundred and eleven be amended by adding thereto the following: "That the existing general tax law in force when sales are made for delinquent assessments shall have application in redeeming lands so sold, and in all other respects except as modified by the general drainage law, as contained in chapter four hundred and forty-two, Public Laws of one thousand nine hundred and nine, and amendments thereto.
Sheriff or tax collector guilty of misdemeanor.	If any sheriff or tax collector shall fail to comply with the law for the collection of drainage assessments, or in making payments to the treasurer as provided by law, he shall be guilty of a misdemeanor, and, upon conviction, shall be subject to a fine and imprisonment, in the discretion of the court, and he shall likewise be liable in a civil action for all damages which may accrue either to the board of drainage commissioners or to the holder of said bonds, to either or both of which a right of action is given.
Punishment.	
Civil action.	
Additional copies of assessment rolls.	That in addition to the two copies of the assessment rolls as provided in the section to which this is amendatory, two additional copies of the several assessment rolls, either the original or amended rolls, shall be prepared, one of which shall be filed with the chairman of the board of drainage commissioners, who shall carefully preserve the same, and the other shall be preserved by the clerk of court, without change or mutilation, for purposes of reference or comparison. If any sheriff or tax collector was authorized to collect drainage assessments in any year prior to the approval of this act, and failed to collect any part of such drainage assessments, and is now out of office, or is still holding the office of sheriff or tax collector, then and in such event such sheriff or tax collector, regardless of the expiration of his term of office, is hereby authorized and directed to proceed
Collection of arrears.	



to the collection of such unpaid drainage assessments, and in default of payments being made, he is further authorized to make sales of such lands as may be in default at the times and in the manner authorized by law during the year one thousand nine hundred and seventeen, one thousand nine hundred and eighteen, or one thousand nine hundred and nineteen. The sheriff or tax collector shall be required to make settlements with the county treasurer on the first day of each month of all collections of drainage assessments for the preceding month, for which the treasurer shall execute appropriate receipt. The clerk of the Superior Court in each county where one or more drainage districts shall have been established shall be required to have prepared annually during the month of August a form of receipt, with appropriate stubs attached and properly bound, for the drainage assessments due on each tract of land as recited in the assessment rolls. This bound book of tax receipts or bills shall be indorsed "Drainage Assessments of the (here give the name of the district) for the county of....., delivered to the sheriff or tax collector as of the first Monday in September, 19...., for collection as required by law," and the same indorsement shall be printed at the top of each tax bill or blank receipt. Each tax bill or blank receipt shall contain a blank space for the name of owner of the property, the amount of the annual drainage tax, the amount of maintenance tax, if any, and a receipt at the bottom of same, followed by a blank line for the signature of the tax collector. This bound book of tax bills or receipts, with the blanks duly filled in, shall be delivered to the sheriff or tax collector on the first Monday of September of each year. The necessary costs of printing and binding of such book of tax bills or receipts and the filling in of same shall be a proper charge against the county and shall be paid by the board of county commissioners."

Settlement of collections.

Receipt books.

Receipts.

Delivery of books.

Cost of books.

SEC. 10. On the first Monday in May, nineteen hundred and seventeen, the board of county commissioners of each county in which one or more drainage districts shall have been established, and annually thereafter, shall appoint one of the members of the finance committee of said county, providing the county has such finance committee, who shall be designated "Auditor for Drainage District"; but if the county has no finance committee, then the board of county commissioners shall appoint an intelligent and competent person of sufficient experience who shall be designated as the "Auditor for Drainage District"; and such "Auditor for Drainage District" shall receive such compensation as shall be agreed upon by the board of county commissioners, to be paid out of the general fund of the county; but said amount shall not exceed fifty dollars annually. Such auditor will be required to examine the assessment roll and the records and accounts of the sheriff or tax collector as to the assessment roll

Auditors.

Compensation.

Duty of auditor.

Reports.

Districts in other counties.

Sheriff to assist in audit.

Time of filing report.

Duplicate.

Reports when officers delinquent.

Copy to judge and solicitor.

Duty of solicitor.

Receipt books for additional counties.

which went into his hands on the previous first Monday in September and for all previous years as to which the records and accounts of the sheriff or tax collector have not been audited. Such auditor shall for each of such years make a report as to each drainage district, showing the total amount of drainage assessments due for each year, the amount collected by the sheriff up to the fifteenth day of May of the following year, the names of the owners of land, and a brief description of the lands on which the drainage assessments have not been paid, and the total amount of unpaid drainage assessments, with any further data or information which the auditor may regard as pertinent. If lands in the district lie in another county or counties, then such auditor for the county in which the district was established shall also examine the records of the sheriff or tax collector for such other counties. Such auditor shall also examine the books of the treasurer of the county for similar years, and he shall report the amount of drainage assessments paid to the treasurer by the sheriff or tax collector for each year, and the amounts paid out by the treasurer during such years and for what purposes paid. It shall be the duty of the sheriff and treasurer to permit the auditor to examine his official books and records and to furnish all necessary information and to assist the auditor in the discharge of his duties. Such auditor shall make a report to the board of county commissioners on or before the first Monday in July following his appointment, and he shall deliver a duplicate of such report to the chairman of the board of drainage commissioners of each drainage district established in the county. If the sheriff shall not have collected all of the drainage assessments, or shall not have paid over all collections to the county treasurer, or if the treasurer shall not have made disbursements of the drainage funds as required by law, or has not in his hands the funds not so disbursed by him, it shall be the duty of such auditor to so report, and to prepare two certified copies of his report, one of which shall be delivered to the judge holding a term of Superior Court in the county following the first Monday in July, and a copy to the solicitor of the judicial district in which the county is located, and it shall be the duty of such solicitor to carefully examine such report and to institute such action, civil or criminal, against the sheriff or tax collector or the treasurer, as the facts contained in the report may justify, or as may be required by law.

Sec. 11. Where any drainage district which has been established contains lands located in a county or counties other than the county in which the district was established, the clerk of the Superior Court of the county in which the district was established shall have prepared annually during the month of August a form of tax bills or receipts, with appropriate stubs attached, covering all the lands in the drainage district located in such

other county or counties, and in the form herein provided for the county in which the district has been established, and have the same substantially bound in book form. He shall also fill in the blanks of such tax receipts ready for the signature of the collector. On a page in such bound book after the tax bills or receipts there shall be appended an order directed to the sheriff or tax collector in the county in which such lands are located, which shall be in substantially the following form:

STATE OF NORTH CAROLINA,

Form of order.

COUNTY OF.....

*The Sheriff or Tax Collector of.....County:*

This is to certify that the foregoing tax bills or blank receipts embrace the drainage assessments made on certain lands in the county of....., which are located in and are a part of (here insert the name of the drainage district), which district was established in the county of..... These assessments are due on the first Monday of September, 19...., and must be paid and collected within the time required by law. You will make monthly settlements of your collections with the treasurer of.....County, being the county in which the district was established, and in all other respects you will discharge your duties as sheriff or tax collector as required by law.

In witness whereof I have hereunto set my hand and official seal, this.....day of....., 19....

.....  
*Clerk Superior Court.....County.*

Thereupon such drainage assessments in such county shall have the force and effect of a judgment upon the lands so assessed, as in the case of State and county taxes, and shall in all other respects be as valid assessments as those levied upon lands in the county in which the district was established. The auditor for drainage districts herein authorized shall also examine the records and accounts of the sheriff of such county. In the establishment and administration of the drainage districts the clerk of the Superior Court, the county treasurer, and the chairman of the board of drainage commissioners shall have jurisdiction over the lands and the collection of drainage assessments in the county or counties other than the county in which the district was established to the same extent as in the county where such district was established: *Provided*, that in those counties which do not have a county treasurer, then the auditor provided for in section ten of this act shall perform the duties required by this section for the county treasurer.

Force of order.

Audit of accounts.

Jurisdiction of officers.

Provide: counties not having treasurer.

SEC. 12. That chapter four hundred and forty-two, Public Laws of one thousand nine hundred and nine, known as the North Carolina Drainage Law, as amended by chapter sixty-seven of the

Serial bonds.	Public Laws of one thousand nine hundred and eleven, be further amended as follows: "That it shall be optional with the board of drainage commissioners in the issuing of bonds to issue serial bonds in denominations of not less than one hundred dollars nor more than one thousand dollars, bearing not more than six per cent interest from date of issue, payable semiannually. That the first annual installment of principal shall fall due not less than three years nor more than six years after the date thereof, and that each annual installment of principal shall not be less than five per cent nor more than ten per cent of the total bonds authorized and issued. That if the first annual installment of principal shall be made to fall due more than three years after the date of issue, the annual assessments shall be levied and collected to meet the semiannual installments of interest due for such years as the fund therefor may not have been otherwise provided."
Maturity of installments.	
Assessments for interest.	
Authentication of bonds.	SEC. 13. That all bonds authorized and issued shall be signed by the chairman and secretary of the board of drainage commissioners and the corporate seal of the district affixed thereto, and the interest coupons shall be authenticated by the fac simile signature of the secretary, and both the principal and interest coupons shall be payable at some bank or trust company to be designated by the board of drainage commissioners and incorporated in the body of the bond. That the form of the bond shall be authorized by the board of drainage commissioners or by said board and the purchaser of said bonds jointly, at the option of the board. That for the purpose of meeting any possible deficit in the collection of annual drainage assessments there shall be levied and assessed during each year when either principal or interest on bonds shall be due, such an assessment as will yield five per cent more than the total of principal and interest due in such year; that is to say, for every one hundred dollars of principal and interest, or either, due in any one year, there shall be levied and assessed a sufficient drainage tax to yield one hundred and five dollars for such year. When this excess of drainage tax so levied and collected shall accumulate so that the aggregate surplus in the hands of the treasurer shall amount to more than ten per cent of the total bonds of the district outstanding and unpaid, then such surplus above ten per cent thereof may be available for expenditure by the board of drainage commissioners in the maintenance and upkeep of the drainage works in such district: <i>Provided</i> , this section shall not apply to drainage districts already established and in which the bonds have been sold.
Form of bonds.	
Annual assessments.	
Use of surplus.	
Proviso: districts already established.	
Refunding bonds.	SEC. 14. That in any case where the board of drainage commissioners of any drainage district heretofore established or that may hereafter be established under the laws of this State have, or may, for the purpose of constructing or completing the drainage works in such district, issued bonds, the payment of which at maturity would in the judgment of the board of drainage commissioners be an unreasonable burden on the owners of the lands



in such district assessed for the payment of such bonds and interest, or if it shall appear for other good and substantial reasons that the welfare of the district and the owners of lands therein would be promoted thereby, the said board of drainage commissioners shall have the right and power to refund such bonds, or any part thereof, and issue new bonds equal to the amount of bonds outstanding and unpaid, or any part thereof. The new or refunding bonds shall bear a rate of interest not exceeding six per cent, payable semiannually, and shall be divided into such annual installments not exceeding ten per cent and not less than five per cent of the outstanding bonds so refunded. The new assessments shall be levied and collected with which to pay the principal and interest on said bonds in the manner provided by law. The first installment of principal on said bonds so refunded may be made payable at a certain date in the future not exceeding six years from the date of said refunding bonds, and in the meantime annual assessments shall be levied and collected for the payment of the interest.

Interest on re-funding bonds.

Bonds payable in installments.

New assessments.

First installment.

SEC. 15. That in making the sale of drainage bonds the board of drainage commissioners shall prepare a notice of such sale containing the usual and appropriate information regarding the terms and provisions of said bonds, and shall publish the same for at least a period of two weeks in at least one paper of general circulation published within the State and in at least one other newspaper of large circulation among the buyers of bonds, in which they shall invite sealed bids from prospective purchasers to be opened on a certain day, and may require a cash deposit to accompany all bids, and shall reserve the right to reject any and all bids. In such notice the commissioners may hold in reserve information as to the date when the first installment of principal shall fall due, the annual installments of principal to be paid, the number of years within which the serial bonds are to be paid, the form of the bonds, and the name of the bank or trust company at which the interest coupons and the installments of principal are to be made payable, and shall state that the information and data so withheld may subsequently be agreed upon between the drainage commissioners and the purchaser of the bonds; or the board of drainage commissioners in their said advertisement asking bids may make optional propositions in the respects above recited, inviting bids as to each kind of bond so proposed. The board of drainage commissioners shall accept the highest bona fide bid for said bonds and issue and sell the same accordingly, provided the said highest bid shall equal or exceed the par value of the bonds with any accrued interest thereon. If no satisfactory bid shall be received, the board of drainage commissioners may readvertise said bonds for sale in the manner above provided, or they may accept any private bid for said bonds at not less than their par value, with any accrued interest thereon.

Advertisement of sale of bonds.

Sealed bids.

Cash deposit.

Right to reject bids.

Information held in reserve.

Optional propositions.

Highest bid accepted.

Proviso: bid to equal or exceed par.

Readvertisement.

Private bids.



The board of drainage commissioners shall in good faith make diligent effort to sell the said bonds at a price not less than their par value, with accrued interest.

Law repealed.

Section reënacted.

SEC. 16. That chapter two hundred and thirty-eight of the Public Laws of one thousand nine hundred and fifteen be and the same is hereby repealed, and section eleven of chapter four hundred and forty-two, Public Laws of one thousand nine hundred and nine, is hereby reënacted.

Corporate name.

Action by clerk.

Proviso: districts heretofore issuing bonds.

Application of act.

SEC. 17. That section nineteen of chapter four hundred and forty-two of the Public Laws of one thousand nine hundred and nine is herewith amended by striking out all of the last sentence and substituting therefor the following: "The name of such drainage district shall constitute a part of its corporate name; for illustration, the board of drainage commissioners of Mecklenburg Drainage District, No. 1. In the naming of a drainage district the clerk of the court, notwithstanding the name given in the petition, shall so change the name as to make it conform to the county within which the district, or the main portion of the district, is located, and be also designated by number, said number to indicate the number of districts petitioned for in the county. For illustration, the first district organized in Mecklenburg County would be Mecklenburg County Drainage District, No. 1; name of the second would be Mecklenburg County Drainage District, No. 2; the fifth one organized would be Mecklenburg County Drainage District, No. 5: *Provided*, that this section shall not apply to districts in which the bonds have heretofore been issued and sold."

Repealing clause.

SEC. 18. That this act shall not apply as to any order which has been made in any pending drainage proceeding entered before the approval of this act, and shall only apply to subsequent stages of any pending drainage proceeding to the extent that this law is consistent therewith, and will further the purpose thereof. That all laws in conflict with this act are hereby repealed.

SEC. 19. That this act shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D. 1917.

CHAPTER 153

AN ACT RELATING TO THE PLANTING OF OYSTERS.

*The General Assembly of North Carolina do enact:*

Oysters for planting.

SECTION 1. That from and after the passage of this act residents of the State of North Carolina shall be permitted to take oysters without culling from natural rocks at any time during the year for planting purposes only, in the waters of North Carolina.

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

Ratified this the 5th day of March, A. D. 1917.

## CHAPTER 154

## AN ACT TO ISSUE BONDS OF THE STATE FOR THE PERMANENT ENLARGEMENT AND IMPROVEMENT OF THE STATE'S EDUCATIONAL AND CHARITABLE INSTITUTIONS.

Whereas the State's educational institutions and the State's charitable institutions are inadequate to meet the demands of the people of the State, and it is necessary that the State's institutions be permanently enlarged and improved in order that they may properly be sufficient for the purpose of their creation, and in order to make the State's institutions adequate to the demands and necessities of the people of the State it is necessary that State bonds be issued, as the annual revenues of the State are inadequate for said purposes: Now, therefore,

*The General Assembly of North Carolina do enact:*

SECTION 1. That for the purpose of permanently enlarging the State's educational and charitable institutions, to make them adequate to the demands and necessities of the people of the State, the State Treasurer is hereby authorized and directed to issue bonds of the State of North Carolina, payable in the manner and at the date hereinafter described, to an amount not exceeding three million dollars (\$3,000,000), and said bonds shall be issued in the following amounts, to wit:

To be issued in the year 1917 .....	\$500,000.00	Yearly issues.
To be issued in the year 1918 .....	\$500,000.00	
To be issued in the year 1919 .....	\$500,000.00	
To be issued in the year 1920 .....	\$500,000.00	
To be issued in the year 1921 .....	\$500,000.00	
To be issued in the year 1922 .....	\$500,000.00	

SEC. 2. All of said bonds shall bear interest at a rate not exceeding four per centum per annum from the date of said issue until paid, and the said bonds shall bear date as of the first day of July of each and every year in which they are authorized to be issued from the year one thousand nine hundred and seventeen to the year one thousand nine hundred and twenty-two, both inclusive, which said interest shall be payable semiannually on the first days of January and of July of each and every year, so long as any portion of the said bonds shall remain due and unpaid.

SEC. 3. That the bonds authorized and directed to be issued the preceding sections shall be coupon bonds of the denomination of five hundred dollars (\$500) and one thousand dollars (\$1,000) each, as may be determined by said State Treasurer, and shall be

signed by the Governor of the State and State Treasurer and sealed with the Great Seal of the State. The coupons thereon may be signed by the State Treasurer alone, or may have a facsimile of his signature printed, engraved, or lithographed thereon, and the said bonds shall in all other respects be in such form as the 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 any of the series of bonds herein authorized to be issued, the State Treasurer shall advertise the sale and invite sealed bids in such manner as in his judgment may seem to be most effectual to secure the par of said bonds at the lowest rate of interest. He is authorized to accept bids for the entire issue of said bonds in any one year, 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 par value of said bonds at the lowest rate of interest, and the said bonds shall be due and payable, one hundred thousand dollars (\$100,000) on July first, one thousand nine hundred and twenty-three, and one hundred thousand dollars (\$100,000) on July first of each year thereafter until the whole series authorized by this act to be issued shall be paid.

Coupons receivable for debts to state.

Advertisement for sale of bonds.

Bids for entire issue.

Preference of purchase.

Maturity.

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 purpose 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.

Investment of trust funds.

SEC. 5. It shall be lawful for all executors, administrators, guardians, and fiduciaries generally to invest in said bonds.

Appropriation.

SEC. 6. The proceeds derived from the sale of said bonds shall be used entirely and exclusively for the permanent improvement and equipment of the following institutions of the State and in the following amounts, to wit:

State hospital at Raleigh.

The State Hospital at Raleigh, two hundred thousand dollars (\$200,000).

State hospital at Morganton.

The State Hospital at Morganton, two hundred thousand dollars (\$200,000).

State hospital at Goldsboro.

The State Hospital at Goldsboro, one hundred twenty-five thousand dollars (\$125,000).

School for the deaf and dumb.

The North Carolina School for the Deaf and Dumb, located at Morganton, sixty thousand dollars (\$60,000).

Stonewall Jackson training school.

The Stonewall Jackson Training School, near Concord, fifty thousand dollars (\$50,000).

- The University of North Carolina, five hundred thousand dollars (\$500,000). University of North Carolina.
- North Carolina Sanatorium for the Treatment of Tuberculosis, located at Montrose, one hundred and fifty thousand dollars (\$150,000). Sanatorium for treatment of tuberculosis.
- East Carolina Teachers' Training School at Greenville, two hundred thousand dollars (\$200,000). East Carolina teachers' training school.
- Appalachian Training School, at Boone, fifty thousand dollars (\$50,000). Appalachian training school.
- Cullowhee Normal and Industrial School at Cullowhee, forty thousand dollars (\$40,000). Cullowhee normal school.
- College of Agriculture and Mechanic Arts, located at Raleigh, three hundred thousand dollars (\$300,000). College of agriculture and mechanic arts.
- The State Normal and Industrial School, located at Greensboro, five hundred thousand dollars (\$500,000). State normal and industrial school.
- For the Negro Agricultural and Technical School at Greensboro, twenty-five thousand dollars (\$25,000). Negro agricultural and technical school.
- For the State Normal Schools for Negroes, ten thousand dollars (\$10,000). State normal schools for negroes.
- For the State Board of Education, for the purpose of aiding in building public school houses in the State, five hundred thousand dollars (\$500,000). State board of education.
- For the erection of a State's storage warehouse in the city of Raleigh, and the purchase of land therefor, fifty thousand dollars (\$50,000). State storage warehouse.
- For the installation of approved apparatus for the protection of the State's institutions against fire, forty thousand dollars (\$40,000). Fire protection.
- SEC. 7. The Governor of the State is directed, authorized, and empowered to appoint a State Building Commission, to be composed of five members, three of whom shall be members of the majority political party of the State, and two of whom shall be members of the minority political party of the State, and the State Building Commission shall organize in the city of Raleigh by electing one of its members chairman and one of its members secretary, and the said building commission shall have entire supervision, direction, and control of the distribution of the proceeds of the bonds in this act directed to be issued to the several institutions and purposes hereinbefore named, and to the amount to each institution and purpose hereinbefore specified, and shall have the supervision of the buildings erected by the several institutions hereinbefore named and for the purposes hereinbefore specified, except the sum of five hundred thousand dollars (\$500,000) herein authorized to be issued to the State Board of Education for the purpose of aiding in the building of the public schools of the State, and except further, that the Committee on Public Buildings and Grounds shall select and purchase. State building commission.
- Political affiliations.
- Organization.
- Distribution of proceeds of bonds.
- Supervision of buildings.
- Exception.
- School buildings.
- State storage warehouse.



chase, if necessary, the site for the State's storage warehouse and shall have supervision and control of the construction of the State's storage warehouse. That in the event of any vacancy occurring in the membership of the State Building Commission, the Governor of the State shall fill said vacancy from that political party represented by the retiring member of the commission; that the said commission shall meet as often as the business entrusted to it shall require, and the said meetings may be held in the city of Raleigh or any of the State's institutions to which appropriations are hereby made; and the said commission shall be paid annually its necessary expenses out of the proceeds of the sale of the bonds herein authorized, upon itemized statements duly verified by the said members and approved by the Governor of the State, who upon said approval is authorized and directed to draw vouchers for such expenses; and before any building shall be erected at any of the State's institutions herein provided to be aided, and before any permanent improvement shall be made to the State's institutions herein authorized, the said building commission shall require the State institution to submit plans and specifications drawn by a competent architect, and when approved by said commission, advertisement shall be made for the contract therefor and sealed bids invited upon such terms and conditions as the State Building Commission may prescribe.

Vacancies.

Meetings of commission.

Payment of expenses.

Plans and specifications.

Advertisement for bids.

Repairs.

SEC. 8. It is the purpose of this act that the proceeds of the sale of bonds herein authorized shall be used solely and exclusively for the permanent enlargement and improvement of the State's institutions herein named and for the other purposes herein named; but the said building commission is authorized and directed if they shall deem it necessary, to use such part of the amount appropriated to any institution herein named for the repair or repairs of said institution which may in their judgment be necessary to preserve the buildings for all use.

Annual reports.

SEC. 9. It shall be the duty of the building commission to make annual reports to the Governor of the State of the expenditure of the proceeds of the sale of the bonds herein authorized, which reports shall be by the said Governor transmitted to the General Assembly, and which said report shall show in detail the institution at which any of the money spent during the year, the buildings builded, or the progress of the buildings, and the cost thereof, together with the character of its construction.

Fireproof construction.

SEC. 10. It is the purpose and intention that all buildings built under the provisions of this act shall be of fire-proof construction.

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

Ratified this the 5th day of March A. D. 1917.



## CHAPTER 155

AN ACT PROVIDING FOR THE PERPETUAL MAINTENANCE  
AND PRESERVATION OF GRAVES, BURIAL PLATS, GRAVE-  
YARDS, AND CEMETERIES.

Whereas there are many graves, burial plats, graveyards and cemeteries in North Carolina which are neglected for the reason the descendants of such persons do not live in the vicinity of such graves, burial plats, graveyards and cemeteries; and whereas there are many descendants of such persons who would gladly set aside a sum of money the interest on which would keep such graves, burial plats, graveyards and cemeteries in good condition, provided some method could be devised by which such fund could be perpetuated without loss; and whereas there is no provision for such perpetual funds, and the only perpetual office which handles trust funds is that of the Superior Court: Now, therefore,

Preamble: graves and cemeteries neglected.

Preamble: fund for care.

Preamble: perpetual office.

*The General Assembly of North Carolina do enact:*

SECTION 1. That any person, persons, firm, or corporation may by will, or otherwise, place in the hands of the clerk of the Superior Court of any county in North Carolina, where such grave or lot is located, any sum of money not less than one hundred dollars or more than two thousand dollars, the income from which is to be used for keeping in good condition any grave, burial plat, graveyard or cemetery in the county in which the money is placed with specific instructions as to use of the fund; that it shall be the duty of the Superior Court clerk to keep a separate record for keeping account of such money, and the specific instructions about the use of the income on same shall be recorded in said record, and a perpetual account of same kept in it, and he shall see that the income is spent according to such specific instructions, and shall make report of same from year to year in the same manner as if it were guardian funds.

Deposit for care of graves and cemeteries.

Records and accounts.

Reports.

SEC. 2. All moneys placed in the office of the Superior Court clerk in accordance with section one of this act shall be held perpetually, and no one shall have authority to withdraw or change the direction of the income on same.

Deposit held perpetually.

SEC. 3. The Superior Court clerk, with the advice and consent of the sheriff and register of deeds of such county, who shall constitute an advisory committee to the clerk, may invest such money in North Carolina State bonds, county bonds of any county within the State, municipal bonds of any town of more than ten thousand population in the State, or may invest same in any other way, locally, as they may deem wise; and the Superior Court clerk shall receive for his services and responsibilities a commission of ten per cent on the net income each year of such moneys. The

Investment of deposits.

Commission of clerk.

fees or commissions received by the Superior Court clerk under this act shall not be taken into consideration as a part of his salary.

Exemption from taxation.

SEC. 4. All moneys referred to in sections one, two, and three of this act shall be exempt from all State, county, township, town, and city taxes, and the Superior Court clerk shall give bond in some surety company to be approved by the county commissioners in sufficient amount to cover such sums as may be held by him, the premium on which shall be paid out of the income on such money.

Bond of clerk.

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

Ratified this the 5th day of March, A. D. 1917.

## CHAPTER 156

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

Preamble: act authorizing bonds.

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

Preamble: maturity of bonds.

*The General Assembly of North Carolina do enact:*

Issue of bonds directed.

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

Maturity.

Amount.

SEC. 2. All of said bonds shall bear interest at a rate not exceeding four per cent per annum from the first day of April, one thousand nine hundred and nineteen, until paid, which said interest shall be payable semiannually on the first days of October and April of each and every year, so long as any portion of the said bonds shall remain due and unpaid. Interest.

SEC. 3. That the bonds authorized and directed to be issued by the preceding sections shall be coupon bonds of the denominations of five hundred dollars (\$500) and one thousand (\$1,000) each, as may be determined by the State Treasurer, and shall be signed by the Governor and the State Treasurer and sealed with the Great Seal of the State. The coupons thereon may be signed by the State Treasurer alone, or may have a facsimile of his signature printed, engraved, or lithographed thereon; and the said bonds shall in all respects be in such form as the said State Treasurer may direct, and the coupons thereon shall, after maturity, be receivable in payment of all taxes, debts, dues, licenses, fines, and demands due the State of North Carolina, of any kind whatsoever, which shall be expressed on the face of said bonds. Before selling the bonds herein authorized to be issued, the Treasurer shall advertise the sale and invite sealed bids in such manner as will secure the sale of the bonds at their par value at the lowest rate of interest. He is authorized to accept bids for the entire issue or for any portion thereof, and where the conditions are equal, he shall give the preference of purchase to the citizens of North Carolina; and he is authorized to sell the bonds herein authorized in such manner as will secure the sale of the bonds at their par value at the lowest rate of interest. Any balance left in the hands of the State Treasurer from the sale of these said bonds, after paying the said bonds issued for the purpose of renewing and adjusting a portion of the State debt incurred to aid in the construction of the North Carolina Railroad, and the cost of issuing the bonds herein provided for, shall be covered into the general fund. Coupon bonds.  
Denominations.  
Authentication.  
Coupons receivable for debts to state.  
Advertisement of sale.  
Bids.  
Preference of purchase.  
Surplus to general fund.

SEC. 4. The said bonds and coupons shall be exempt from all State, county, and municipal taxation or assessment, direct or indirect, general or special, whether imposed for 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. Exemption from taxation.

SEC. 5. It shall be lawful for all executors, administrators, guardians, and fiduciaries generally to invest in said bonds. Investment of trust funds.

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

Ratified this the 5th day of March, A. D. 1917.

## CHAPTER 157

AN ACT TO FIX THE PUNISHMENT FOR DISTILLING OR  
MANUFACTURING INTOXICATING LIQUORS.

*The General Assembly of North Carolina do enact:*

Conduct declared  
unlawful.

Proviso: wines  
and cider.

Felony.

Punishment.

SECTION 1. That it shall be unlawful for any person or persons to distil, manufacture, or in any manner make, or for any person to aid, assist, or abet any such person or persons in distilling, manufacturing, or in any manner making any spirituous or malt liquors or intoxicating bitters within the State of North Carolina: *Provided*, that this act shall not be understood as prohibiting the manufacture of wines and cider in the manner and under the conditions which are now or may hereafter be provided by law. Any person or persons violating the provisions of this act shall be guilty of a felony and be imprisoned in the State Prison for not less than one year and not exceeding five years, in the discretion of the court.

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

Ratified this the 5th day of March, A. D. 1917.

## CHAPTER 158

## AN ACT TO PROHIBIT CERTAIN PRACTICES IN HOTELS.

*The General Assembly of North Carolina do enact:*

Enticing women  
or girls misde-  
meanor.

Punishment.

Occupying room  
for immoral  
purposes.

Registration as  
husband and wife  
misdemeanor.

Punishment.

Repealing clause.

SECTION 1. That any person who shall knowingly persuade, induce, or entice, or cause to be persuaded, induced, or enticed, any woman or girl to enter a hotel or public inn or boarding-house for the purpose of prostitution or debauchery or any other immoral purpose, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished in the discretion of the court.

SEC. 2. Any man and woman found occupying the same bedroom in any hotel, public inn, or boarding-house for any immoral purpose, or any man and woman registering or otherwise representing themselves to be husband and wife in any hotel, public inn, or boarding-house, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished in the discretion of the court.

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

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

Ratified this the 5th day of March, A. D. 1917.

## CHAPTER 159

AN ACT TO AMEND CHAPTER 168, LAWS OF 1915, AN ACT TO PRESCRIBE THE DUTIES OF THE STATE TREASURER. ETC.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter one hundred and sixty-eight, Laws of one thousand nine hundred and fifteen, be amended as follows:

"*Provided, however,* the Treasurer shall credit to the funds of the Agricultural Department all money which is received as interest on the funds of the Department, and he shall notify the Commissioner of Agriculture when such amounts are paid." Proviso: credit of interest.

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

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

Ratified this the 5th day of March, A. D. 1917.

## CHAPTER 160

AN ACT TO AMEND SECTION 1105 OF THE REVISAL IN RESPECT TO FREE TRANSPORTATION OF OFFICERS OF RAILROAD COMPANIES LEASED FROM THE STATE.

Whereas in the contracts of lease of certain railroads in which the State owned a majority of the stock it was stipulated that the lessees should furnish free transportation over said roads to certain officers of said roads and their families, and said roads are desirous of carrying out said contract: Now, therefore,

*The General Assembly of North Carolina do enact:*

SECTION 1. That there shall be added to section eleven hundred and five (1105) of the Revisal the following: "Nothing in this section or in the law shall prevent any common carrier that is operating under lease a railroad in this State, in which the State owns a majority of the capital stock, from giving free carriage, according to the contract of lease, to the officers and their families and the committees of the lessor owning such leased railroad, nor prevent such operating common carrier from issuing annually free transportation to ex-presidents of such lessor owning companies and their families in compliance with the contract of lease entered into by them or according to and for such period of time as may have been prescribed by any by-laws of the lessor which was in force at the time such lease was made." Free carriage according to contract.  
  
Ex-presidents of lessor companies.

Ratified this the 5th day of March, A. D. 1917.



## CHAPTER 161

AN ACT TO AUTHORIZE THE GOVERNOR AND COUNCIL OF STATE TO EMPLOY ADDITIONAL CLERICAL FORCE, IF DEEMED NECESSARY, NOT EXCEEDING TWO IN NUMBER.

*The General Assembly of North Carolina do enact:*

Investigation.

SECTION 1. That the Governor and Council of State are empowered to investigate the conditions in the Treasurer's office, and are hereby authorized, if they find the force is not sufficient to do the work with dispatch, to employ additional clerk or clerks, not exceeding two, and fix and adjust salaries therein.

Employment and salaries.

SEC. 2. This act shall be in force from and after its ratification. Ratified this the 5th day of March, A. D. 1917.

## CHAPTER 162

AN ACT TO REDUCE THE MINIMUM PUNISHMENT IN CERTAIN CASES.

*The General Assembly of North Carolina do enact:*

Assault with intent.

SECTION 1. That section three thousand six hundred and thirty-eight of the Revisal of nineteen hundred and five be and the same is hereby amended by striking out the word "five" in line four and insert in lieu thereof the word "one."

Horse stealing.

SEC. 2. That section three thousand five hundred and five, Revisal of nineteen hundred and five, be and the same is hereby amended by striking out in line three the word "five" and inserting in lieu thereof the word "one."

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

Ratified this 5th day of March, A. D. 1917.

## CHAPTER 163

AN ACT TO CONTROL THE DISTRIBUTION OF FUNDS TO THE CHEROKEE NORMAL SCHOOL OF ROBESON COUNTY.

*The General Assembly of North Carolina do enact:*

Payment to Indian training school.

SECTION 1. That the State Board of Education is hereby empowered and directed to turn over to the county board of education of Robeson County the sum of one thousand dollars (\$1,000) of the fund appropriated to the Cherokee Normal School of Robeson County, five hundred dollars (\$500) in one thousand nine hundred and seventeen and five hundred dollars (\$500) in one thousand nine hundred and eighteen, for the establishment of an Indian Training School at Union Chapel.

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

Ratified this the 5th day of March, A. D. 1917.

## CHAPTER 164

## AN ACT TO AUTHORIZE THE STATE AUDITOR TO APPORTION AND DISBURSE ALL THE APPROPRIATIONS FOR CONFEDERATE VETERANS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the State Auditor be and is hereby authorized, empowered, and directed to annually apportion, distribute, and issue warrants for, pro rata among the Confederate pensioners, according to the grades now or which may hereafter be fixed by law, all the money apportioned for pensions, notwithstanding the amounts so paid said pensioners exceed the sums fixed for the respective grades to which the several pensioners belong. All money apportioned.

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

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

Ratified this the 5th day of March, A. D. 1917.

## CHAPTER 165

## AN ACT TO AMEND THE BANKING LAWS OF THE STATE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section two hundred and twenty-two of the Revisal of one thousand nine hundred and five be amended by adding at the end of subsection two of the said section the following: "No branch office or business shall be established and maintained without the approval first obtained of the Corporation Commission." Corporation commission to approve branches.

SEC. 2. That section two hundred and forty-nine of the Revisal of nineteen hundred and five be amended by striking out of said section the schedule of fees prescribed for annual examination of banks and insert in lieu thereof the following: "Banks, banking institutions, and individuals doing a banking business, having total resources of one hundred thousand dollars (\$100,000) or less, fifteen dollars (\$15); those having total resources of more than one hundred thousand dollars (\$100,000), and not over two hundred thousand dollars (\$200,000), twenty dollars (\$20); those having total resources of more than two hundred thousand dollars (\$200,000) and not over three hundred thousand dollars (\$300,000), twenty-five dollars (\$25); those having total resources of more than three hundred thousand dollars (\$300,000) and not over five hundred thousand dollars (\$500,000), thirty dollars (\$30); those having total resources of more than five hundred thousand dollars (\$500,000) and not over seven hundred and fifty thousand dollars (\$750,000), thirty-five dollars (\$35); those having total resources Schedule of fees.

of more than seven hundred and fifty thousand dollars (\$750,000) and not more than one million dollars (\$1,000,000), forty dollars (\$40); and those having total resources of one million dollars (\$1,000,000) and over, forty dollars (\$40), plus two dollars (\$2) for each one hundred thousand dollars (\$100,000) and fraction thereof until resources reach five million dollars (\$5,000,000), then one dollar (\$1) additional for each one hundred thousand dollars (\$100,000) or fraction thereof."

SEC. 3. That section two hundred and forty-nine of the Revisal of one thousand nine hundred and five be amended by adding at the end of said section. "The Corporation Commission shall not later than the tenth of each month turn into the State Treasury any balance it may have on hand from fees collected the previous month for examination of banks or for the expenses of the examiners after payment of the expenses incurred by the examiners in the examination of banks from the funds so collected."

SEC. 4. That section two hundred and forty-six of the Revisal of one thousand nine hundred and five and amendments thereto be repealed and the following substituted in lieu thereof:

"SEC. 246. *Appointed by Corporation Commission.*

"The Corporation Commission shall appoint from time to time a bank examiner and such number of necessary bank examiners as may be necessary to make a thorough examination of and into the affairs of every bank, corporation, or individual doing a banking business, as often as shall be deemed necessary and proper and at least once in every year, and it shall be the duty of the said examiners to verify the report made by the directors, members, or individual conducting any banking institution, as required by section two hundred and twenty-six. The Corporation Commission may also appoint such clerks and stenographers as may be necessary to effectually carry out the provisions of the banking laws of the State. The Corporation Commission may at any time remove any person appointed by it under this act."

SEC. 5. That so much of section two of chapter nine hundred and ninety-four of the Public Laws of one thousand nine hundred and seven as relates to the salary of State Bank Examiner and assistant examiner be amended by substituting in lieu thereof the following: "The Corporation Commission shall fix the compensation to be paid to the bank examiner, the assistant bank examiners, clerks, and stenographers employed in the banking department, and certify the same to the State Auditor: *Provided*, the total compensation of the examiner, assistant examiners, clerks and stenographers, and their expenses, shall not exceed in any one year the total fees collected under section two of this act for the examination of banks and the expenses of examiners."

SEC. 6. This act shall be in force from and after its ratification. Ratified this the 6th day of March, A. D. 1917.

Surplus paid  
into treasury.

Appointment of  
examiner and  
assistants.

Clerks and ste-  
nographers.

Removal.

Salaries.

Proviso: salaries  
not to exceed  
fees.

## CHAPTER 166

AN ACT TO PROVIDE FOR THE INSPECTION OF GASOLINE,  
NAPHTHA, BENZINE. AND OTHER LIQUIDS AND FLUIDS  
USED FOR HEATING AND POWER PURPOSES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the term "gasoline," wherever used in this act, shall be construed to include naphtha, benzine, and other like liquids and fluids used for heating and power purposes. Term "gasoline" construed.

SEC. 2. That all gasoline used, or intended to be used, for heating or power purposes in internal combustion, motors, or otherwise sold or offered for sale in this State, shall be subject to inspection and test for the purpose of preventing adulteration, deception, or fraud in the sale thereof. Gasoline subject to inspection.

All manufacturers, wholesalers, and jobbers, before selling or offering for sale in this State any gasoline for the purposes herein defined, shall file with the Commissioner of Agriculture a statement that they desire to do business in this State, and furnish the name or brand of the gasoline which they desire to sell, with the name and address of the manufacturer, producer, or refiner, and that the gasoline will comply with the requirements of this act. Statement to be filed.

The Department of Agriculture shall have power at all times, and at all places to have collected samples of any gasoline offered for sale in this State and have the same analyzed. Details of statement.

The inspection of such gasoline shall be under the direction of the Board of Agriculture, which is authorized to make all necessary rules and regulations for the inspection of such gasoline, and to adopt standards as to quality, purity, and power and heat-producing properties, or absence from objectionable substances, when not in conflict with the provisions of this act, and which they may deem necessary to provide the people of the State with gasoline of a satisfactory quality. Collection and analysis of samples.

SEC. 3. That the Board of Agriculture shall appoint such number of inspectors as may be necessary for the purposes of this act, not exceeding five in number, whose compensation shall be fixed by the Board of Agriculture, not to exceed fifteen hundred dollars and expenses each per annum. Each inspector, before entering upon his duties, shall take an oath of office before some person authorized to administer oaths. The inspector shall have power to examine all barrels, tanks, or other vessels containing gasoline, to see if they are properly tagged or stamped as required by this act; and they shall, as directed, collect samples of such gasoline offered for sale in the State and send the same to the Department of Agriculture for examination. Direction of board of agriculture.

SEC. 4. That for the purpose of defraying the expenses connected with enforcing the provisions of this act there shall be Standards of quality.

SEC. 5. That the Board of Agriculture shall appoint such number of inspectors as may be necessary for the purposes of this act, not exceeding five in number, whose compensation shall be fixed by the Board of Agriculture, not to exceed fifteen hundred dollars and expenses each per annum. Each inspector, before entering upon his duties, shall take an oath of office before some person authorized to administer oaths. The inspector shall have power to examine all barrels, tanks, or other vessels containing gasoline, to see if they are properly tagged or stamped as required by this act; and they shall, as directed, collect samples of such gasoline offered for sale in the State and send the same to the Department of Agriculture for examination. Appointment of inspectors.

SEC. 6. That for the purpose of defraying the expenses connected with enforcing the provisions of this act there shall be Salary.

SEC. 7. That for the purpose of defraying the expenses connected with enforcing the provisions of this act there shall be Inspectors to qualify.

SEC. 8. That for the purpose of defraying the expenses connected with enforcing the provisions of this act there shall be Examination of containers.

SEC. 9. That for the purpose of defraying the expenses connected with enforcing the provisions of this act there shall be Collection of samples.

SEC. 10. That for the purpose of defraying the expenses connected with enforcing the provisions of this act there shall be Tax for inspections.



Tags or stamps on containers.	paid to the Commissioner of Agriculture a charge of one-fourth of one cent per gallon, which payment shall be made before delivery to agents, dealers, or consumers in this State. Each barrel, tank, car, or other container of gasoline shall have attached thereto a tag or stamp stating that all charges specified in this section have been paid, and the Commissioner of Agriculture, with the advice and consent of the Board of Agriculture, is hereby empowered to prescribe the form of such tags: <i>Provided</i> , that they shall be of such form as to meet the requirements of the trade in gasoline, and to adopt such rules and regulations as will insure the proper enforcement of this act. Where gasoline is shipped in tanks, cars, or other large containers, the manufacturer or jobber shall give notice to the Commissioner of Agriculture of their shipment, with the name and address of the person, company, or corporation to whom it is sent, and the number of gallons, on the day the shipment is made. No county, city, or town shall impose any license or other tax on the sale of any of the products mentioned in this act.
Form of tags.	
Proviso: to meet requirements of trade.	
Shipments in large containers.	
No county nor town tax.	
Moneys paid into treasury.	SEC. 5. All moneys received under the provisions of this act shall be paid into the State Treasury and kept as a distinct fund, to be styled "The Gasoline Fund." All checks or orders in payment for tags or stamps shall be made payable to the State Treasurer. The Commissioner of Agriculture is authorized to draw out of said fund, upon his warrants, such sums as may be necessary to pay all expenses incurred in connection with this act.
Gasoline fund.	
Payment of expenses.	
Report.	SEC. 6. The Commissioner of Agriculture shall include in his report to the General Assembly an account of the operation and expenses under this act.
Samples taken on complaint.	SEC. 7. Whenever a complaint is made to the Department of Agriculture in regard to the qualities of any gasoline sold in this State, the Commissioner of Agriculture shall cause a sample of such gasoline complained of to be procured and have the same thoroughly analyzed and tested to determine if it meets the requirements of the standards adopted by the Board of Agriculture under this act, or is as represented by the dealer. If the analysis or other tests shall show that the gasoline is not as represented or does not meet any of the requirements of this act, its sale shall be forbidden, and a report of the result or results of such analysis shall be sent to the party making complaint and to the dealers in and manufacturer of such gasoline.
Sale forbidden.	
Reports of analysis.	
Acts declared misdemeanors.	SEC. 8. That every person who shall fraudulently brand or stamp any package or barrel or other vessel, or use a stamp a second time, or keep any gasoline which has not been marked and branded in accordance with the regulations of the Board of Agriculture, or who shall violate any other of the provisions of this act, or any regulation adopted by the Board of Agriculture for its enforcement, shall be guilty of a misdemeanor, and, upon con-
Punishment.	



viction, shall be fined not less than two hundred dollars nor more than one thousand dollars for the first offense: *Provided*, that upon conviction of a second or any subsequent offense the defendant may be imprisoned for not exceeding six months, in the discretion of the court.

Proviso: subsequent offenses.

SEC. 9. That it shall be the duty of the Commissioner of Agriculture to publish at least annually in the bulletin of the Department the rules and regulations established by the Board of Agriculture for the purpose of carrying into effect the provisions of this act.

Publication of rules and regulations.

SEC. 10. That if any person, manufacturer, or dealer shall sell or offer for sale in this State any such gasoline before first having the same labeled and tagged, as required by this act and by the regulations to be adopted by the Board of Agriculture, he shall be guilty of a misdemeanor, and, upon conviction, shall be fined not exceeding three hundred dollars (\$300) or imprisoned not exceeding six months, and the gasoline so offered for sale shall be forfeited and sold, and the proceeds of such sale shall go to the common school fund of the State. If any manufacturer or dealer in said gasoline shall, with intent to defraud, alter or erase the label or tag to indicate a different standard or quantity than is indicated by the label or stamp attached to the vessel, he shall, upon conviction, be fined not exceeding two hundred dollars (\$200) for every such offense, or be imprisoned not exceeding three months.

Sale without label and tag misdemeanor.

Punishment.

Gasoline forfeited.

Proceeds to school fund.

Punishment for alteration of label or tag.

SEC. 11. That any inspector who, while in office, shall be interested directly or indirectly in the manufacture or vending of any gasoline shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than three hundred dollars (\$300).

Inspector guilty of misdemeanor.

Punishment.

SEC. 12. That all prosecutions for fines and penalties under the provisions of this act shall be by indictment in the Superior Court.

Indictments.

SEC. 13. That all materials, fluids, or substances offered or exposed for sale, purporting to be substitutes for or motor fuel improvers, or other motor fuels to be used for power or heating purposes, shall, before being sold, exposed, or offered for sale, be submitted to the Commissioner of Agriculture for examination and inspection, and shall only be sold or offered for sale when properly labeled with a label, the form and contents of which label has been approved by the said Commissioner of Agriculture in writing.

Substitutes submitted for examination.

Label.

SEC. 14. That every person delivering at wholesale or retail any gasoline in this State shall deliver the same to the purchaser only in tanks, barrels, casks, cans or other containers having the word "gasoline," or the name of such other like products of petroleum, as the case may be, in English, plainly stenciled or labeled in vermilion red, to meet the requirements of the regu-

Delivery

lations adopted by the Board of Agriculture under this act. Such dealer shall not deliver kerosene oil in any barrel, cask, can, or other container which has not been stenciled or labeled as hereinbefore provided. Every person purchasing gasoline for use or sale shall procure and keep the same only in tanks, barrels, casks, cans, or other container stenciled or labeled as hereinbefore provided: *Provided*, that nothing in this section shall prohibit the delivery of gasoline by hose or pipe from a tank directly into the tank of any automobile or any other motor: *Provided further*, that in case gasoline is sold in bottles, cans, or packages of not more than one gallon for cleaning and other similar purposes, the label shall also bear the words "Unsafe when exposed to heat or fire." That any person violating any of the provisions of this section shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than twenty-five dollars (\$25). It shall be the duty of the Board of Agriculture to enforce the provisions of this act.

SEC. 15. That any violation of any of the rules and regulations established by the Board of Agriculture for the enforcement of this act shall be deemed a violation of this act.

SEC. 16. That this act shall be in force from and after the first day of July, one thousand nine hundred and seventeen.

Ratified this the 6th day of March, A. D. 1917.

## CHAPTER 167

AN ACT TO AMEND CHAPTER 830 OF THE PUBLIC LAWS OF 1907, RELATING TO THE SALARY OF THE STENOGRAPHER IN THE STATE DEPARTMENT OF PUBLIC INSTRUCTION.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section six of chapter eight hundred and thirty be and the same is hereby amended by striking out in line six thereof the word "nine" and inserting in lieu thereof the word "twelve."

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

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

Ratified this 5th day of March, A. D. 1917.

## CHAPTER 168

AN ACT TO PROVIDE FOR THE CONSOLIDATION OF  
CERTAIN CRIMINAL CASES.

*The General Assembly of North Carolina do enact:*

SECTION 1. When there are several charges against any person for the same act or transactions, or for two or more acts or transactions connected together, or for two or more transactions of the same class of crimes or offenses, which may be properly joined, instead of several indictments, the whole may be joined in one indictment in separate counts; and if two or more indictments are found in such cases, the court will order them to be consolidated: *Provided*, that in such consolidating cases the defendant shall be taxed the solicitor's full fee for the first count, and half fees for each subsequent count upon which conviction is had: *Provided*, this act shall not be construed to reduce the punishment or penalty for such offense or offenses.

Joinder of indictments.

Consolidation.

Proviso: solicitor's fees.

Proviso: punishment not reduced.

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

Ratified this the 6th day of March. A. D. 1917.

## CHAPTER 169

AN ACT TO AMEND CHAPTER 196 OF THE PUBLIC LAWS  
OF 1913, RELATING TO THE TERMS OF THE SUPERIOR  
COURT OF FORSYTH COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter one hundred and ninety-six of the Public Laws of one thousand nine hundred and thirteen be amended by striking out the following: Beginning at the word "Forsyth" in line twelve from the bottom of page three hundred and twenty-six of said act and ending with the word "weeks" in line one from the bottom of said page, and insert the following: "*Forsyth County*—The ninth Monday before the first Monday in March, and continue for three weeks, the first week for the trial of civil causes exclusively and the following two weeks for the trial of civil and criminal causes; and sixth Monday before the first Monday in September, to continue for two weeks for the trial of criminal causes exclusively; the third Monday after the first Monday in March, to continue for one week for the trial of criminal causes exclusively; and the fourteenth Monday after the first Monday in September, to continue for one week for the trial of criminal causes exclusively; the third Monday before the first Monday in March, to continue for two weeks for the trial

Schedule of terms.

# DUTIES AND POWERS COUNTY SUPERINTENDENT OF PUBLIC WELFARE

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The County Superintendent of Public Welfare shall be the chief probation officer of every Juvenile Court in his county and shall have supervision over the work of any additional probation officer which may be appointed. Every probation officer shall have all the powers of a peace officer within the jurisdiction of the court which he serves. (Juvenile Court Act, 1919).

The County Superintendent of Public Welfare shall be the chief attendance officer of the county, and shall have other duties and powers as follows:

- (a) To have, under control of the County Commissioners, the care and supervision of the poor and to administer the poor funds.
- (b) To act as agent of the State Board in relation to any work to be done by the State Board within the county.
- (c) Under the direction of the State Board to look after and keep up with the condition of persons discharged from hospitals for the insane and from other State Institutions.
- (d) To have oversight of prisoners in the county on parole from penitentiaries, reformatories, and all parole prisoners in the county.
- (e) To have oversight of dependent and delinquent children, and especially those on parole or probation.
- (f) To have oversight of all prisoners in the county on probation.
- (g) To promote wholesome recreation in the county and to enforce such laws and regulate commercial amusement.
- (h) Under direction of the State Board to have oversight of dependent children placed in said county by the State Board.
- (i) To assist the State Board in finding employment for the unemployed.
- (j) To investigate into causes of distress, under direction of the State Board, and to make such other investigation in the interest of social welfare as the State Board may direct.

(Chapter 170 Laws 1917, as Amended 1919.)

ceive their necessary expenses. At this session of the General Assembly all seven of said members shall be elected, three for a term of two years, two for a term of four years, and two for a term of six years, and thereafter the term shall be six years for all. That such election shall be by concurrent vote of the General Assembly and that appointments to fill vacancies in the board arising from any cause whatsoever, except expiration of term, shall be made for the residue of such term by the Governor.

"SEC. 3914. The board shall hold meetings at least quarterly and whenever called in session by the chairman, and shall make such rules and orders for the regulation of its own proceedings as it deems proper. It shall have the following powers and duties, to wit:

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Election.

Entitlements.

Proviso: paym  
of expenses.  
Terms of office.

Vacancies.

Quarterly meet-  
ings.

Powers and  
duties.

*710*



“(a) To investigate and supervise through and by its own members or its agents or employees the whole system of the charitable and penal institutions of the State and to recommend such changes and additional provisions as it may deem needful for their economical and efficient administration.

Investigation of system of charitable and penal institutions.

Recommendations.

“(b) To study the subjects of nonemployment, poverty, vagrancy, housing conditions, crime, public amusement, care and treatment of prisoners, divorce and wife desertion, the social evil and kindred subjects and their causes, treatment and prevention, and the prevention of any hurtful social condition.

Study of social problems.

“(c) To study and promote the welfare of the dependent and delinquent child and to provide either directly or through a bureau of the board for the placing and supervision of dependent, delinquent, and defective children.

Welfare of children.

“(d) To inspect and make report on private orphanages, institutions, and persons receiving or placing children, and all such persons, institutions, and orphanages shall, before soliciting funds from the public, submit to the State Board of Charities and Public Welfare an itemized statement of the moneys received and expended and of the work done during the preceding year, and shall not solicit other funds until licensed by the State board, said statement of moneys received and expended and work done to be made each year as ordered by the State board, and said board shall have the right to make all such information public.

Inspection of private institutions.

Itemized statements from private institutions.

License by board.

“(e) To issue bulletins and in other ways to inform the public as to social conditions and the proper treatment and remedies for social evils.

Bulletins.

“(f) To issue subpoenas and compel attendance of witnesses, administer oaths, and to send for persons and paper whenever it deems it necessary in making the investigations provided for herein or in the other discharge of its duties, and to give such publicity to its investigations and findings as it may deem best for the public welfare.

Powers in procuring evidence.

Publicity of investigations.

“(g) To employ a trained investigator of social service problems who shall be known as the Commissioner of Public Welfare, and to employ such other inspectors, officers and agents as it may deem needful in the discharge of its duties.

Commissioner of public welfare.

Employees.

“(h) To recommend to the Legislature social legislation and the creation of necessary institutions.

Recommendations.

“(i) To encourage employment by counties of a county superintendent of public welfare and to coöperate with the county superintendent of public welfare in every way possible.

County superintendents of public welfare.

“(j) To attend, either through its members or agents, social service conventions and similar conventions, and to assist in promoting all helpful publicity tending to improve social conditions of the State, and to pay out of the funds appropriated to the State

Attendance on conventions.

Promotion of publicity.



of civil causes exclusively; the first Monday after the first Monday in March, to continue for two weeks for the trial of civil causes exclusively; the eleventh Monday after the first Monday in March, to continue for three weeks for the trial of civil causes exclusively; the first Monday after the first Monday in September, to continue for three weeks for the trial of civil causes exclusively; the ninth Monday after the first Monday in September, to continue for two weeks for the trial of civil causes exclusively; the fourth Monday after the first Monday in September, to continue for two weeks for the trial of civil and criminal causes."

SEC. 2. This act shall be in force from and after its ratification. Ratified this the 6th day of March, A. D. 1917.

CHAPTER 170

AN ACT TO REPEAL CHAPTER 85 OF THE REVISAL OF 1905 AND SUBSTITUTE IN LIEU THEREOF A NEW CHAPTER CREATING "THE STATE BOARD OF CHARITIES AND PUBLIC WELFARE" AND DEFINING ITS DUTIES AND POWERS.

*The General Assembly of North Carolina do enact:*

Election.

Entitlements.

Proviso: payment  
of expenses.  
Terms of office.

Vacancies.

Quarterly meet-  
ings.

Powers and  
duties.

SECTION 1. That chapter eighty-five of the Revisal of one thousand nine hundred and five be and the same is hereby repealed and the following enacted in lieu thereof, the numbers of the paragraphs herein to correspond with the numbers of corresponding paragraphs in said Revisal of one thousand nine hundred and five, to wit:

"SEC. 3913. There shall be elected by the General Assembly, upon the recommendation of the Governor, seven persons who shall be styled 'The State Board of Charities and Public Welfare,' and at least one of such persons shall be a woman, which persons shall serve without pay: *Provided, however,* that they shall receive their necessary expenses. At this session of the General Assembly all seven of said members shall be elected, three for a term of two years, two for a term of four years, and two for a term of six years, and thereafter the term shall be six years for all. That such election shall be by concurrent vote of the General Assembly and that appointments to fill vacancies in the board arising from any cause whatsoever, except expiration of term, shall be made for the residue of such term by the Governor.

"SEC. 3914. The board shall hold meetings at least quarterly and whenever called in session by the chairman, and shall make such rules and orders for the regulation of its own proceedings as it deems proper. It shall have the following powers and duties, to wit:

“(a) To investigate and supervise through and by its own members or its agents or employees the whole system of the charitable and penal institutions of the State and to recommend such changes and additional provisions as it may deem needful for their economical and efficient administration.

Investigation of system of charitable and penal institutions.

Recommendations.

“(b) To study the subjects of nonemployment, poverty, vagrancy, housing conditions, crime, public amusement, care and treatment of prisoners, divorce and wife desertion, the social evil and kindred subjects and their causes, treatment and prevention, and the prevention of any hurtful social condition.

Study of social problems.

“(c) To study and promote the welfare of the dependent and delinquent child and to provide either directly or through a bureau of the board for the placing and supervision of dependent, delinquent, and defective children.

Welfare of children.

“(d) To inspect and make report on private orphanages, institutions, and persons receiving or placing children, and all such persons, institutions, and orphanages shall, before soliciting funds from the public, submit to the State Board of Charities and Public Welfare an itemized statement of the moneys received and expended and of the work done during the preceding year, and shall not solicit other funds until licensed by the State board, said statement of moneys received and expended and work done to be made each year as ordered by the State board, and said board shall have the right to make all such information public.

Inspection of private institutions.

Itemized statements from private institutions.

License by board.

“(e) To issue bulletins and in other ways to inform the public as to social conditions and the proper treatment and remedies for social evils.

Bulletins.

“(f) To issue subpoenas and compel attendance of witnesses, administer oaths, and to send for persons and paper whenever it deems it necessary in making the investigations provided for herein or in the other discharge of its duties, and to give such publicity to its investigations and findings as it may deem best for the public welfare.

Powers in procuring evidence.

Publicity of investigations.

“(g) To employ a trained investigator of social service problems who shall be known as the Commissioner of Public Welfare, and to employ such other inspectors, officers and agents as it may deem needful in the discharge of its duties.

Commissioner of public welfare.

Employees.

“(h) To recommend to the Legislature social legislation and the creation of necessary institutions.

Recommendations.

“(i) To encourage employment by counties of a county superintendent of public welfare and to coöperate with the county superintendent of public welfare in every way possible.

County superintendents of public welfare.

“(j) To attend, either through its members or agents, social service conventions and similar conventions, and to assist in promoting all helpful publicity tending to improve social conditions of the State, and to pay out of the funds appropriated to the State

Attendance on conventions.

Promotion of publicity.

Payment of expenses	board office expenses, salaries of employees, and all other expenses incurred in carrying out the duties and powers hereinbefore set out.
County boards.	"SEC. 3915. The county commissioners of any counties of the State shall have the right and power to create the county board of charities and public welfare and to employ a county superintendent of public welfare; that such county board shall consist of three persons to be appointed by the county commissioners by and with the advice and consent of the State board; that the said county board shall serve without compensation, and that no one shall be appointed county superintendent of public welfare who has not a certificate of qualification from the State board. The said county superintendent of public welfare shall serve at the pleasure of the county commissioners; that the powers and duties of the county superintendent of public welfare shall be as follows:
County superintendents.	
Certificate of qualification.	
Powers and duties of county superintendent.	"(a) To have under control of the county commissioners the care and supervision of the poor and to administer the poor funds.
Care and supervision of poor.	"(b) To act as agent of the State board in relation to any work to be done by the State board within the county.
Agent of state board.	"(c) Under the direction of the State board to look after and keep up with the condition of persons discharged from hospitals for the insane and from other State institutions.
Condition of persons discharged from institutions.	"(d) To have oversight of prisoners in the county on parole from penitentiaries, reformatories, and all parole prisoners in the county.
Oversight of prisoners on parole.	"(e) To have oversight of dependent and delinquent children, and especially those on parole or probation.
Oversight of dependent and delinquent children.	"(f) To have oversight of all prisoners in the county on probation.
Oversight of prisoners on probation.	"(g) To promote wholesome recreation in the county and to enforce such laws as regulate commercial amusement.
To promote recreation and enforce laws as to commercial amusement.	"(h) Under the direction of the State board to have oversight of dependent children placed in said county by the State board.
Oversight of dependent children.	"(i) To assist the State board in finding employment for the unemployed.
Assist in finding employment.	"(j) To investigate into the cause of distress, under the direction of the State board, and to make such other investigations in the interest of social welfare as the State board may direct.
Investigation of duties and in interest of social welfare.	"The State board shall have power and right at any time to remove any member of the county board.
Power of state board to remove.	"SEC. 3916. The board shall also give special attention to the causes of insanity, defect or loss of the several senses, idiocy and the deformity and infirmity of the physical organization. They shall, besides their own observation, avail themselves of correspondence and exchange of facts of the labors of others in these
Causes of insanity, deficiency, idiocy, deformity and like matters.	
Collection and exchange of facts.	

departments, and thus be able to afford the General Assembly data to guide them in future legislation for the amelioration of the condition of the people, as well as to contribute to enlighten public opinion and direct it to interests so vital to the prosperity of the State. The State board shall keep and report statistics of the matters hereinbefore referred to and shall compile these reports and analyze them with a view of determining and removing the cause in order to prevent crime and distress. Statistics.

"SEC. 3917. The State board shall have power to inspect county jails, county homes, and all prisons and prison camps and other institutions of a penal or charitable nature, and to require reports from sheriffs of counties and superintendents of public welfare and other county officers in regard to the conditions of jails or almshouses, or in regard to the number, sex, age, physical and mental condition, criminal record, occupation, nationality and race of inmates, or such other information as may be required by said State board. The plans and specifications of all new jails and almshouses shall, before the beginning of the construction thereof, be submitted for approval to the State board. Inspections.  
Reports from officers.  
Plans of jails and almshouses.

"SEC. 3918. The State board shall biennially prepare and submit to the General Assembly a complete and full report of its doings during the preceding two years, showing the actual condition of all the State institutions under its supervision with such suggestions as it may deem necessary and pertinent, which shall be printed by the State Printer, and shall report such other matters as it may think for the benefit of the people of the State. Reports to general assembly.

"SEC. 3919. Whenever the board shall have reason to believe that any insane person, not incurable, is deprived of proper remedial treatment, and is confined in any almshouse or other place, whether such insane person is a public charge or otherwise, it shall be the duty of the said board to cause such insane person to be conveyed to the proper State hospital for the insane, there to receive the best medical attention. So also it shall be their care that all the unfortunate shall receive benefit from the charities of the State. To secure admission to hospital.

"SEC. 3920. The board may require the superintendents or other officers of the several charitable and penal institutions of the State to report to them of any matter relating to the inmates of such institutions, their manner of instruction and treatment, with structure of their buildings, and to furnish them any desired statistics upon demand. No person shall be appointed to any place or position in any of the State institutions under the supervision of the State board who is related by blood or marriage to any member of the State board or to any of the principal officers, superintendents, or wardens of State institutions. Reports from state institutions.  
Persons not eligible to appointments.

"SEC. 3921. The county board of charities and public welfare, hereinbefore provided for, shall be elected one for one year, one Terms of county boards.



Chairman.	for two years and one for three years, and subsequent elections shall be for a term of three years. These persons so elected shall meet and organize by electing a chairman. In case the county commissioners elect a county superintendent of public welfare, he shall act as secretary. The said county board of charities and public welfare shall meet at least once a month with the county superintendent of public welfare and advise with him in regard to problems pertaining to his office. In those counties where the population is not more than twenty-five thousand the county commissioners may appoint the county superintendent of public instruction as the county superintendent of public welfare, but no person shall be appointed as county superintendent of public welfare who has not a certificate of qualification from the State board. The county superintendent of public welfare may also, if requested by the proper authorities, act as truant officer of the county. The said county superintendent of public welfare shall receive such salary as may be fixed by the board of county commissioners, and the same is to be paid by said county."
Secretary.	
Monthly meetings.	
Joinder of offices.	
Certificate of qualification.	
Salary.	
Repealing clause.	SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed, and so much, and only so much, of chapter one hundred and one (101) of the Revisal of one thousand nine hundred and five, or acts amendatory thereof, as conflict with this act or duplicate duties required by this act and by said chapter, are hereby repealed.
	SEC. 3. This act shall be in force from and after its ratification. Ratified this the 6th day of March, A. D. 1917.

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## CHAPTER 171

### AN ACT TO PROVIDE A GARDEN FOR THE MANSION.

*The General Assembly of North Carolina do enact:*

Land set apart.	SECTION 1. That section four thousand five hundred and forty-nine of the Revisal of one thousand nine hundred and five be amended by adding at the end thereof the following: "The directors of the State Hospital at Raleigh are authorized and directed to set apart two acres of land belonging to the hospital to be used as a garden for the Executive Mansion. The directors are further authorized to have said garden cultivated, the actual expense of said cultivation to be paid by the Governor."
Cultivation.	
	SEC. 2. This act shall be in force from and after its ratification. Ratified this the 6th day of March, A. D. 1917.



## CHAPTER 172

## AN ACT TO PREVENT THE FRAUDULENT SALE OF ADULTERATED OR MISBRANDED LINSEED OIL AND TO PROVIDE FOR THE INSPECTION OF SAME.

*The General Assembly of North Carolina do enact:*

SECTION 1. That for the purpose of protection of the people of the State from imposition by the fraudulent sale of adulterated or misbranded linseed oil or flaxseed oil as pure linseed oil or flaxseed oil, the Board of Agriculture shall cause inspection to be made from time to time and samples of such oil offered for sale in the State obtained, and shall cause the same to be analyzed or examined or tested by the oil chemist or other experts of the Department of Agriculture for the purpose of ascertaining or determining if same is adulterated or misbranded within the meaning of this act or is otherwise offered for sale in violation of this act. Inspection and analysis.

SEC. 2. That the term raw linseed oil as used herein shall be construed to mean the oil obtained wholly from commercially pure linseed or flaxseed, and the term boiled linseed oil as used herein shall be construed to mean linseed oil that has been heated in the process of its manufacture to a temperature of not less than two hundred and twenty-five degrees Fahrenheit. Terms defined.

SEC. 3. For the purpose of this act linseed oil shall be deemed to be adulterated: if it be not wholly the product of commercially pure and well cleaned linseed or flaxseed, and unless the oil also fulfills the requirements of the chemical test for pure linseed oil, described in the nineteen hundred edition of the United States Pharmacopœia. Oil deemed adulterated.

SEC. 4. That no person, firm, or corporation, by himself or agent or as the agent of any other person, firm or corporation, shall manufacture or mix for sale, sell, offer or expose for sale, or have in his possession with intent to sell under the name of raw linseed oil or boiled linseed oil or under any name or device that suggests raw or boiled linseed oil, any article which is not wholly the product of commercially pure linseed or flaxseed, or that is adulterated or misbranded within the meaning of this act, except as is hereinafter provided, and any manufacturer, wholesaler or jobber, desiring to do business in the State shall file with the Commissioner of Agriculture a statement to that effect and furnish the name of the oil or oils which he proposes to sell by sample or otherwise, and that the oil or oils will comply with the requirements of this act. Manufacture, sale, offering for sale, or keeping for sale adulterated or misbranded oil unlawful. Statement to be filed.

SEC. 5. That boiled linseed oil which has been heated to a temperature of not less than two hundred and twenty-five de- Drying agents.

Proviso: name and per cent stated.

Proviso: statement printed.

Compounds, imitations, and substitutes.

Proviso: container marked.

Contents stated on containers.

Entry for inspection.

Samples furnished purchasers.

Violation of act.

grees Fahrenheit may contain drying agents not to exceed four per cent by volume, provided that the name and per cent of each drying agent present be plainly stated in connection with the name of the oil on the receptacle containing same, and provided, further, that the statement is printed in letters that meet the requirements of the regulations adopted by the Board of Agriculture under this act.

SEC. 6. That nothing in this act shall be construed to prohibit the sale of compound linseed oil, or imitation linseed oil, or any substance to be used as a substitute for linseed oil, provided the receptacle containing same shall be plainly and legibly stamped, stenciled, or marked compound linseed oil, or imitation oil, or with the name of the substance to be used for linseed oil as the case may be, and provided, further, that the name is stenciled or marked on the container of same in a manner that will meet the requirements of the regulations adopted by the Board of Agriculture under this act.

SEC. 7. That before any raw linseed oil or any boiled linseed oil or any boiled linseed oil with drying agents added or any compound linseed oil or any imitation linseed oil or any other substance used or intended to be used as a substitute for linseed oil shall be sold or offered for sale in this State, the container in which same is kept for sale or sold shall have distinctly, legibly and durably painted, stamped, stenciled, or marked thereon the true name of such oil or substance, setting forth in bold-face capital letters that meet the regulations prescribed by the Board of Agriculture, whether it be raw linseed oil or boiled linseed oil with drying agent added, or a compound linseed oil or an imitation linseed oil or a substitute for linseed oil, as the case may be; and the container, if a wholesale package, shall also bear the name and address of the manufacturer or jobber of such oil.

SEC. 8. That the inspectors or agents of the Department of Agriculture, authorized to make inspection under this act, shall have authority, during business hours, to enter all stores, warehouses, or any other place where products named in this act are stored or sold or offered for sale, for the purpose of inspection and obtaining samples of such products. Every person who offers for sale or delivers to a purchaser any article named in this act shall furnish within business hours and upon the payment or tender of the selling price, a sample of such product to any person duly authorized to secure the same, and who shall apply to such vender for such sample of such article in his possession; and any dealer or vender who refuses to comply, upon demand, with the requirements of this section, or any person who shall impede, hinder, or obstruct or otherwise prevent or attempt to prevent any chemist, inspector, or agent of the Department in

the performance of his duty in connection with this act, shall be guilty of a violation of the act.

SEC. 9. That any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor, and for such offense, upon conviction thereof, shall be fined not exceeding one hundred dollars for the first offense and for each subsequent offense in the discretion of the court; and the oil offered for sale in violation of this act shall be subject to seizure, condemnation, and sale by the Commissioner of Agriculture, as is provided for the seizure, condemnation, and sale of commercial fertilizer; and the proceeds thereof, if sold, less the legal cost and charges, shall be paid into the treasury for the use of the Department of Agriculture in executing the provisions of this act.

Violation of act  
misdemeanor.

Punishment.

Seizure, con-  
demnation and  
sale of oil.

Proceeds to use  
of department.

SEC. 10. That if it shall appear from the inspection or other examination of oils that any of the provisions of this act have been violated, besides the action above provided for, the Commissioner of Agriculture shall certify the facts to the solicitor in the district in which the violation was committed, and furnish the officer with the facts in the case, duly authenticated by the expert, under oath, who made the examination, and it shall be the duty of the solicitor to prosecute such cases for fines and penalties provided for in this act in courts of competent jurisdiction.

Certificate to  
solicitor.

Solicitor to  
prosecute.

SEC. 11. That for the purpose of defraying expenses incurred in the enforcement of the provisions of this act there shall be paid to the Commissioner of Agriculture an inspection tax of one-half cent per gallon for any and all linseed oil or compound linseed oil or any substance used or intended to be used as a substitute for linseed oil, which payment shall be made before the delivery of such oil to any agent, retail dealer, or consumer in this State. Each can, barrel, tank, or other container of oils named in this act shall have attached thereto an inspection tag or stamp stating that the inspection charges specified in this act have been paid; and the Commissioner of Agriculture, with the advice and consent of the board, is hereby authorized to prescribe a form for such tags or stamps: *Provided*, that they shall be such as to meet the requirements of the trade of linseed oil.

Tax.

Containers to  
have tag attached.

Form of tags.

Proviso: require-  
ments of trade.

SEC. 12. That the refilling of a container bearing an inspection tag or stamp on which the inspection tax has not been paid or the use of an inspection tag or stamp a second time shall constitute a violation of this act.

Refilling con-  
tainer.

SEC. 13. That the Board of Agriculture is hereby authorized to adopt such rules and regulations in regard to handling linseed oil, refilling containers and use of inspection tags or stamps a second time, as will insure the enforcement of the provisions of this act, and a violation of the said rules or regulations shall constitute a violation of this act.

Rules and regu-  
lations.

Guaranty in bar  
of prosecution.

Specifications as  
to guaranty.

Proviso: limita-  
tion of protection.

Repealing clause.

When act effective.

SEC. 14. That no dealer shall be prosecuted under the provisions of this act when he can establish a guaranty signed by the manufacturer, jobber, wholesaler, or other party from whom he purchased such article, to the effect that the same is not adulterated or misbranded within the meaning of this act, designating it. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such article to such dealer, and in such cases said party or parties, if in this State, shall be amenable to the prosecutions, fines, and other penalties which would attach, in due course to the dealer under the provisions of this act: *Provided*, that the above guaranty shall not afford protection to any dealer after the first offense in connection with a product from a particular manufacturer, jobber, or wholesaler, or for the sale of oil which is not properly labeled, branded, stamped, or tagged, or on which the inspection tax has not been paid.

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 July first, one thousand nine hundred and seventeen.

Ratified this the 6th day of March, A. D. 1917.

## CHAPTER 173

AN ACT TO CORRECT AN ERROR IN ENROLLING HOUSE BILL 733, SENATE BILL 932, SESSION OF 1917, ENTITLED "AN ACT TO AMEND CHAPTER 65 OF THE REVISAL OF 1905, RELATING TO ROADS, BRIDGES, AND FERRIES, BEING SECTION 2696 OF THE REVISAL."

*The General Assembly of North Carolina do enact:*

SECTION 1. That House bill seven hundred and thirty-three, Senate bill nine hundred and thirty-two, ratified March first, nineteen hundred and seventeen, be and the same is hereby amended by adding at the end of subsection (b) of section two thousand six hundred and ninety-six the following: "*Provided*, that the total cost to any county for any one bridge shall not exceed forty thousand dollars."

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

Ratified this the 6th day of March, A. D. 1917.

Proviso: limit of  
cost.

## CHAPTER 174

AN ACT TO AMEND HOUSE BILL 700, SENATE BILL 367, SAID BILL BEING A BILL ENTITLED "A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE SALE OF PUBLIC BONDS WITHOUT NOTICE."

*The General Assembly of North Carolina do enact:*

SECTION 1. That the words "board of aldermen or other governing body of any city or town," in lines two and three of section one of House bill number seven hundred, Senate bill number three hundred and sixty-seven, be stricken out. Sale of municipal bonds.

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

Ratified this the 6th day of March, A. D. 1917.

## CHAPTER 175

AN ACT TO REPEAL CHAPTER 126 OF PUBLIC LAWS OF NORTH CAROLINA, SESSION 1915, BEING AN ACT TO PROVIDE AN ADDITIONAL TERM OF COURT FOR THE COUNTY OF HOKE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter one hundred and twenty-six of the Public Laws of North Carolina, session one thousand nine hundred and fifteen, being an act to provide for an additional term of court for the county of Hoke, be and the same is hereby repealed. Law repealed.

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

Ratified this the 6th day of March, 1917.

## CHAPTER 176

AN ACT TO AMEND SECTIONS 4359 AND 4374 OF THE REVISAL OF 1905, RELATING TO ELECTIONS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section four thousand three hundred and fifty-nine of the Revisal of one thousand nine hundred and five be and the same is hereby amended by adding after the words "Secretary of State," in lines two and three, and after the same words in line four, the words "or Board of State Canvassers." Power to compel returns.

SEC. 2. That section four thousand three hundred and seventy-four of the Revisal of one thousand nine hundred and five be and the same is hereby amended by striking out from lines two, Delivery to state boards.



three, and four the words "within three days after the expiration of the time hereinbefore provided for the delivery to him of said certificates and returns, shall deliver the same to the State Board of Canvassers," and inserting in lieu thereof the following: "shall upon the meeting of the Board of State Canvassers at their meeting as provided in section four thousand three hundred and fifty-eight, deliver said certificates to the said Board of State Canvassers"; and the said section four thousand three hundred and seventy-four be and the same is further amended by striking out the word "ten" in line sixteen, and inserting in lieu thereof the word "twenty."

Adjournment.

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

Ratified this the 6th day of March, A. D. 1917.

## CHAPTER 177

### AN ACT TO RECONSTRUCT THE HICKORY NUT GAP ROAD.

*The General Assembly of North Carolina do enact:*

Declaration of  
state road.

SECTION 1. Whereas the part of the Hickory Nut Gap road lying in Henderson County was declared a State road by chapter five hundred and thirty-nine, section one of the Acts of the General Assembly of nineteen hundred and thirteen; and whereas a large portion of this road was destroyed by the flood of July, nineteen hundred and sixteen, it is herewith provided that this road be reconstructed by the State, coöperating with the Federal Government under the provisions of the "Federal Aid Road Act" passed by the last session of the Congress of the United States.

Destruction.

Reconstruction.

State's prison to  
furnish convicts.

SEC. 2. That the board of directors of the State's Prison is herewith directed to furnish as many convicts as possible, not less than seventy-five, for a period of not less than one hundred and twenty (120) working days, to be used for the reconstruction of this said road under the supervision and control of the State Highway Commission under the plans and specifications agreed upon by the United States Secretary of Agriculture and the State Highway Commission; the said convicts shall be detailed for this work within thirty (30) days after the United States Department and the State Highway Commission have completed the arrangements and agreed upon the project requirements.

Time of detail.

Expense of con-  
victs.

SEC. 3. That the cost of guarding, keeping, clothing, equipping, and all other expenses of the convicts detailed for such road work herein provided for shall be paid by the penitentiary authorities.

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

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

Ratified this the 6th day of March, A. D. 1917.

## CHAPTER 178

AN ACT TO REPEAL CHAPTER 48 OF PUBLIC LAWS, EXTRA SESSION 1913, BEING AN ACT TO AMEND SECTION 1 OF CHAPTER 196, PUBLIC LAWS OF 1913, RELATIVE TO THE DIVISION OF THE STATE INTO JUDICIAL DISTRICTS AND THE HOLDING OF COURTS THEREIN.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter forty-eight of the Public Laws. extra Law repealed. session one thousand nine hundred and thirteen, relative to the Superior Courts of Hoke County, be and the same is hereby repealed.

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

Ratified this the 6th day of March, A. D. 1917.

## CHAPTER 179

AN ACT TO AMEND CERTAIN SECTIONS OF CHAPTER 101 OF THE PUBLIC LAWS OF 1915, THE SAME BEING AN ACT TO PROVIDE FOR PRIMARY ELECTIONS THROUGHOUT THE STATE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section twenty-one, chapter one hundred and one of the Public Laws of one thousand nine hundred and fifteen be and the same is hereby amended by striking out the word "six" from line twelve and inserting in lieu thereof the word "four." Time for keeping ballots.

SEC. 2. That section twenty-four, chapter one hundred and one of the Public Laws of one thousand nine hundred and fifteen be and the same is hereby amended by adding after the word "declared," in line seventeen, the following: "and such aspirant has been notified by the appropriate board of elections." Request for second primary.

SEC. 3. That section thirty-three, chapter one hundred and one of the Public Laws of one thousand nine hundred and fifteen be and the same is hereby amended by adding thereto the follow-

Proviso: nominations to fill vacancies.

Tickets and method of voting.

ing: "Provided, that should a vacancy occur in any office after the primary has been held, a nomination shall be made in like manner as above provided, and the name of the person so nominated shall be placed on the official ballot."

SEC. 4. That section thirty-two, chapter one hundred and one of the Public Laws of one thousand nine hundred and fifteen be and the same is hereby repealed.

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

Ratified this the 6th day of March, A. D. 1917.

### CHAPTER 180

#### AN ACT TO REQUIRE STATE DEPARTMENTS AND INSTITUTIONS TO MAKE REPORTS AND ESTIMATES OF EXPENDITURES BEFORE THE CONVENING OF THE GENERAL ASSEMBLY.

*The General Assembly of North Carolina do enact:*

Blanks.

Details of expenditures.

Details of requirements.

Reports.

Explanatory statements.

Items.

SECTION 1. That not less than sixty days before the beginning of each regular session of the General Assembly the Legislative Reference Librarian shall send to the head of each administrative department of the State Government and to each board or commission in charge of any educational, charitable, penal, or other institution supported wholly or in part by appropriation from the State Treasury, a blank form to be filled out by such head of department, board, or commission, with an itemized statement of the amounts of money which have been expended during the two preceding years ending June thirtieth of each year, together with an itemized statement of the amounts of moneys which in the opinion of such head of department, board, or commission will be required for the proper support and maintenance of the department or institution in his or their charge during each of the two years next ensuing. The officers, boards, and commissions receiving such blanks shall return them, properly filled out and accompanied by such brief explanatory statements as they may deem proper, to the Legislative Reference Librarian not less than thirty days before the opening of the regular session of the General Assembly. Such reports shall contain a summary of expenditures, including among other general items, the following: (1) Salaries, (2) Fees and wages, (3) Supplies, (4) Equipment, (5) Land, (6) Permanent improvements, (7) Such other and further subdivisions as may be necessary to show a detailed account of expenditures on behalf of each of said departments and institutions, and such summary shall cover in full the total expenditures for each year.

SEC. 2. Upon receipt of the reports herein provided for, it shall be the duty of the Legislative Reference Librarian to tabulate the same so that a comparative study may be made of previous expenditures and appropriations requested, and publish the same in pamphlet form and distribute one copy each of such pamphlets to the various State officers and heads of State institutions, and to each member-elect of the General Assembly.

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

Ratified this the 6th day of March, A. D. 1917.

## CHAPTER 181

AN ACT TO REGULATE THE DUTY OF STUDENTS IN TRAINING TO BECOME NURSES, IN MEDICAL AND SURGICAL INSTITUTIONS IN THIS STATE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the words "medical and surgical institution" in this act shall mean any and all hospitals, sanitariums, sanatoriums or any other institution whose purpose it is to care for the sick in this State. Medical and surgical institution defined.

SEC. 2. The word "student" in this act shall mean any and all female persons engaged in the care of the sick in any medical or surgical institution in this State: *Provided*, this act shall not apply to registered nurses. Student defined.

SEC. 3. That it shall be unlawful for any medical or surgical institution or the agent or employee of the same, in this State, to require, or cause to be required, any student to remain on duty for a longer period than twelve hours in any day of twenty-four hours. Hours of duty.

SEC. 4. That it shall not be unlawful for any medical or surgical institution, or the agent or employee of the same, in this State, to require or cause to be required any student to remain on duty for a period of sixteen hours in special and emergency cases: *Provided*, sleeping facilities are furnished in the room in which special duty is required: *Provided further*, the student is given the opportunity to sleep for at least half the period on special duty. Special or emergency cases. Proviso: sleeping facilities. Proviso: sleep on special duty.

SEC. 5. That it shall be unlawful for any medical or surgical institution, or the agent or employee of the same, in this State, to require or cause to be required any student to remain on duty for more than eighty hours in any week of seven days. Week's work.

SEC. 6. That it shall be unlawful for any medical or surgical institution, or the agent or employee of the same, in this State, to require or cause to be required any student to receive less for her Reduction of pay.

services than she is receiving at the date of the ratification of this act.

Conflicting orders.

SEC. 7. That it shall be unlawful for any medical or surgical institution, or the agent or employee of the same, in this State, to issue, orally or in writing, any orders conflicting in any way with the provisions of this act.

Seats for students.

SEC. 8. That it shall be the duty of every medical or surgical institution in this State, or the agent or employee in charge of the same, to furnish comfortable seats for all students for their use while not actively engaged in the care of their patients.

Hours for students.

SEC. 9. That it shall be the duty of every medical or surgical institution in this State, or the agent or employee in charge of the same, maintaining a home for students of such institution, to keep such home properly heated, ventilated, and in a sanitary condition.

Act to be printed and posted.

SEC. 10. That it shall be the duty of every medical or surgical institution in this State, or the agent or employee in charge of the same, to print, or cause to be printed, all the provisions of this act upon cardboard, in type large enough that a person with normal sight can read the same at a distance of six feet. It shall be the further duty of such institution or persons in charge of the same to post or have posted a copy of this act upon the wall of every room and ward in which patients are placed.

Violation of act misdemeanor.

SEC. 11. That any medical or surgical institution, or the agent or employee of the same, in this State violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars nor more than two hundred dollars, or imprisoned, in the discretion of the judge presiding: *Provided*, that each violation of any of the provisions of this act shall constitute a separate offense.

Punishment.

Proviso: separate offenses.

Semiannual inspections.

SEC. 12. That the city health officer, if there is such an officer, and if not, the county health officer, in the city or county in which any medical or surgical institution is situated, is hereby empowered and authorized to make personal investigation and inspection semiannually, on or about the first day of July and the first day of January in each and every year next after the passage of this act, of any and all such institutions and homes of students of such institutions, and it shall be the duty of such health officer to report to the prosecuting attorney in the city or county recorder's court, if there be such court, and if not, to the solicitor of the judicial district, any and all violations of any of the provisions of this act, furnishing to such prosecuting attorney or solicitor any and all information which will aid in the conviction of the institution or institutions, person or persons violating the provisions of this act.

Report to prosecuting officers.

When act effective.

SEC. 13. That this act shall be in force and effect from and after June first, one thousand nine hundred and seventeen.

Ratified this the 6th day of March, A. D. 1917.



## CHAPTER 182

## AN ACT TO REQUIRE THE REGISTER OF DEEDS OR AUDITOR IN EACH COUNTY TO KEEP ON FILE A LIST OF STATUTES AUTHORIZING SPECIAL TAX LEVIES.

*The General Assembly of North Carolina do enact:*

SECTION 1. The register of deeds in each county, or the auditor in those counties having county auditors, must keep on file and subject to inspection by the public a list of the statutes authorizing a special tax levy in their respective counties, showing the year in which such special tax levy was authorized by the General Assembly of North Carolina and the chapter of the Public Laws containing the authority for such special levy.

Lists to be filed subject to inspection.

SEC. 2. Upon payment of a fee of one dollar the register of deeds or county auditor shall furnish to any one making application therefor a certified copy of said list of statutes.

Fee for certified copy.

SEC. 3. This act shall be in force from and after its ratification. Ratified this the 6th day of March, A. D. 1917.

## CHAPTER 183

## AN ACT TO FACILITATE THE PROBATE OF WILLS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That where one or more of the subscribing witnesses to the will of a testator, resident in this State, reside in another State, the examination of such witness or witnesses may be had, taken and subscribed, in the form of an affidavit, before a notary public residing in such county and State as such witness or witnesses reside; and such affidavit or affidavits, so taken and subscribed, shall be transmitted by such notary public, under his hand and official seal, to the clerk of the court before whom such will has been filed for probate; and if such affidavit or affidavits are, upon examination by such clerk, found to establish such facts as are necessary to be established before said clerk, to authorize the probate of such will, had the witness or witnesses appeared before him personally, then it shall be the duty of, and said clerk shall have power to order said will to probate, and record such will with the same effect as if the subscribing witnesses had appeared before him in person and been examined under oath.

Examination of nonresident witnesses

Will ordered to probate and record.

SEC. 2. This act shall be in force from and after ratification. Ratified this the 6th day of March, A. D. 1917.

## CHAPTER 184

AN ACT TO REPEAL HOUSE BILL 1596, SENATE BILL 1226, RATIFIED MARCH 5, 1917, ENTITLED "AN ACT TO REPEAL CHAPTER 101 OF THE PUBLIC LAWS OF 1915."

*The General Assembly of North Carolina do enact:*

Act repealed.

SECTION 1. That House bill one thousand five hundred and ninety-six, Senate bill one thousand two hundred and twenty-six, ratified March fifth, one thousand nine hundred and seventeen, entitled "An act to repeal chapter one hundred and one of the Public Laws of one thousand nine hundred and fifteen," be and the same is hereby repealed.

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

Ratified this the 6th day of March, A. D. 1917.

## CHAPTER 185

AN ACT SUPPLEMENTAL TO AN ACT AUTHORIZING THE ISSUE OF BONDS OF THE STATE FOR PERMANENT ENLARGEMENT AND IMPROVEMENTS OF THE STATE'S EDUCATIONAL AND CHARITABLE INSTITUTIONS.

Preamble: provision and appropriation omitted.

Whereas, in the bill authorizing the issuing of three million dollars of bonds for the enlargement and improvement of the State's educational and charitable institutions of the State no provision is made for the construction and equipment of buildings on the eighty-acre tract of land purchased by the State for the Blind Institution, and no appropriation made for the permanent improvement of said institution: Now, therefore, for the purpose of making provision for the construction and equipment of said buildings and permanent improvements for said institution,

*The General Assembly of North Carolina do enact:*

Appropriation for building.

SECTION 1. That there be and is hereby appropriated out of the general funds of the Treasury of the State of North Carolina, not otherwise appropriated, the sum of one hundred and fifty thousand dollars (\$150,000), to be applied in the construction and equipment of buildings on the eighty-acre tract of land purchased by the State for the Institution of the Blind at Raleigh.

Supervision of building.

SEC. 2. That the construction and equipment of said buildings shall be under the authority and supervision of the State Building Commission, referred to in section seven of said bill.

Other appropriations not affected. Proviso: fund to be borrowed.

SEC. 3. That the appropriation herein made shall not interfere with other appropriations made by this General Assembly: *Provided*, that if the income of the State be insufficient to meet all

appropriations, the Treasurer of the State is hereby authorized and directed to borrow sufficient funds to meet the appropriations provided for in section one of this act.

SEC. 4. This act shall be in force from and after its ratification. Ratified this the 6th day of March, A. D. 1917.

## CHAPTER 186

### AN ACT TO IMPROVE THE SOCIAL AND EDUCATIONAL CONDITIONS IN RURAL COMMUNITIES.

*The General Assembly of North Carolina do enact:*

SECTION 1. It shall be the duty of the State Superintendent of Public Instruction to provide for a series of rural entertainments, varying in number and cost and consisting of moving pictures selected for their entertaining and educational value, which entertainments may be given in the rural school houses of the State as herein provided. Rural entertainments.

SEC. 2. The cost of such entertainment shall be borne one-third by the State and two-thirds by the county board of education or the rural school community desiring said entertainment. Apportionment of cost.

SEC. 3. It shall be the duty of the State Superintendent of Public Instruction to inform the various county boards of education of the number, character, and cost of the entertainments provided by him under the provisions of this act; and upon application of any county board of education, agreeing to pay two-thirds of the cost of any of said entertainments it shall be the duty of the State Superintendent of Public Instruction to provide for the giving of such entertainments in the rural school house or houses designated in said application. Any rural school community shall be entitled to the benefits of this act by depositing with its county board of education two-thirds of the cost of entertainments desired, and in all cases it shall be the duty of the county board of education receiving such deposits to make immediate application to the State Superintendent of Public Instruction as herein provided. Information as to entertainments.  
Applications for entertainments.  
Deposit for cost.

SEC. 4. The State Board of Health and the Commissioner of Agriculture are hereby authorized and directed to coöperate with the State Superintendent of Public Instruction in arranging for the entertainments provided for by this act to the end that said entertainment may, if it is deemed advisable, include the subjects of public health and agriculture. Coöperation of departments.

SEC. 5. In order to carry out the provisions of this act the sum of twenty-five thousand dollars per annum is hereby appropriated out of the general funds of the State not otherwise appropriated. Appropriation.

to be expended by the State Board of Education under the direction and supervision of the State Superintendent of Public Instruction.

SEC. 6. This act shall be in full force from and after its ratification.

Ratified this the 6th day of March, A. D. 1917.

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## CHAPTER 187

### AN ACT TO AMEND SECTION 2686 OF THE REVISAL, WITH REGARD TO CARTWAYS.

*The General Assembly of North Carolina do enact:*

Cartways to  
mines.

SECTION 1. That section two thousand six hundred and eighty-six of the Revisal of one thousand nine hundred and five be and the same is hereby amended by inserting between the word "timber," in line two, and the word "to," in line three, a comma, and the following: "or be working any mines or minerals."

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

Ratified this the 6th day of March, A. D. 1917.

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## CHAPTER 188

### AN ACT TO AMEND SECTION 4 OF CHAPTER 525, PUBLIC LAWS OF 1909 OF NORTH CAROLINA, BEING A PART OF THE PUBLIC SCHOOL LAW.

*The General Assembly of North Carolina do enact:*

Action ordered.

SECTION 1. That section four of chapter five hundred and twenty-five, Public Laws of nineteen hundred and nine of North Carolina, be and the same are hereby amended by inserting in line nine thereof, after the word "section" and before the word "indorsed," the following words: "the same shall be," and after the word "education" and before the word "the," in line ten thereof, insert the word "and"; and in line thirteen thereof strike out the colon following the word "elections," preceding the first proviso, and insert in lieu thereof a comma, and also insert the following words: "and it is hereby made the duty of the board of education to indorse said petition when presented containing the proper number of names of qualified voters, and this provision is made mandatory, and the board is allowed no discretion to refuse to indorse the same when so presented: *Provided fur-*

Law made  
mandatory.

ther, that the provisions of this act shall not apply when such school special-tax district is in debt in any sum whatever.”

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

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

Ratified this the 6th day of March, A. D. 1917.

## CHAPTER 189

### AN ACT TO REQUIRE ROAD DISTRICTS TO PUBLISH AND FILE ANNUAL ITEMIZED STATEMENTS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the board of road commissioners or other officials in charge of the roads of any county, township, or road district be and they are hereby required and directed to make out an annual itemized statement of the receipts and disbursements and of the financial condition of such road district for the calendar year, and shall, on or before the first day of February of each year, post a copy of the statement for the previous year at the courthouse door of the county, and shall file a copy of the same with the register of deeds, who shall produce such copy, on request, for the inspection of any taxpayer of such road district. And if any person or persons shall fail to perform the duties required of him by this act, he shall be guilty of a misdemeanor.

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

Ratified this the 6th day of March, A. D. 1917.

## CHAPTER 190

### AN ACT TO PROVIDE FOR THE TEACHING OF AGRICULTURE, MANUAL TRAINING AND HOME ECONOMICS IN THE PUBLIC SCHOOLS OF NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

SECTION 1. The Governor of the State of North Carolina shall appoint a commission to consist of not less than three members, said commission to serve without compensation, whose duty it shall be to prepare courses of study in agriculture, manual training, and home economics for the public schools of the State; and the State Board of Education shall cause the same to be printed in bulletin form, said bulletins to be used in all of the public



Details of bulletins.

schools of North Carolina as supplementary texts and guides in teaching these subjects. These bulletins shall contain courses of study and readily usable outlines in nature study; soils and soil fertility; crop producing and management; gardening and fruit growing; live-stock farming, including dairying and poultry raising; forestry; grading, packing, and shipping farm products; manual training; home economics, including domestic art and domestic science; together with suggestions for rural organization, community building, and rural-life development.

Courses for elementary and high schools.

Groups subdivided.  
Proviso: adaptation to grade.

Proviso: verification and demonstration of principles.

SEC. 2. These courses shall be divided into two parts, to wit, a course for the elementary schools and a course for the high schools. These two major groups may be subdivided as the commission deems wise: *Provided*, that the subject-matter in each division and subdivision shall be adapted to the proper grades: *Provided further*, that in the courses of agriculture, manual training, and home economics provision be made, so far as is practicable, for the verification and demonstration of the principles taught in the classroom.

School credits.

Proviso: present system of credits.

SEC. 3. For the purpose of encouraging the practical application of the principles taught in the classroom, the commission shall prepare and prescribe a system of credits whereby boys and girls shall receive school credit for work done outside of school hours upon the farm and in the home: *Provided*, that said system be worked out in coöperation with and in recognition of the present system of credits obtaining for work done in the classroom as a regular part of school instruction.

Time given to subjects.

Types of schools.

Proviso: no additional classes taught.

Proviso: requirements of pupils taking courses.

Proviso: election of courses.

SEC. 4. The commission herein provided for shall fix the minimum time to be given to the teaching of agriculture, manual training, and home economics in the respective grades; furthermore, the commission shall have in mind, in preparing these regulations, the one-teacher school, the two and three-teacher school, the four and five-teacher school, and all other regularly organized graded schools as distinct types, for which this material is to be provided: *Provided*, that nothing in this act shall require more classes to be taught in any school than are now taught as required by the public school laws of the State of North Carolina: *Provided further*, that all boys shall be required to have books or bulletins and attend all recitations in agriculture and manual training, and that all girls shall be required to have books or bulletins and attend all recitations in home economics, when they are taking said courses: *Provided further*, that this shall not be construed to exclude boys from taking home economics or girls from taking agriculture and manual training, if they so desire.

Town schools exempted.

SEC. 5. Schools operating in towns of a population of two thousand or more may be exempt from the provisions of this act, by permission granted such schools through their local boards of

education or county board of education: *Provided*, that this Proviso: courses for town schools. commission shall prepare courses of study in home gardening, school gardening, manual training, and home economics suited to the needs of such schools.

SEC. 6. The board of education of any county in North Carolina Land for demonstration of principles. may secure by donation, purchase, or condemnation proceedings, or through lease, one or not more than two acres of land adjacent to or near any school site, for the purpose of verifying and demonstrating the principles taught in the classroom, under such rules and regulations as the commission may prescribe.

SEC. 7. The bulletins on agriculture, manual training, and home economics shall be published by the State Board of Education, as Publication and printing of bulletins. provided in this act, and printed by the State Printer as State printing, and shall be furnished to the teachers of the State Sale at cost. without cost, and to the children at a price not to exceed the actual cost of printing and distributing. The bulletins to be furnished and distributed through the regular depositories for the distribution of text-books, under such rules and regulations as to distribution and as to accounting for funds from the sale of same as the State Board of Education shall prescribe. The net proceeds from the sale of said bulletins shall be placed in the hands Use of proceeds of sale. of the State Treasurer, to be credited on the cost of printing same.

SEC. 8. All teachers offering to teach any grade above the third Examination of teachers. in any rural school in North Carolina shall be required to pass an examination in the subjects of agriculture, manual training, and home economics, in so far as the teaching of these subjects applies to their respective grades, not later than twelve months after said bulletins, upon which the work in the respective grades is based, shall have been issued. Furthermore, the bulletins here- Bulletins used at summer schools. in provided for shall be made a part of the course of study in summer schools for teachers, conducted at the various State institutions. Also, that the bulletins provided for herein shall be Reading circles and teachers' institutes. made a part of the teachers' reading circle and teachers' institute work of the State. In addition, each and every county superintendent in the State, together with the State Board of Examiners, is herewith empowered to require satisfactory evidence, by Evidence of ability. examination or otherwise, of the ability of every teacher, in every county, to teach the subject-matter contained in the bulletins herein provided for.

SEC. 9. That each and every public school in North Carolina To be taught in all schools. shall teach agriculture, manual training, and home economics, as prescribed herein, unless exempted from the provisions of this act by meeting the requirements of section five.

SEC. 10. Each and every county superintendent of public instruction in North Carolina shall report to the State Superintendent Reports of county superintendents. of Public Instruction, within sixty days after the beginning

of each school in his county, as to whether or not such courses as are herein provided for are being taught.

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

Ratified this the 5th day of March, A. D. 1917.

## CHAPTER 191

### AN ACT TO AUTHORIZE FIDUCIARIES TO INVEST TRUST FUNDS IN FARM LOAN BONDS AND TO PERMIT SUCH BONDS TO BE ACCEPTED AS SECURITY FOR DEPOSITS.

*The General Assembly of North Carolina do enact:*

Investments by  
fiduciaries.

SECTION 1. That section one thousand seven hundred and ninety-two of the Revisal of one thousand nine hundred and five be and the same is hereby amended by inserting between the word "responsible," at the end of the fourth line and the word "or," at the beginning of the fifth line, the following: "farm loan bonds issued by Federal land banks."

Deposits of as-  
sessment insur-  
ance companies.

SEC. 2. That section four thousand seven hundred and thirteen of the Revisal, as amended by section two, chapter one hundred and nineteen of the Public Laws of one thousand nine hundred and thirteen, be and the same is hereby amended by inserting after the phrase, "North Carolina bonds," and before the phrase, "or in the bonds of some county," the words, "in farm loan bonds issued by the Federal land banks"; that section four thousand seven hundred and ninety-two of the Revisal, as amended by section thirteen, chapter one hundred and nineteen of the Public Laws of one thousand nine hundred and thirteen, be and the same is hereby amended by inserting after the phrase, "North Carolina bonds," and before the phrase, "or in the bonds of some county," the words, "in farm loan bonds issued by Federal land banks"; and that section four thousand seven hundred and eighty of the Revisal, as amended by sections one and two, chapter nine hundred and twenty of the Public Laws of one thousand nine hundred and nine, and by section one, chapter one hundred and forty of the Public Laws of one thousand nine hundred and eleven, be and the same is hereby amended by adding after the word "Revisal" the following: "or farm loan bonds issued by Federal land banks," so that the first part of said section four thousand seven hundred and eighty will read as follows: "Any life insurance company now incorporated or which may hereafter be incorporated under the laws of this State may deposit with the Insurance Commissioner securities of the kind described in sec-

Deposits for regis-  
tered policies.

tion four thousand seven hundred and thirty-one of the Revisal or farm loan bonds issued by the Federal land banks."

SEC. 3. That farm loan bonds issued by Federal land banks may be accepted as security for all public deposits in the State of North Carolina. Security for public deposits.

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

Ratified this the 6th day of March, A. D. 1917.

## CHAPTER 192

### AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA SO AS TO INSURE A SIX MONTHS SCHOOL TERM.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section three, article nine of the Constitution of North Carolina be and the same is hereby amended by striking out therefrom the words "four months" and inserting in lieu thereof the words "six months." Amendment.

SEC. 2. That this amendment shall be submitted, at the next general election, to the qualified voters of the State in the same manner and under the same rules and regulations as provided in the law regulating general elections in this State. Submission to election.

SEC. 3. That at said election, into a ballot box labeled "Ballot Box for Constitutional Amendment," or "Ballot Box for Constitutional Amendments," those persons desiring to vote such amendment shall cast a separate printed ballot with the words "For six months school term" thereon, and those with a contrary opinion may cast a separate printed ballot with the words "Against six months school term" thereon. Ballot box. Ballots.

SEC. 4. That the said election shall be held and the votes returned, compared, counted, and canvassed and the result announced under the same rules and regulations as are in force at the general election in the year one thousand nine hundred and eighteen for returning, comparing, counting, and canvassing the votes for Governor; and if the majority of the votes cast be in favor of the amendment, it shall be the duty of the Governor of the State to certify said amendment under the seal of the State to the Secretary of State, who shall enroll the said amendment so certified among the permanent records of his office. Law governing election. Certificate and enrollment of amendment.

SEC. 5. All laws and clauses of laws in conflict with the provisions of this act are hereby repealed. Repealing clause.

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

Ratified this the 6th day of March, A. D. 1917.



## CHAPTER 193

## AN ACT TO MAKE APPROPRIATIONS FOR THE STATE INSTITUTIONS.

*The General Assembly of North Carolina do enact:*

Agricultural extension work.

SECTION 1. That the sum of thirty thousand six hundred four dollars (\$30,604) is hereby appropriated for agricultural extension work for the year one thousand nine hundred and seventeen, and the further sum of forty-nine thousand seven hundred thirty-one dollars (\$49,731) for the year one thousand nine hundred and eighteen, in order to get the State's share in the Smith-Lever Congressional Act.

State hospital at Raleigh.

SEC. 2. That the sum of two hundred seven thousand five hundred dollars (\$207,500) is hereby annually appropriated for the State Hospital located at Raleigh, including the epileptic department.

State hospital at Morganton.

SEC. 3. That the sum of two hundred thirty-seven thousand five hundred dollars (\$237,500) is hereby annually appropriated for the support and maintenance of the State Hospital located at Morganton.

State hospital at Goldsboro.

SEC. 4. That the sum of one hundred twenty thousand dollars (\$120,000) is hereby appropriated for the year one thousand nine hundred seventeen, and the further sum of one hundred twenty-five thousand (\$125,000) for the year one thousand nine hundred and eighteen and annually thereafter, for the support and maintenance of the State Hospital at Goldsboro.

School for the deaf.

SEC. 5. That the sum of sixty-eight thousand dollars (\$68,000) is hereby appropriated for the year one thousand nine hundred and seventeen, and the further sum of seventy thousand five hundred dollars (\$70,500) for the year one thousand nine hundred and eighteen and annually thereafter, for the support and maintenance of the School for the Deaf, at Morganton.

Caswell training school.

SEC. 6. That the sum of forty-five thousand dollars (\$45,000) is hereby annually appropriated for the support and maintenance of the Caswell Training School. That no patient be admitted to or retained in the said institution whose parents, guardian, or estate is financially able to pay, in whole or in part, the current expenses for his or her maintenance in said school, and this class of patients shall not exceed one-third of the entire number admitted to or retained in the said institution. Payment as hereinabove provided for shall be made monthly, for which the said institution shall give its receipt. That the board of directors shall make thorough investigation of the financial condition of the estate of the patients or their parents now in the said institution, and of those who may hereafter apply for admission, with a view of ascertaining the ability of each patient, his or her parents or guardian, to pay, in whole or in part, for his or her maintenance.

Patients able to pay.

Investigation of financial condition.



SEC. 7. That the sum of twenty-three thousand dollars (\$23,000) is hereby appropriated for the year one thousand nine hundred and seventeen, and the further sum of twenty-two thousand five hundred dollars (\$22,500) for the year one thousand nine hundred and eighteen and annually thereafter, for the support and maintenance of the Stonewall Jackson Training School.

Stonewall Jackson training school.

SEC. 8. That the sum of thirty thousand dollars (\$30,000) is hereby appropriated for the year one thousand nine hundred and seventeen, and the further sum of forty thousand dollars (\$40,000) for the year one thousand nine hundred and eighteen and annually thereafter, for the support and maintenance of the State Sanatorium for Tuberculosis.

State sanatorium for tuberculosis.

SEC. 9. That the sum of one hundred sixty-five thousand dollars (\$165,000) is hereby annually appropriated for the support and maintenance of the University of North Carolina.

University.

SEC. 10. That the sum of sixty thousand dollars (\$60,000) is hereby annually appropriated for the support and maintenance of the East Carolina Teachers Training School.

East Carolina teachers training school.

SEC. 11. That the sum of twenty thousand dollars (\$20,000) is hereby annually appropriated for the support and maintenance of the Appalachian Training School.

Appalachian training school.

SEC. 12. That the sum of eleven thousand two hundred dollars (\$11,200) is hereby annually appropriated for the support and maintenance of the Cullowhee Normal and Industrial School.

Cullowhee normal and industrial school.

SEC. 13. That the sum of seventy-two thousand five hundred dollars (\$72,500) is hereby annually appropriated for the support and maintenance of the School for the Deaf, Dumb, and Blind, Raleigh.

School for the deaf, dumb and blind.

SEC. 14. That the sum of one hundred twenty-two thousand five hundred dollars (\$122,500) is hereby annually appropriated for the support and maintenance of the North Carolina State College of Agriculture and Engineering.

State college of agriculture and engineering.

SEC. 15. That the sum of one hundred twenty-five thousand dollars (\$125,000) is hereby annually appropriated for the support and maintenance of the State Normal and Industrial College at Greensboro.

State normal and industrial college.

SEC. 16. That the sum of twenty thousand dollars (\$20,000) is hereby annually appropriated for the support and maintenance of the Oxford Orphan Asylum, white.

Oxford orphan asylum, white.

SEC. 17. That the sum of eight thousand dollars (\$8,000) is hereby annually appropriated for the support and maintenance of the Oxford Orphanage, colored, and that the further sum of five thousand dollars (\$5,000) for the year one thousand nine hundred and seventeen is hereby appropriated to help pay the indebtedness on said institution.

Oxford orphanage, colored.

SEC. 18. That the sum of forty-two thousand five hundred dollars (\$42,500) is hereby annually appropriated for the support and maintenance of the Soldiers' Home.

Soldiers' home.

Confederate  
museum at Rich-  
mond.

SEC. 19. That the sum of two hundred dollars (\$200) is hereby annually appropriated for the support and maintenance of the Confederate Museum at Richmond, Va.

Confederate ceme-  
tery.

SEC. 20. That the sum of two hundred fifty dollars (\$250) is hereby annually appropriated for the maintenance of the Confederate Cemetery at Raleigh.

Guilford battle-  
ground.

SEC. 21. That the sum of two hundred dollars (\$200) is hereby appropriated to the Guilford Battleground to pay off the indebtedness, Guilford Battle Ground having been taken over by the Federal Government.

Cherokee Indian  
school.

SEC. 22. That the sum of two thousand seven hundred fifty dollars (\$2,750) is hereby annually appropriated for the support and maintenance of the Cherokee Indian School.

A. and T. college  
for negroes.

SEC. 23. That the sum of fifteen thousand dollars (\$15,000) is hereby annually appropriated for the support and maintenance of the A. and T. College for Negroes, at Greensboro.

State normal  
schools for  
negroes.

SEC. 24. That the sum of twenty thousand dollars (\$20,000) is hereby annually appropriated for the support and maintenance of the State Normal Schools for Negroes, and that the further sum of five thousand dollars (\$5,000) is hereby annually appropriated for the permanent improvements of said schools.

State laboratory  
of hygiene.

SEC. 25. That the sum of twelve thousand five hundred dollars (\$12,500) is hereby annually appropriated for the support and maintenance of the State Laboratory of Hygiene.

Fisheries com-  
mission.

SEC. 26. That the sum of ten thousand dollars (\$10,000) is hereby annually appropriated for the support and maintenance of the Fisheries Commission.

State board of  
health.

SEC. 27. That the sum of thirty-seven thousand five hundred dollars (\$37,500) is hereby annually appropriated for the support and maintenance of the State Board of Health.

SEC. 28. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A. D. 1917.

## CHAPTER 194

AN ACT TO EXTEND THE JURISDICTION OF THE CORPORATION COMMISSION AND TO EXTEND THE RIGHT OF EMINENT DOMAIN.

*The General Assembly of North Carolina do enact:*

Public sewers.

SECTION 1. That every person, individual, or corporation, other than a municipal corporation, owning and operating a public sewerage system in North Carolina shall be subject to the same control and supervision by the Corporation Commission as is now provided by law for other public-service corporations.

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

Ratified this the 6th day of March, A. D. 1917.

## CHAPTER 195

AN ACT TO REGULATE THE PRESUMPTION AS TO TITLE  
BEING OUT OF THE STATE IN ACTIONS AFFECTING THE  
TITLE TO REAL PROPERTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That in all actions involving the title to real prop-<sup>Presumption</sup>  
erty title shall be conclusively deemed to be out of the State of<sup>conclusive.</sup>  
North Carolina unless the State be a party to such action: *Pro-*<sup>Proviso: trials of</sup>  
*vided*, that this section shall not apply to the trials of protested<sup>protested entries.</sup>  
entries laid for the purpose of obtaining grants.

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

SEC. 3. That this act shall take effect on and after May first,<sup>When act effective.</sup>  
one thousand nine hundred and seventeen, and shall not apply to Pending actions.  
any action instituted before said date.

Ratified this the 6th day of March, A. D. 1917.

## CHAPTER 196

AN ACT TO AUTHORIZE THE JUSTICES OF THE SUPREME  
COURT TO PAY INTO THE STATE TREASURY A PORTION  
OF THE SUPREME COURT LAW LIBRARY FUND.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Justices of the Supreme Court, as trustees<sup>Payment author-</sup>  
of the law library fund, are hereby authorized and empowered<sup>ized.</sup>  
to pay into the State Treasury the sum of nine thousand dollars  
(\$9,000), being so much of said fund on hand as is unnecessary  
for the purposes provided by law.

SEC. 2. That this act shall be in force from and after its ratifi-  
cation.

Ratified this the 6th day of March, A. D. 1917.

## CHAPTER 197

AN ACT TO CREATE A STATE EDUCATIONAL COMMISSION.

*The General Assembly of North Carolina do enact:*

SECTION 1. That there is hereby created a State Educational<sup>Creation.</sup>  
Commission of five members, to be appointed by the Governor for Appointment.  
the term of office of two years. It shall be the duty of the said<sup>Term.</sup>  
commission to make a thorough study of the school laws of the<sup>Duty.</sup>  
entire public school system of the State, a careful survey of ex-  
isting educational conditions, and a comparative study and inves-

Codification of school law.	tigation of the educational systems of other States. Said commission shall codify the public school laws of the State and
Recommendations.	make recommendations of such amendments, changes, and additions to the school law as in its opinion may be needed.
Investigations of methods and costs.	SEC. 2. That said commission shall also investigate the methods and cost of supplying text-books to the public schools of this and
State printing plant.	other States, and also the advisability of establishing a State printing plant for the purpose of printing text-books and doing the other printing of the State, together with the present cost and method of public printing in this State, and report their findings and recommendations as herein provided.
Teachers' pensions.	SEC. 3. That said commission shall investigate the matter of public school teachers' pensions in the several States, and report to the General Assembly as herein provided, with its findings and recommendations.
Report.	
Clerical and other assistance.	SEC. 4. Said commission is hereby authorized to employ such clerical and other assistance as it may deem necessary for its work, and to call to its aid such other assistance as may be available without expense to the State, from public or private foundations.
Appropriation.	SEC. 5. That a sum of money not to exceed one thousand dollars (\$1,000) is hereby appropriated out of the public funds in the hands of the State Treasurer not otherwise appropriated, for the expenses of said commission and its work.
Pay of commissioners.	SEC. 6. That the compensation of the members of the said commission shall be five dollars (\$5) per day and expenses for the time actually given by said commission for carrying out the purposes of this act, and the compensation of all persons employed by said commission under this act shall be fixed by said commission. That the payment of the members of the commission and of all employed under this act shall be upon requisition of the chairman of the commission approved by the Governor. Said commission is hereby authorized to have all printing necessary for carrying out the purposes of this act done by the public printer as other public printing is done.
Compensation of employees.	
Printing.	
Report.	SEC. 7. The said commission shall make a report of its findings and recommendations, together with the expenses of the commission, through the Governor to the General Assembly of one thousand nine hundred and nineteen within five (5) days after the convening thereof.
	SEC. 8. That this act shall be in full force and effect from and after its ratification.
	Ratified this 6th day of March, A. D. 1917.

## CHAPTER 198

## AN ACT TO REQUIRE NONRESIDENT EXECUTORS AND GUARDIANS TO NAME A PROCESS AGENT IN THE COUNTY IN WHICH THEY QUALIFY.

*The General Assembly of North Carolina do enact:*

- SECTION 1. Whenever any nonresident person shall qualify in this State as an executor or guardian, such person shall be required at the time of qualification to appoint in writing a resident agent in the county of his qualification on whom citations, notices, and all processes may be served that the law requires to be served on such person, and said executor or guardian shall file said written appointment with the clerk of the court in the county of his qualification, and said clerk shall record said appointment in the record book immediately after the record of qualification, and shall properly index same in said record book. Appointment of resident agent.
- SEC. 2. That when said process agent has been appointed in the manner hereinbefore provided, all citations, notices, and processes served on said agent shall be as effective and binding as if served on such executor or guardian: *Provided*, said return day shall not be sooner than ten days from the date of the issuing of said citation, notice, or process. Appointment filed and recorded.  
Service of process.  
Proviso: return day.
- SEC. 3. That unless said agent is named as above set out simultaneously with application for qualification, said clerk shall refuse to grant letters to an executor or allow a guardian to qualify. Refusal to grant letters.
- SEC. 4. That when any resident executor or guardian shall remove from the State, the said executor or guardian shall before removing, or within thirty days thereafter, appoint in the manner heretofore prescribed an agent in the county of his qualification, on whom may be served citations, notices, processes, subject to the conditions and proviso of section two of this act, and upon failure to make said appointment within thirty days, the said clerk shall remove him and appoint an administrator with the will annexed, or a new guardian, as the case may be. Appointment on removal from state.  
Revocation of letters.
- SEC. 5. That upon failure or refusal of any nonresident executor or guardian to obey any citation, notice, or process served as herein provided, the said clerk may remove him and appoint a resident. Revocation on refusal to obey process.
- SEC. 6. That said clerk shall receive fifty (50) cents for recording the appointment of each process agent. Clerk's fee.
- SEC. 7. That the provisions of this act shall be equally applicable to an executrix. Executrix.
- SEC. 8. That this act shall be in effect from and after its ratification.
- Ratified this the 6th day of March, A. D. 1917.



## CHAPTER 199

AN ACT TO APPROPRIATE \$20,000 TO THE NORTH CAROLINA ORTHOPÆDIC HOSPITAL, FOR THE ERECTION OF BUILDINGS AND THE FURNISHING THEREOF, AND \$7,500 ANNUALLY FOR THE MAINTENANCE OF SAME.

*The General Assembly of North Carolina do enact:*

Appropriation for buildings and furnishings.

SECTION 1. That there be and hereby is appropriated out of the moneys in the Treasury not otherwise appropriated the sum of twenty thousand dollars for the purpose of the erection of buildings and the furnishing of the same to the North Carolina Orthopædic Hospital: *Provided*, that this sum shall not be available until twenty thousand dollars shall have been subscribed in good faith, for the same purpose, from sources other than the State of North Carolina.

Proviso: subscriptions from other sources.

Appropriation for maintenance.

SEC. 2. That there be and hereby is appropriated out of any moneys in the Treasury not otherwise appropriated the sum of seven thousand five hundred dollars for each year, for two years, payable quarterly, on the first day of January, first day of April, first day of July, and first day of October of each year, for maintenance only.

Selection of site.

SEC. 3. That the Governor shall appoint a committee of five to select a proper site for the location of said Orthopædic Hospital, which committee, in making its selection, shall be governed by the advantages offered for the maintenance and support of the institution, and the board of trustees hereinafter named shall thereupon proceed to erect suitable buildings necessary to carry out the purposes of said Orthopædic Hospital.

Trustees to erect buildings.

Appointment of trustees.

SEC. 4. The Governor shall appoint a board of trustees, consisting of nine members, for said institution, and they shall be divided into three classes; the first class shall consist of three members, the second class shall consist of three members, and the third class of three members. The first class shall be appointed for two years, the second class for four years, and the third class for six years. They shall hold their offices until their successors have been appointed, and the term of office of each shall begin from the date of the selection of the site as above mentioned.

Terms of office.

Vacancies.

Organization.

The Governor shall fill all vacancies occurring by reason of death, resignation, or otherwise. The board of trustees shall organize by electing one of its members president, one of its members secretary, and one of its members treasurer, and three of its members as an executive committee. The board shall have power to erect any buildings necessary, make improvements or in general do all matters and things that may be beneficial to the good government

Powers of trustees.

of the institution, and to this end they may make by-laws for the government of the same.

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

Ratified this the 6th day of March, A. D. 1917.

## CHAPTER 200

### AN ACT TO REVISE THE MILITARY LAWS OF THE STATE OF NORTH CAROLINA AND TO INCREASE THE EFFICIENCY OF THE MILITIA.

*The General Assembly of North Carolina do enact:*

SECTION 1. *Composition of the Militia.*—The militia of the State shall consist of all able-bodied male citizens of the United States and all other able-bodied males who have or shall have declared their intention to become citizens of the United States, who shall be more than eighteen years of age and, except as hereinafter provided, not more than forty-five years of age, and said militia shall be divided into three classes: the National Guard, the Naval Militia, and the unorganized militia. Composition of militia.

SEC. 2. *Composition of the National Guard.*—The National Guard shall consist of the regularly enlisted militia between the ages of eighteen and forty-five years, organized, armed, and equipped as hereinafter provided, and of commissioned officers between the ages of twenty-one and sixty-four years. Classes.

SEC. 3. *Composition of the Naval Militia.*—The Naval Militia shall consist of the regularly enlisted militia between the ages of eighteen and forty-five years, organized, armed, and equipped as hereinafter provided, and commissioned officers between the ages of twenty-one and sixty-two years (naval branch), and twenty-one and sixty-four years (marine corps branch): *Provided, however,* that enlisted men may continue in the service after the age of forty-five years, and until the age of sixty-two years (naval branch), or sixty-four years (marine corps branch), provided the service is continuous. Naval militia.

SEC. 4. *Composition of the Unorganized Militia.*—The unorganized militia shall consist of all other able-bodied male citizens of the State and all other able-bodied males who have or shall have declared their intention to become citizens of the United States, who shall be more than eighteen years of age, and, except as otherwise provided by law, not more than forty-five years of age. Unorganized militia.

SEC. 5. *Exemption from Military Duty.*—The officers, judicial and executive, of the Government of the United States and of the State of North Carolina, persons in the military or naval service of the United States, custom-house clerks, persons employed by Exemptions.

the United States in the transmission of the mail, artificers and workmen employed in the armories, arsenals, and navy yards of the United States, pilots, mariners actually employed in the sea service of any citizen or merchant within the United States, shall be exempt from military duty without regard to age, and all persons who, because of religious belief, shall claim exemption from military service, if the conscientious holding of such belief by such person shall be established under such regulations as the President shall prescribe, shall be exempted from militia service in a combatant capacity; but no person so exempted shall be exempt from militia service in any capacity that the President shall declare to be noncombatant.

Separate enrollment.

Command of colored troops.

Units of national guard.

Maintenance of troops authorized by president.  
 Proviso: use of national guard.

Proviso: state police or constabulary.

Location of units.

Proviso: units not to be disbanded nor reduced.

Reserve battalions.

SEC. 6. *White and Colored Enrolled Separately.*—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 while permitted to be organized, colored troops shall be under command of white officers.

SEC. 7. *Organization of National Guard Units.*—Except as otherwise specifically provided by the laws of the United States, the organization of the National Guard, including the composition of all units thereof, shall be the same as that which is or may hereafter be prescribed for the Regular Army, subject in time of peace to such general exceptions as may be authorized by the Secretary of War.

SEC. 8. *Maintenance of Other Troops.*—In time of peace the State shall maintain only such troops as may be authorized by the President of the United States: *Provided, however,* that nothing contained in this act shall be construed as limiting the rights of the State in the use of the National Guard within its borders in time of peace: *Provided further,* that nothing contained in this act shall prevent the organization and maintenance of State police or constabulary.

SEC. 9. *Location of Units.*—The Governor shall determine and fix the location of the units and headquarters of the National Guard within the State: *Provided,* that no organization of the National Guard, members of which shall be entitled to and shall have received compensation under the provisions of the Act of Congress approved June third, one thousand nine hundred and sixteen, shall be disbanded without the consent of the President, nor without such consent shall the commissioned or enlisted strength of any such organization be reduced below the minimum that is now or shall be hereafter prescribed therefor by the President.

SEC. 10. *Reserve Battalions for Recruit Training.*—Under such rules and regulations as may be prescribed by the President, reserve battalions for infantry, cavalry, field artillery, and coast artillery may be organized by the commander-in-chief when organizations of the National Guard have been called into the ser-

vice of the United States in time of war. The organization of such reserve battalions shall be effected in the manner prescribed in section seventy-nine of the Act of Congress approved June third, one thousand nine hundred and sixteen, or subsequent Federal enactments.

SEC. 11. *Commander-in-Chief Has the Power to Call Out.*—Powers of governor as commander-in-chief.  
The Governor shall be commander-in-chief, and shall have power to call out the militia to execute the law, suppress riots or insurrections, and to repel invasions.

SEC. 12. *Staff, How Divided.*—The military staff shall be Division of staff.  
divided into two kinds: the personal staff of the Governor and the administrative staff. The Governor may detail from the active Aides-de-camp.  
list not more than ten National Guard officers and two Naval Militia officers, who shall in addition to their regular duties perform the duties of aides-de-camp on the personal staff of the Governor. There shall be an administrative staff which shall be as Administrative staff.  
is now or may from time to time be authorized by the Secretary of War for the National Guard and the Secretary of the Navy for the Naval Militia.

SEC. 13. *Adjutant General's Department.*—There shall be an Adjutant general.  
Adjutant General's Department. The Adjutant General shall be the head of said department and as such subordinate only to the Governor in matters pertaining thereto. He shall make such re- Returns and reports.  
turns and reports to the Secretary of War and Secretary of the Navy or to such officers as the Secretary of War and Secretary of the Navy may designate, at such times and in such form as may from time to time be prescribed. He shall keep a record of all Records and papers.  
officers and enlisted men, and shall also keep in his office all records and papers required by law or regulations to be filed therein. He shall make an annual report to the Governor on or Report to governor.  
before the thirty-first day of December of each year, including a detailed statement of all expenditures made for military purposes during that year. He shall also make a biennial report to the Report to general assembly.  
General Assembly. He shall cause the military laws, the regulations governing the National Guard and Naval Militia, and the Printing and distribution of laws.  
articles of war and articles for the government of the Navy to be printed, indexed, and bound in proper and compact form and distributed to the commissioned officers of the State at the rate of one copy for each officer. He shall cause to be prepared and Books and blanks.  
issued all books, blank forms, etc., required to carry into full effect the provisions of this statute. All such books and blank forms shall be and remain the property of the State. The Adjutant General shall perform such other duties not herein specified Other duties.  
as may be required by the military laws and regulations or by the Governor. The Adjutant General shall be allowed all such necessary expenses as may be incurred for printing, postage, stationery, Expense.  
blank books, orders and reports required in his office, the same to constitute a charge against the general fund. The Adjutant Gen- Assistant.  
eral may have an assistant who shall be detailed from the Adju-



Clerks and employees.	tant General's Department of the administrative staff, and such clerks and employees as may be prescribed by the Governor. An officer detailed as such assistant shall receive during the period of such service such compensation as may be authorized by the Governor. The pay of such officer shall constitute a charge against the whole sum appropriated annually for the support of the National Guard.
Pay of assistant.	
Appointment of adjutant general.	SEC. 14. <i>The Adjutant General.</i> —The Governor shall appoint an Adjutant General, who shall have had not less than five years commissioned service in the National Guard, Naval Militia, Regular Army, United States Navy or Marine Corps: <i>Provided</i> , that while holding such office the Adjutant General shall not be a member of the active National Guard or Naval Militia.
Proviso.	
Appointments and commissions.	SEC. 15. <i>Officers, How Appointed and Commissioned.</i> —All officers of the National Guard shall be appointed and commissioned by the Governor as follows, viz.:
Appointments and promotion by seniority.	(a) The appointment and promotion of all officers below the grade of brigadier general shall be by seniority within the organization or department: <i>Provided, however</i> , that if the total commissioned service of the senior officer is less than the total commissioned service of the next ranking officer, the names of both officers shall be forwarded to the War Department, and promotion shall be based upon the result of the prescribed examination.
Proviso: total of commissioned service.	
Second lieutenants.	(b) Original appointments of second lieutenants in the line or staff shall be made from the enlisted men within the organization. Candidates for such appointment shall make written application, accompanied by their military record, to the commanding officer through intermediate commanders for comment by endorsements. The commanding officer shall forward the application of the three best qualified and most promising candidates with his endorsement to the Adjutant General's office for consideration by the Governor.
Application.	
Applications forwarded.	
Qualifications for appointment as staff officer.	SEC. 16. <i>Appointment of Staff Officers.</i> —No person shall be appointed a staff officer, including officers of the Pay, Inspection, Subsistence, and Medical departments, unless he shall have had previous military experience nor who shall fail to qualify as to fitness for military service under such regulations as the Secretary of War shall prescribe; such officers shall hold their positions until they have reached the age of sixty-four years, unless separated from the service prior to that time by reason of resignation, disability, or for cause to be determined by a court-martial legally convened for the purpose. Vacancies among said officers shall be filled by appointment from the officers of the militia.
Term of service.	
Vacancies.	
Qualifications for officers.	SEC. 17. <i>Qualifications of National Guard Officers.</i> —Persons hereinafter commissioned as officers of the National Guard shall not be recognized as such under any of the provisions of this act unless they shall have been selected from the following classes and shall have taken and subscribed to the oath of office pre-



scribed in section twenty of this act: Officers or enlisted men of the National Guard, officers active or retired, and former officers of the United States Army, Navy, and Marine Corps, graduates of the United States Military and Naval academies and graduates of schools, colleges, and universities where military science is taught under the supervision of an officer of the Regular Army, and, for the technical branches and staff corps or departments, such other civilians as may be especially qualified for duty therein.

SEC. 18. *Test as to Fitness for Officers.*—No person shall here- Tests of fitness.  
after be appointed an officer of the National Guard unless he first shall have successfully passed such tests as to his physical, moral, and professional fitness as the President shall prescribe. The examination to determine such qualifications for commission shall be conducted by a board of three commissioned officers appointed by the Secretary of War from the Regular Army or the National Guard, or both. Conduct of examinations.

SEC. 19. *Rank, According to Date of Commission.*—Com- Rank by date of commission.  
missioned officers shall take rank according to the date of their commissions. The date of appointment of an officer shall be expressed in his commission, and be considered as the date thereof. 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 ranks. Whenever an officer shall be recommissioned in the same or lower grade than that in which he has served, his new commission shall bear such date as will give credit for time actually served under former commission. Date of appointment.  
Rank on simultaneous appointments.  
Date of renewed commission.

SEC. 20. *Oath, National Guard Officers.*—Commissioned officers of the National Guard shall take and subscribe to the following oath of office: "I, . . . . ., do solemnly swear that I will support and defend the Constitution of the United States and the Constitution of the State of North Carolina against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will obey the orders of the President of the United States and of the Governor of the State of North Carolina; that I make this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office of . . . . . in the National Guard of the United States and of the State of North Carolina, upon which I am about to enter: so help me, God." Officers to qualify.  
Form of oath.

SEC. 21. *Reports of Officers.*—All officers of the National Guard and the Naval Militia shall make such returns and reports to the Governor, Secretary of War, Secretary of the Navy, or to such officers as they may designate, at such times and in such forms as may from time to time be prescribed. Returns and reports of officers.

SEC. 22. *Officers Absent, Give Notice.*—When any officer shall have occasion to be absent from his usual residence, one week or Notice of intended absence.

more, he shall notify the officer next in command, and also his next superior officer in command, of his intended absence, and shall arrange for the officer next in command to handle and attend to all official communications.

Requisition on federal appropriations.

SEC. 23. *Federal Funds—Requisition.*—The Governor shall annually make requisition upon the Secretary of War for such State allotment from Federal funds as may be necessary for the support of the militia.

Property and disbursing officer for United States.

SEC. 24. *Property and Disbursing Officer for the United States.*

Salary.

—The Governor of the State shall appoint, designate, or detail, subject to the approval of the Secretary of War, an officer of the National Guard of the State, who shall be regarded as property and disbursing officer for the United States. In consideration of his services, for the care, responsibility, and issue of Federal property, the property and disbursing officer for the United States shall receive from the State such salary as the Governor may authorize to be just and proper; said salary to constitute a charge upon the military fund of the State: *Provided*, such salary shall in no case exceed the sum of one thousand dollars (\$1,000): *Provided further*, that when ordered into actual service and receiving the pay of his rank for such service, from either State or Federal funds, he shall not be entitled to, or receive, any salary from the State for the period of time for which he shall receive the pay of his rank.

Proviso: limit.

Proviso: pay on actual service.

Property and disbursing officer for state.

SEC. 25. *Property and Disbursing Officer for North Carolina.*

Receipts and accounts.

—The Governor shall appoint, designate, or detail an officer, active or retired, of the National Guard or Naval Militia, who shall be the property and disbursing officer for the State. He shall receipt for and account for all funds and all property belonging to the State for military purposes, and shall make such returns and reports concerning the same as may be required by the Governor. The State Treasurer is authorized, on the requisition of the Governor, to pay to the property and disbursing officer so much of the annual appropriation for the National Guard as shall, in the judgment of the Governor, be necessary for the purposes enumerated herein. The disbursing officer shall render through the Adjutant General such accounts of State funds entrusted to him for disbursement as may be required by the State Treasurer. Before entering upon the performance of his duties as property and disbursing officer he shall be required to give a good and sufficient bond to the State, the amount thereof to be determined by the Governor, for the faithful performance of his duties and for the safe keeping and proper disposition of the State property and funds entrusted to his care. He shall, after having qualified as property and disbursing officer, receive pay for his services at the rate of one thousand dollars (\$1,000) per annum, and such compensation shall be a charge against the whole sum annually appropriated for the support of the National Guard. All payments made by the property and disbursing officer

Returns and reports.

Payments.

Accounts.

Official bonds.

Pay.

Approval of accounts.

for the State must first have the approval of the Adjutant General, and be made upon such forms and under such rules as may be prescribed by the proper authority. All necessary blank forms, books, stationery, etc., for the use of the property and disbursing officer shall be furnished by the Adjutant General's Department.

SEC. 26. *Inspector General*.—The Inspector General shall annually inspect all organizations and departments in the militia at such times and places as the Governor may order, and inspect and audit the accounts of all officers accountable or responsible for public funds; he will inquire as to the necessity, economy, and propriety of all disbursements, their strict conformity to the law appropriating the money, and whether the property and disbursing officer complies with the law in keeping his accounts and making his deposits. He shall make an annual report to the Governor of such audits and inspections, a copy of them to be furnished the advisory board.

SEC. 27. *Advisory Board*.—There shall be an advisory board composed of the brigade commander, the commanding officer of each regiment of Infantry, the commanding officer of the Naval Militia, the commanding officer of the Coast Artillery Corps, the Chief Surgeon, and the senior officer of Engineers, and senior officer of Cavalry, which shall meet once each year in Raleigh at such time as ordered by the Governor, and at such other times and places as may be ordered by the Governor. This board shall make such recommendations to the Governor as it may deem for the best interests of the militia. The Adjutant General, the property and disbursing officers, and the inspector general shall furnish such information as may be requested by the board.

SEC. 28. *Elimination and Disposition of Officers*.—At any time the moral character, capacity, and general fitness for the service of any National Guard officer may be determined by an efficiency board of three commissioned officers senior in rank to the officer whose fitness for service shall be under investigation, and if the findings of such board be unfavorable to such officer and be approved by the official authorized to appoint such officer, he shall be discharged. Commissions of officers of the National Guard may be vacated upon resignation, absence without leave for three months, upon the recommendation of an efficiency board, or pursuant to sentence of a court-martial. Officers of said guard rendered surplus by the disbandment of their organization shall be placed in the National Guard Reserve. Officers may, upon their own application, be placed in the said Reserve.

SEC. 29. *Retirement of Officers*.—When an officer reaches the age of sixty-four years he shall be retired.

SEC. 30. *Enlistments in the National Guard*.—Hereafter the period of enlistment in the National Guard shall be for six years, the first three years of which shall be in an active organization and the remaining three years in the National Guard Reserve,

Blanks, books  
and stationery  
furnished.

Inspection of  
organizations  
and departments.  
Audit of accounts.

Inquiry as to  
disbursements.

Annual reports.

Advisory board.  
Constituent  
officers.

Meetings.

Recommendations.

Information.

Examination by  
efficiency boards.

Commissions  
vacated.

National guard  
reserve.

Retirements for  
age.

Term of enlist-  
ment.

Qualifications  
for enlistment.  
Proviso: continu-  
ance of service.

and the qualifications for enlistment shall be the same as those prescribed for admission to the Regular Army: *Provided*, that in the National Guard the privilege of continuing in active service during the whole of an enlistment period and of reënlisting in said service shall not be denied by reason of anything contained in this act.

Enlistment  
contract.

SEC. 31. *Enlistment Contract*.—Enlisted men shall not be recognized as members of the National Guard until they shall have signed an enlistment contract and taken and subscribed to the following oath of enlistment: "I do hereby acknowledge to have voluntarily enlisted, this ..... day of ....., 19.., as a soldier in the National Guard of the United States and of the State of North Carolina, for the period of three years in service and three years in the reserve, under the conditions prescribed by law, unless sooner discharged by proper authority. And I do solemnly swear that I will bear true faith and allegiance to the United States of America, and to the State of North Carolina, and that I will serve them honestly and faithfully against all their enemies whomsoever, and that I will obey the orders of the President of the United States and of the Governor of the State of North Carolina, and of the officers appointed over me according to law and the rules and articles of war."

Discharges in  
writing.

SEC. 32. *Discharge of Enlisted Men from the National Guard*.—An enlisted man discharged from service in the National Guard shall receive a discharge in writing in such form and with such classification as is or shall be prescribed for the Regular Army, and in time of peace discharges may be given prior to the expiration of terms of enlistment under such regulations as may be prescribed by proper authority.

Discipline.

SEC. 33. *Discipline of the National Guard*.—The discipline of the National Guard shall conform to the system which is now or may hereafter be prescribed for the Regular Army, and the training shall be carried out so as to conform to the provisions of an Act of Congress approved June third, one thousand nine hundred and sixteen, and subsequent Federal enactments.

Training.

Army and navy  
regulations and  
articles of war.

SEC. 34. *Articles of War, Applicable in Time of Peace*.—The National Guard and Naval Militia, when not in the service of the United States, shall, except as to punishments, be governed respectively by the United States Army regulations and articles of war, and the Navy regulations and articles for the government of the Navy.

Government of  
unorganized  
militia.

SEC. 35. *Regulations Governing the Unorganized Militia*.—Whenever any part of the unorganized militia is ordered out, it shall be governed by the same rules and regulations and be subject to the same penalties as the National Guard or Naval Militia.

Orders and regu-  
lations by com-  
mander-in-chief.

SEC. 36. *Commander-in-Chief to Prescribe Regulations of Militia*.—The commander-in-chief shall have the power and it shall be his duty from time to time to issue such orders and to



prescribe such regulations relating to the organization of the National Guard and Naval Militia as will cause the same at all times to conform to the Federal requirements of the United States Government relating thereto.

SEC. 37. *Armament, Equipment, and Uniform of the National Guard.*—The National Guard shall, as far as practicable, be uniformed, armed, and equipped with the same type of uniforms, arms, and equipment as is or shall be provided for the Regular Army. Uniform, arms, and equipment.

SEC. 38. *Care and Return of Military Property.*—All public military property, except when used 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. Custody of military property.

SEC. 39. *Property, Where Kept.*—All the public arms of every description which may not be distributed among the militia according to law shall be deposited and kept in the public arsenal established at Raleigh. Public arsenal.

SEC. 40. *Property, How Kept.*—Every noncommissioned officer and private belonging to any company equipped with public arms shall keep and preserve his arms and accouterments in good order and in a soldierly manner; and for every neglect to do so may be punished as a court-martial may direct. Care of arms and accouterments.

SEC. 41. *Horses, Motor Trucks, etc.*—Horses, motor trucks, and other vehicles issued by the Secretary of War to the National Guard shall be used solely for military purposes. Use of horses and vehicles.

SEC. 42. *Transfer of Funds and Property.*—All officers accountable or responsible for public funds, property, or books, before being relieved from the duty shall turn over the same according to the regulations prescribed by the Governor. Transfer of funds and property.

SEC. 43. *Disposition and Replacement of Lost or Damaged Property.*—That whenever any military property issued to the militia of the State shall have been lost, damaged, or destroyed, and upon report of a disinterested survey officer of the Regular Army, Navy, or the Militia it shall appear that the loss, damage, or destruction of property was due to carelessness or neglect, or that its loss, damage, or destruction could have been avoided by the exercise of reasonable care, the money value of such property shall be charged to the accountable and responsible officer or enlisted man, and the pay of such officers and enlisted men from both Federal and State funds at any time accruing may be stopped and applied to the payment of any such indebtedness until the same is discharged. That in addition thereto any officer accountable or responsible for military property shall be liable on his bond to the State and the property and disbursing officer or accounting officer for any lost, damaged, or destroyed property for which he is accountable or responsible. Payment for property lost, damaged or destroyed.  
  
Officers liable on bonds.



National guard and naval militia first ordered into service.

Regulations enforced on actual service.

Jurisdiction of courts-martial.

Punishment.

Imprisonment.

Unorganized militia may be ordered out.

Priority of orders.

To retain designation of units.

Call for unorganized militia to designate number.

Call for volunteers or by draft. Organization.

SEC. 44. *Active First Ordered.*—In all cases the National Guard and Naval Militia hereinafter provided for shall be first ordered into service.

SEC. 45. *Ordered Out to Suppress Riots, etc.*—Whenever any portion of the militia shall be called into service to execute the law, suppress riot or insurrection, or to repel invasion, the articles of war, and articles for the government of the Navy, governing the Army and Navy of the United States, and the regulations prescribed for the Army and Navy of the United States, and the regulations issued thereunder, shall be enforced and regarded as a part of this act until said forces shall be duly relieved from such duty. As to offenses committed when such articles of war and articles for the government of the Navy are so in force, 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 and articles for the government of the Navy or regulations or laws governing the United States Army and Navy 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 guardhouse shall be executed in county jails or other prisons designated by the Governor for that purpose.

SEC. 46. *Unorganized Militia, When Ordered Out.*—The commander-in-chief may at any time, in order to execute the law, suppress riots or insurrections, or repel invasion, in addition to the National Guard, the National Guard Reserve, and the Naval Militia, order out the whole or any part of the unorganized militia. When the militia of this State or a part thereof is called forth under the Constitution and laws of the United States, the Governor shall first order out for service the National Guard or Naval Militia, or such part thereof as may be necessary, and if the number available be insufficient, he shall then order out such a part of the unorganized militia as he may deem necessary. During the absence of organizations of the National Guard or Naval Militia in the service of the United States, their State designations shall not be given to new organizations.

SEC. 47. *How Ordered Out.*—The Governor shall, when ordering out the unorganized militia, designate the number. He may order them out either by calling for volunteers or by draft. He may attach them to the several organizations of the National Guard or Naval Militia, or organize them into separate brigades, regiments, battalions, companies, separate corps, batteries, troops, or divisions, as may be best for the service.

SEC. 48. *How Drafted.*—If the unorganized militia is ordered out by draft, the Governor shall designate the persons in each county to make the draft, and prescribe rules and regulations for conducting the same. Conscript officers.

SEC. 49. *Ordered Out, Failure to Appear.*—Every member of the militia ordered out for duty, or who shall volunteer or be drafted, who does not appear at the time and place ordered, shall be liable to such punishment as a court-martial may determine. Punishments.

SEC. 50. *When Paid.*—The militia of the State, both officers and enlisted men, when called into the service of the State, shall be rationed and receive the same pay as when called into the service of the United States: *Provided, however,* that when called in aid of the civil authorities, enlisted men shall receive in addition to said pay the sum of sixty (60) cents per day. Rations and pay on service.  
Proviso: pay when aiding civil authorities.

SEC. 51. *How Paid.*—The Governor may, whenever the public service requires it, order upon special or regular duty any officer or enlisted man of the National Guard or Naval Militia, and the expenses and compensation therefor of such officer and enlisted man shall be paid upon the approval of the Governor and warrant of the Auditor. Such officer and enlisted man shall receive the same pay as officers and enlisted men of the same grade and like service of the Regular Army or Navy: *Provided,* that officers when on duty in connection with examining boards, efficiency boards, advisory boards, general or special courts-martial and courts of inquiry, shall be allowed actual expenses and four dollars per diem for such duty: *Provided further,* that no staff officer who receives a salary from the State as such shall be entitled to any additional compensation other than actual and necessary expenses incurred while traveling upon orders issued by the proper authority. Detail for special or regular service.  
Payment.  
Rate of pay.  
Proviso: officers on special duty.  
Proviso: staff officers on salary.

SEC. 52. *By Whom Paid.*—When the militia or any portion thereof shall be called into service to execute the law, suppress riots or insurrections, and to repel invasions, the pay, subsistence, transportation, and other necessary expenses incident thereto shall be paid by the State Treasurer, upon the approval of the Governor and warrant of the Auditor. Payment by state.

SEC. 53. *General and Field Officers.*—General and field officers when away from their home stations visiting the organizations of their commands, for inspection and instruction under orders from proper authority shall receive actual necessary expenses and the pay of their rank. Pay of general and field officers.

SEC. 54. *Pay and Care of Soldiers When Injured in Service.*—A member of the National Guard and Naval Militia who shall, when on duty or assembled therefor in case of riot, tumult, breach of peace, insurrection, or invasion, or to repel invasion or in aid of the civil authorities, receive any injury, or incur or contract any disability or disease, by reason of such duty or assembly therefor, or who shall without fault or neglect on his part be wounded or disabled while in line of duty, which shall tempora- Pay and care when injured in service.

rily incapacitate him from pursuing his usual business or occupation, shall during the period of such incapacity receive the actual necessary expenses for care and medicine and medical attendance, to be paid out of the State Treasury from funds not otherwise appropriated, upon order of the Governor and warrant of the Auditor.

Courts-martial.

SEC. 55. *Systems of Courts-martial for National Guard.*—Courts-martial for organizations of the National Guard not in the service of the United States shall be of three kinds, namely, general courts-martial, special courts-martial, and summary courts-martial. They shall be constituted like and have cognizance of the same subjects, and possess like powers, except as to punishments, as similar courts provided for by the law and regulations governing the Army of the United States, and the proceedings of courts-martial of the National Guard shall follow the forms and modes of procedure prescribed for said similar courts.

Jurisdiction and powers.

Proceedings.

General courts-martial.

SEC. 56. *General Courts-martial.*—General courts-martial of the National Guard not in the service of the United States may be convened by orders of the President, or of the Governor of the State, and such courts shall have the power to impose fines not exceeding two hundred dollars; sentence to forfeiture of pay and allowances; to a reprimand; to dismissal or dishonorable discharge from the service; to reduction of noncommissioned officers to the ranks; or any two or more of such punishments may be combined in the sentences imposed by such courts.

Jurisdiction.

Special courts-martial.

SEC. 57. *Special Courts-martial.*—In the National Guard, not in the service of the United States, the commanding officer of each garrison, fort, post, camp, or other place, brigade, regiment, detached battalion, or other detached command, may appoint special courts-martial for his command; but such special courts-martial may in any case be appointed by superior authority when by the latter deemed desirable. Special courts-martial shall have power to try any person subject to military law, except a commissioned officer, for any crime or offense made punishable by the military laws of the United States; and such special courts-martial shall have the same powers of punishment as the general courts-martial, except that fines imposed by such courts shall not exceed one hundred dollars.

Jurisdiction.

Summary courts-martial.

SEC. 58. *Summary Courts-martial.*—In the National Guard, not in the service of the United States, the commanding officer of each garrison, fort, post, or other place, regiment, or corps, detached battalion, company, or other detachment of the National Guard, may appoint for such place or command a summary court to consist of one officer, who shall have power to administer oaths and try the enlisted men of such place or command for breaches of discipline and violations of laws governing such organizations; and said court, when satisfied of the guilt of such soldier, may impose fines not exceeding twenty-five dollars for any single offense; may sentence noncommissioned officers to reduction to

Jurisdiction.

the ranks; may sentence to forfeiture of pay and allowances. The proceedings of such court shall be informal, and the minutes thereof shall be the same as prescribed for summary courts of the Army of the United States. Proceedings.

SEC. 59. *Powers of Courts-martial.*—All courts-martial of the National Guard, not in the service of the United States, including summary courts, shall have power to sentence to confinement in lieu of fines authorized to be imposed, and shall have power to direct that upon the nonpayment of a fine the person convicted shall be confined in any county jail: *Provided*, that such sentences of confinement shall not exceed one day for each dollar of fine authorized. Sentences to imprisonment.  
Proviso: limit.

SEC. 60. *Procedure of Courts-martial and Civil Officers.*—In the National Guard, not in the service of the United States, presidents of courts-martial and summary court officers shall have power to issue warrants to arrest accused persons and to bring them before the court for trial whenever such persons shall have disobeyed an order in writing from the convening authority to appear before such court, a copy of the charge or charges having been delivered to the accused with such order, and to issue commitments in carrying out sentences of confinement, and to issue subpoenas and subpoenas *duces tecum*, and to enforce by attachment attendance of witnesses and the production of books and papers, and to sentence for a refusal to be sworn or to answer as provided in actions before civil courts. He shall also have power to punish for contempt occurring in the presence of the court. Warrants.  
Commitments.  
Subpoenas.  
Attachments.  
Punishment for contempt.

SEC. 61. *Sentences, Where Executed.*—All sentences to confinement imposed by any military court of this State shall be executed in such prisons as the court may designate. Execution of sentences.

SEC. 62. *How Executed.*—All processes and sentences of any of the military courts of this State shall be executed by any sheriff, deputy sheriff, constable, or police officer into whose hands the same may be placed for service or execution, and such officer shall make return thereof to the officer issuing or imposing the same. Such service or execution of process or sentence shall be made by such officer without tender or advancement of fee therefor: *Provided*, that all costs in such cases shall be paid from funds appropriated for military purposes: *Provided further*, that the actual necessary expenses of conveying a prisoner from one county in the State to another, when the same is authorized and directed by the Adjutant General of the State, shall be paid from the military fund of the State upon a warrant approved by the Adjutant General. Processes and sentences executed by civil officers.  
Returns.  
Proviso: payment of costs.  
Proviso: expense of conveyance.

SEC. 63. *Commitments.*—That when any sentence to fine or imprisonment shall be imposed by any military court of this State, it shall be the duty of the president of said court, or summary court officer, upon the approval of the findings and sentence of such court, to make out and sign a certificate entitling the case, giving the name of the accused, the date and place of trial, the Certificate of sentence.



Execution of sentence.	date of approval of sentence, the amount of fine, or manner, place, and duration of confinement, and deliver such certificate to the sheriff, or deputy sheriff, constable, or police officer of the county wherein the sentence is to be executed; and it shall thereupon be the duty of such officer to carry said sentence into execution in the manner prescribed by law for the collection of fines or commitment to service of terms of imprisonment in criminal cases determined in the courts of this State.
Proceedings of courts-martial.	SEC. 64. <i>Manual of Courts-martial Governs Trial.</i> —Trials and proceedings by all courts and boards shall be in accordance with the plan and procedure laid down in the Manual of Courts-martial, Courts of Inquiry, and Retiring Boards, and other procedures under military law, as may from time to time be prescribed by the Secretary of War.
Sentences to be approved by governor.	SEC. 65. <i>Dismissal, When and How.</i> —No sentence of dismissal from the service or dishonorable discharge, imposed by a National Guard court-martial not in the service of the United States, shall be executed until approved by the Governor. Any officer convicted by a general court-martial and dismissed from the service shall be forever disqualified from holding a commission in the militia.
Disqualification.	

## NAVAL MILITIA.

Units of naval militia.	SEC. 66. <i>Organization and Equipment.</i> —The organization of the Naval Militia shall be units of convenient size, in each of which the number and rank of officers and the distribution of the total enlisted strength among the several ratings of petty officers and other enlisted men shall be such as are prescribed by the Secretary of the Navy, who may also prescribe the number of officers and the number of petty officers and other enlisted men required for the organization of such units into larger bodies for administrative and other purposes, and the arms and equipment of the Naval Militia shall be those which are now or may hereafter be prescribed by the Secretary of the Navy.
Arms and equipment.	
Eligibility of national officers.	SEC. 67. <i>Officers of Navy and Marine Corps May Be Appointed Officers of Naval Militia.</i> —Officers of the United States Navy and Marine Corps may, with the approval of the Secretary of the Navy, be elected or appointed and commissioned as officers of the Naval Militia.
Assignment to duty.	SEC. 68. <i>Assignment of Officers to Particular Duties.</i> —Line officers of the Naval Militia may be for line duties only, for engineering duties only, or for aeronautic duties only.
Discipline.	SEC. 69. <i>Discipline.</i> —The Naval Militia shall be subject to the system of discipline prescribed for the United States Navy and Marine Corps, and the commanding officer of a Naval Militia battalion or brigade, or a Naval Militia officer in command of Naval Militia forces on shore or on any vessel of the Navy loaned to the State, or on any vessel on which such forces are training, whether within or without the State, or wherever, either within
Powers of commanding officers.	



or without the State, Naval Militia forces of the State shall be assembled pursuant to orders, shall have power without trial by courts-martial to impose upon members of the Naval Militia the punishments which the commanding officer of a vessel of the Navy is authorized by law to impose.

SEC. 70. *Disbursing and Accounting Officer.*—The Governor shall appoint a disbursing officer, approved by and of such rank as may be prescribed by the Secretary of the Navy, to perform such duties as the Secretary of the Navy may prescribe. The Governor shall also appoint the above described disbursing officer, or such other officer of the pay corps of the Naval Militia as he may elect, as accounting officer for each battalion thereof, or at his option for each larger unit or combination of units of the same, who shall be responsible for the proper accounting for all public property issued to and for the use of such battalion or larger unit or combination of units.

Disbursing officers.

SEC. 71. *Rendition of Accounts.*—Accounting officers shall render accounts as prescribed by the Governor or by the Secretary of the Navy, and shall be required to give good and sufficient bond to the State and to the United States, in such sums as the Governor or the Secretary of the Navy may direct, and conditioned upon the faithful accounting for all public property and for the safe keeping of such part thereof as may be in the personal custody of such officer. Accounting officers may issue any or all such property to other officers or enlisted men of the Naval Militia under such rules and regulations as may be prescribed.

Accounts to be rendered.

Official bonds.

Issue of property.

SEC. 72. *Courts-martial.*—Courts-martial in the Naval Militia shall consist of general courts-martials, summary courts-martial, and deck courts.

Courts-martial.

SEC. 73. *General Courts-martial.*—General courts-martial shall consist of not less than three nor more than thirteen officers, and may be convened by order of the Governor.

General courts-martial.

SEC. 74. *Summary Courts-martial.*—Summary courts-martial may be ordered by the Governor, or by the commanding officers of a Naval Militia battalion or brigade.

Summary courts-martial.

SEC. 75. *Deck Courts.*—Deck courts may be ordered by the commanding officer of a Naval Militia battalion or brigade, or by a Naval Militia officer in command of Naval Militia forces on shore or on any vessel loaned to the State or on any vessel on which said forces may be serving.

Deck courts.

SEC. 76. *Jurisdiction and Procedure of Courts-martial and Deck Courts.*—The above courts-martial and deck courts herein provided for shall be constituted and have cognizance of the same subjects, and possess like powers, except as to punishments, as similar courts-martial provided for in the Navy of the United States; and the proceedings of courts-martial of the Naval Militia shall follow the forms and modes of procedure prescribed for such courts in the Navy of the United States.

Jurisdiction and procedure.

Place of holding courts.

SEC. 77. *Place of Holding Courts.*—Every precept or order for the convening of any such court may authorize said court to sit at any place or places within the territorial limits of the State as the convening authority may designate, and may further provide that any such court may be convened and sit on board any such naval or other vessel, wherever the same from time to time happens to be, or at such place or places ashore, outside the territorial limits referred to above, as in the judgment of the said convening authority may be convenient or desirable for the purposes of such courts-martial.

Powers of punishment of general courts-martial.

SEC. 78. *Powers of Punishment of General Courts-martial.*—General courts-martial shall have power to impose fines not exceeding two hundred dollars, to sentence to forfeiture of pay and allowances, to a reprimand, to dismissal or dishonorable discharge from the service, to reduction in rank or rating; or any two or more of such punishments may be combined in the sentences imposed by such courts.

Summary courts-martial.

SEC. 79. *Powers of Summary Courts-martial.*—Summary courts-martial shall have the same powers of punishment as general courts-martial, except that fines imposed by summary courts-martial shall not exceed one hundred dollars.

Deck courts.

SEC. 80. *Powers of Deck Courts.*—Deck courts may impose fines not exceeding fifty dollars for any single offense; may sentence enlisted men to reduction in rank or rating, to forfeiture of pay and allowances, to a reprimand, to discharge with other than dishonorable discharge, or a fine in addition to any one of the other sentences specified.

Sentences to confinement.

SEC. 81. *Sentence to Confinement in Lieu of Fines.*—All courts-martial of the Naval Militia, including deck courts, shall have the power to sentence to confinement in lieu of fines authorized to be imposed, and shall have the power to direct that upon nonpayment of a fine the person convicted shall be confined in any county jail: *Provided*, that such sentences to confinement shall not exceed one day for each dollar of fine authorized: *Provided further*, that when Naval Militia forces are embarked on any vessel, the confinement in whole or in part may be had in prisons provided on said ship.

Proviso: limit of confinement.  
Proviso: confinement in ship's prison.

Approval of governor.

SEC. 82. *Dismissal or Dishonorable Discharge.*—No sentence of dismissal or dishonorable discharge from the Naval Militia shall, except when the Naval Militia shall have been called into the service of the United States, be executed without the approval of the Governor.

Warrants of arrest.

SEC. 83. *Process of Courts-martial.*—Presidents of general courts-martial, senior members of summary courts-martial, and deck court officers of the Naval Militia shall have the power to issue warrants to arrest accused persons, and to bring them before the court for trial whenever such persons have disobeyed an order in writing from the convening authority to appear before such court, a copy of the charge or charges having been

delivered to the accused with such order, and to issue commitments in carrying out sentences of confinement and to issue subpoenas and subpoenas *duces tecum*, and to enforce by attachment attendance of witnesses and the production of books and papers, and to sentence for a refusal to be sworn or to answer, all as authorized for similar proceedings for courts-martial in the Navy of the United States. He shall also have power to punish for contempt occurring in the presence of the court. All processes, warrants, and sentences of such courts shall be executed by any sheriff or deputy sheriff or any constable or police officer of any township, county, city or town, who shall be authorized by law to execute or serve any civil or criminal process.

Commitments.  
Subpoenas.  
Attachment.

Punishment for contempt.  
Execution of process, warrants and sentences.

SEC. 84. *Collection of Fines*.—The amount of any fine imposed under sentence of the courts heretofore named on any member of the Naval Militia may be collected from him, or may be deducted from any amount due said member as accrued pay.

Collection of fines.

SEC. 85. *Courts of Inquiry*.—Courts of inquiry in the Naval Militia shall be instituted, constituted, and conducted in the same manner and shall have like powers and duties as similar courts in the Navy of the United States, except that they shall be ordered by the Governor.

Courts of inquiry.

SEC. 86. *No Disbandment Without Consent of the President*.—No part of the Naval Militia which is entitled to compensation under the provisions of an Act of Congress approved August twenty-ninth, one thousand nine hundred and sixteen, shall be disbanded without the consent of the President.

Disbandment not allowed.

SEC. 87. *Ancient Privileges Retained, When*.—Any corps of artillery, cavalry, or infantry existing in the State on the passage of the Act of Congress of May eighth, one thousand seven hundred and ninety-two, which by the laws, customs, or usages of the State has been in continuous existence since the passage of said act, under its provisions and under the provisions of section two hundred and thirty-two and sections one thousand six hundred and twenty-five to one thousand six hundred and sixty, both inclusive, of title sixteen of the Revised Statutes of one thousand eight hundred and seventy-three and the Act of Congress of January twenty-first, one thousand nine hundred and three, relating to the militia, shall be allowed to retain its ancient privileges, subject, nevertheless, to all duties required by law of the militia: *Provided*, that said organizations may be a part of the National Guard, and entitled to all the privileges of this act, and shall conform in all respects to the organization, discipline, and training of the National Guard in time of war: *Provided further*, that for purposes of training and when on active duty in the service of the United States they may be assigned to higher units, as the President may direct, and shall be subject to the orders of officers under whom they shall be serving.

Corps entitled to ancient privileges.

Proviso: organizations part of guard.

Proviso: assignments by president.

SEC. 88. *Leaves of Absence for Certain State Officers and Employees*.—All officers and employees of the State who shall be

Leaves of absence.

members of the National Guard or Naval Militia shall be entitled to leaves of absence from their respective duties, without loss of pay, time, or efficiency rating, on all days during which they shall be engaged in field or coast-defense training ordered or authorized under the provisions of this act.

Exemption from  
road and jury  
duty.

SEC. 89. *Exempted from Road and Jury Duty.*—That all members of the National Guard and Naval Militia who comply with and perform all duties required of them as members of said National Guard and Naval Militia 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. That on the first day of January and July of each year, beginning with the first day of July, one thousand nine hundred and seventeen, the commanding officer of each company, troop, battery, detachment, or division of the National Guard and Naval Militia 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, detachment, or division is located a statement giving the name and rank of each member of his organization who has performed all military duties during the preceding six months; and any member of such military organization whose name does not appear upon said statement shall not receive the benefit of the exemption provided for herein during the six months immediately following the filing of said statement.

Rolls furnished  
clerk of court.

Benefit of exemp-  
tion.

Contributing  
members.

SEC. 90. *Contributing Members.*—Each organization of the National Guard and Naval Militia may, besides its regular and active members, enroll twenty-five contributing members on payment in advance by each person desiring to become such contributing member of not less than ten dollars per annum, which money shall be paid into the company treasury. Each contributing member shall be entitled to receive from the commanding officer thereof a certificate of membership, which certificate shall exempt the holder from jury duty.

Certificate of  
membership.

Exemption from  
jury duty.

Appropriations  
by counties.

SEC. 91. *County Commissioners.*—The county commissioners may appropriate such sums of money to the various organizations of the National Guard or Naval Militia in their counties and at such times as the board may deem proper.

Organizations  
may own prop-  
erty.

Recoveries to use  
of organization.

SEC. 92. *Organizations May Own Property.*—Organizations of the National Guard and Naval Militia shall have the right to own and keep real and personal property, which shall belong to and be under the control of the members of the organization; and the commanding officer of any organization may recover for its use any debts or effects belonging to it, or damages for injury to such property, action for such recovery to be brought in the name of the commanding officer thereof before any court of justice within the State having jurisdiction; and no suit or complaint pending in his name shall be abated by his ceasing to be commanding officer of the organization; but upon motion of the commander succeeding him such commander shall be admitted to

Actions for  
recovery.



prosecute the suit or complaint in like manner and with like effect as if it had been originally commenced by him.

SEC. 93. *Support of Families of Soldiers.*—When any citizen of the State is absent on duty as a member of the National Guard or Naval Militia, and his family are unable to support themselves during his absence, the board of commissioners of his county, on application, shall make towards their maintenance such allowance as may be deemed reasonable.

Allowance by counties.

SEC. 94. *Trespassers and Disturbers Arrested.*—The commanding officer upon any occasion of duty may place in arrest during the continuance thereof any person who shall trespass upon the camp ground, parade ground, armory or other place devoted to such duty, or who shall in any way or manner interrupt or molest the orderly discharge of duty by those under arms, or shall disturb or prevent the passage of troops going to or returning from any duty. He may prohibit and prevent the sale or use of all spirituous liquors, wine, ale, beer, or cider, the holding of huckster or auction sales, and all gambling within the limits of the post, camp ground, place of encampment, parade, or drill under his command, or within such limits not exceeding one mile therefrom as he may prescribe. And he may in his discretion abate as common nuisance all such sales.

Arrests by commanding officers.

Enforcement of sobriety and order.

Abatement as nuisance.

SEC. 95. *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 freight upon ammunition, uniforms, and equipment shipped out from and returned to the State arsenal.

Payments of freight.

SEC. 96. *Arsenal.*—The Board of Public Buildings and Grounds shall provide a suitable building for an arsenal. The Governor may make such provisions as he may deem necessary for the care and issue of property and for guarding and protecting the arsenal, and for the purpose of defraying the expenses under this section. He may, upon certificate of the Adjutant General and warrant of the Auditor, from time to time draw upon the Treasurer for such sums as may be necessary.

Arsenal to be provided.  
Care and issue of property.

SEC. 97. *Maintenance of the Militia.*—The commanding officer of each brigade, regiment, the Coast Artillery Corps, and the Naval Militia, shall maintain a headquarters office, for which actual expense therefor shall be allowed, to include office rent, light, heat, stamps, stationery, printing, and other necessary expenses, not to exceed two hundred and twenty-five dollars per annum. There shall be allowed to each major of the line not exceeding fifty dollars per annum with which to defray the necessary expenses of their respective offices. The chief surgeon and the commanding officer of each company of infantry, headquarters company, supply company, machine-gun company, coast artillery company, company of engineers, battery of field artillery, signal

Allowance for headquarters.

Allowance to majors.

Chief surgeons and commanding officers.



corps company, troop of cavalry, field hospital, ambulance company, aero squadron, division of Naval Militia, company of marines, and aeronautic section shall be allowed annually the sum of one hundred dollars; each lieutenant of such organization, battalion adjutants, and officers of corresponding grades and duties in the Naval Militia, the sum of fifty dollars; the commanding officer of each infirmary, sanitary unit, the sum of fifty dollars; for the purpose of defraying the necessary expenses of their respective offices. There shall be allowed annually to each company of infantry, headquarters company, supply company, machine-gun company, coast artillery company, company of engineers, battery of field artillery, signal corps company, troop of cavalry, field hospital, ambulance company, aero squadron, aeronautic section, division of Naval Militia, or company of marines, the sum of four hundred dollars, and to each regimental infirmary the sum of one hundred and fifty dollars, and to each sanitary detachment the sum of one hundred dollars, to be applied to the payment of armory rent, heat, light, stationery, printing and other necessary expenses. There shall be allowed annually to the supply sergeant of each company of infantry, headquarters company, supply company, machine-gun company, coast artillery company, company of engineers, battery of field artillery, signal corps company, troop of cavalry, field hospital, ambulance company, aero squadron, and to a petty officer of each division of Naval Militia, aeronautic section, and marine company the sum of fifty dollars, and to corresponding warrant officers of each regimental infirmary and sanitary detachment the sum of twenty-five dollars. All payments to be made by the State disbursing officer in semi-annual installments on the first day of July and the first day of January of each year: *Provided*, that no payment shall be made unless all drills and parades required by law are duly performed by all organizations named: *Provided further*, that no officer shall be entitled to receive any part of the amounts named herein unless he has performed satisfactorily all duties required of him by law and has pursued such course of instruction as may from time to time be required. The commanding officer of all organizations participating in the appropriations herein made shall render an itemized statement of all funds received from any source whatsoever for the support of their respective organizations in such manner and on such forms as may be prescribed by the Adjutant General. Failure on the part of any officer to submit promptly when due the financial statement of his organization will be sufficient cause to withhold all appropriations for such organizations. The sum of sixty-five thousand dollars (\$65,000) is hereby appropriated annually, out of any moneys in the Treasury not otherwise appropriated, available until expended, to enable the Governor to carry out the purposes herein provided for.

Lieutenants, battalion adjutants, and corresponding grades in naval militia.

Allowance to units of organization.

Regimental infirmary. Sanitary detachments.

Supply sergeants and corresponding officers.

Semiannual payments.

Proviso: drills and parades performed.

Proviso: performance of duty by officers.

Itemized statements.

Appropriations withheld.

Annual appropriations.

SEC. 98. That all laws and clauses of laws in conflict with this Repealing clause, act be and the same are hereby repealed.

SEC. 99. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A. D. 1917.

## CHAPTER 201

### AN ACT IN REFERENCE TO REPRINTS OF SUPREME COURT REPORTS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section five thousand three hundred and sixty-Reports annotated and edited.  
one of the Revisal of one thousand nine hundred and five of  
North Carolina be amended by striking out all of said section  
after the words "number of pages" in line six down to the words  
"such republication" in line fifteen, and insert in lieu thereof  
the words, "the Secretary of State is authorized and directed to  
have such reports edited and annotated. Such reports shall be  
printed as other State printing." Printed as state printing.

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

Ratified this the 6th day of March, A. D. 1917.

## CHAPTER 202

### AN ACT TO REGULATE THE PUBLICATION OF REPORTS BY THE VARIOUS STATE DEPARTMENTS AND INSTITUTIONS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That all laws requiring reports to be made published Reports printed biennially.  
and printed by any department oftener than once in two years  
be and the same are hereby amended to the extent that the re-  
port of any department is required or premitted to be printed  
only once in any biennial period: *Provided*, that this section shall  
not apply to the report of the State Auditor and of the State  
Treasurer. Proviso: reports of auditor and treasurer.

SEC. 2. That there is hereby established a commission to be Commission established.  
composed of the Governor, the Attorney-General, and the Com-  
missioner of Labor and Printing, the duty of which commission  
shall be to confer with the various departments and to prescribe  
the scope of the matter to be published in any report now pre-

scribed, required, or permitted, to the end that unnecessary matter may be eliminated.

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

Ratified this the 6th day of March, A. D. 1917.

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## CHAPTER 203

### AN ACT TO PROHIBIT THE SHIPPING OF HOGS FROM CHOLERA INFECTED DISTRICTS TO STOCK-LAW DISTRICTS WITHOUT EXAMINATION.

*The General Assembly of North Carolina do enact:*

Shipment for-  
bidden.

SECTION 1. It shall be unlawful for any person, firm, or corporation in any district or territory infected by cholera to bring, carry, or ship hogs into any stock-law section or territory, unless said hogs have been certified to be free from cholera either by the farm demonstration agent of the county or some other suitable person to be designated by the clerk of the Superior Court.

Misdemeanor.

SEC. 2. That any violation of this act shall constitute a misdemeanor.

SEC. 3. This act shall be in force from and after its ratification. Ratified this the 6th day of March, A. D. 1917.

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## CHAPTER 204

### AN ACT TO INCREASE THE AMOUNT OF THE PENSIONS OF CONFEDERATE SOLDIERS, SAILORS, AND THEIR WIDOWS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section four thousand nine hundred and ninety-three (4993) of the Revisal of one thousand nine hundred and five of North Carolina be and the same is hereby amended as follows, to wit:

First grade.

Strike out the words "seventy-two," relating to the first grade as defined in said section and the act or acts amendatory thereof, and insert the words "eighty-five."

Second grade.

Strike out the word "sixty," relating to the second grade as defined in said section and the act or acts amendatory thereof, and insert the words "seventy-five."

Third grade.

Strike out the words "forty-eight," relating to the third grade as defined in said section and the act or acts amendatory thereof, and insert the words "fifty-five."

Strike out the words "thirty-two, relating to the fourth grade <sup>Fourth grade.</sup> as defined in said section and the act or acts amendatory thereof, and insert the words "forty-five."

So that pensions shall be paid to soldiers, sailors, and widows <sup>Recapitulation.</sup> in the grades as defined in said section and act or acts amendatory thereof as follows:

First Grade .....	Eighty-five dollars
Second Grade.....	Seventy-five dollars
Third Grade .....	Fifty-five dollars
Fourth Grade .....	Forty-five dollars

SEC. 2. That in no year shall the amount paid for pensions ex- <sup>Limit of annual</sup>ceed the sum of five hundred and seventy-five thousand dollars. <sup>amount.</sup> That the State Auditor is hereby authorized, empowered, and <sup>Apportionment.</sup> directed to so apportion, distribute, and divide the money provided by this act, and to issue warrants to the several pensioners, <sup>Warrants.</sup> pro rata, in their respective grades, that the entire annual ap- <sup>Total amount</sup>propriation of five hundred and seventy-five thousand dollars <sup>to be paid.</sup> shall be paid each year to the pensioners, notwithstanding the amounts so paid be in excess of the amounts fixed in section one of this act for the several grades: *Provided*, that the total ap- <sup>Proviso: limit.</sup>propriation under this or any other act shall not exceed the sum of five hundred and seventy-five thousand dollars (\$575,000) annually.

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

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

Ratified this the 6th day of March, A. D. 1917.

## CHAPTER 205

### AN ACT FOR PERMANENT IMPROVEMENTS FOR THE CONFEDERATE WOMEN'S HOME AT FAYETTEVILLE, NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the sum of two thousand dollars (\$2,000) be <sup>Appropriation.</sup> and the same is hereby appropriated from the State Treasury for permanent improvements of the Confederate Women's Home in Fayetteville.

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

Ratified this the 6th day of March, A. D. 1917.

## CHAPTER 206

## AN ACT TO PROVIDE FOR AN ELECTION TO TAX DOGS IN THE SEVERAL COUNTIES OF NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

Petition for election.

SECTION 1. Upon the written application of one-third of the qualified voters of any county in this State made to the board of commissioners of such county, asking that an election be held in said county to adopt the provisions of this act for levying and collecting a dog tax in said county, it shall be the duty of said board of commissioners from time to time to submit the question of "Dog Tax" or "No Dog Tax" to the qualified voters of said county; and if at any such election a majority of the votes cast shall be in favor of said dog tax, then the provisions of this act shall be in full force and effect over the whole of said county and the dog tax hereinafter provided for shall be levied and collected in said county; but if a majority of the votes cast at such election shall be against said dog tax, then the provisions of this act shall not apply to any part of said county.

Petition for election on question of repeal.

SEC. 2. Upon the written application of one-third of the qualified voters of any county in this State which now has a local law taxing dogs, or which may hereafter adopt the provisions of this act and by election thereunder hereafter vote a dog tax in such county, made to the board of commissioners of such county, asking that an election be held in said county to repeal or abrogate the dog tax law of said county, it shall be the duty of said board of commissioners from time to time to submit the question of "No Dog Tax" or "Dog Tax" to the qualified voters of said county.

Question to be submitted.

Effect of election.

And if at any such election a majority of the votes cast shall be against said dog tax, then the dog tax theretofore levied and collected in said county shall not be longer levied or collected therein and the law taxing dogs shall thereafter be inoperative in said county.

Law governing elections.

SEC. 3. Every election held under the provisions of this act shall be held and conducted under the same rules and regulations and according to the same penalties provided by law for the election of members of the General Assembly: *Provided*, that no such election shall be held in any county oftener than once in two years.

Proviso: limitation.

Registration.

SEC. 4. The board of commissioners of any county in this State in which an election is to be held under the provisions of this act may provide for a new registration of voters in said county if they deem necessary, or they may provide for the use of the registration of voters in effect at the general election for county officers in said county next preceding the holding of the election hereunder, and they shall appoint such officers as may be neces-

Election officers.



sary to properly hold such election and shall designate the time and places for holding such elections, and make all rules, regulations, and do all other things necessary to carry into effect the provisions of this act; they shall provide ballots without device Ballots. for all qualified voters in said county, on which shall be written or printed the words "For Dog Tax," and also shall provide like ballots on which shall be printed or written the words "Against Dog Tax"; and at the close of said election the officers holding same shall canvass the vote and certify the returns to the said Canvass and return of votes. board of commissioners of said county, and the said board of Canvass of returns. commissioners shall canvass the said returns and declare the result of said election in the manner now provided by law for holding special-tax school elections.

SEC. 5. That the qualified voters of any county who shall make Tax to be proposed in petition. written application to the board of commisisoners of said county asking that an election be held under the provisions of this act shall designate and insert in said application the amount of dog tax to be levied and collected in said county, which tax shall not Limit of amount. exceed the sum of five dollars nor be less than the sum of one dollar for each dog, whether male or female, and the board of Record of petition. commissioners shall have said written application, specifying the amount of said dog tax to be voted for in said county, recorded in the records of their proceedings, and shall cause to be published Notice of election. in some newspaper published or circulated in said county, and posted at the courthouse door and five other public places in said county, a notice of the time and places for holding said election and specifying the amount of tax to be voted for in said county.

SEC. 6. That any person or persons, firm or corporation, own- License tax. ing or keeping any dog or dogs, whether male or female, in any county which shall adopt the provisions of this act for the levy and collection of said dog tax, shall pay annually a license or privilege tax on each dog whether male or female, such sum or sums as may be designated and inserted in the written application of the qualified voters of said county asking for said election and as recorded in the proceedings of the board of county commissioners of said county, which shall not exceed the sum of five dollars nor be less than the sum of one dollar for each dog: *Provided*, the tax voted for and levied on female dogs may be Proviso: sexes differentiated. greater than the tax on male dogs, but in no event shall said tax exceed the sum of five dollars, nor be less than the sum of one dollar for any dog, whether male or female.

SEC. 7. That it shall be the duty of any person or persons, firm Dogs to be listed. or corporation, owning or keeping any dog, whether male or female, in said county subject to the tax herein provided for, at the same time and place of listing other personal property for taxation, to list such dog with the list taker in the same manner as other personal property is listed, and any person, firm, or cor- Failure to list misdemeanor.

Punishment.	poration failing to list any dog as herein required shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five dollars nor more than ten dollars for each offense, or be imprisoned not more than thirty days; and it shall be the duty of the several list takers in said county to see that all dogs are properly listed.
Duty of list takers.	
Tax due and collectible.	SEC. 8. That the dog tax voted for under the provisions of this act shall be due and collectible at the same time and in the same manner as provided by law for the collection of taxes on other personal property in said county, and shall be collected by the collector of other taxes in said county in the same manner and under the same penalties provided by law for collection of taxes on other personal property in said county, and shall be applied to the road fund, or school fund, of said county, as may be directed by the board of commissioners of said county.
Collection.	
Application.	
Stealing listed dog misdemeanor.	SEC. 9. That any person who shall steal any dog which has been listed for taxation as herein provided shall be guilty of a misdemeanor and fined or imprisoned, in the discretion of the court; and any person who shall kill any dog the property of another, after the same has been listed as herein provided, shall be liable to the owner in damages for the value of such dog.
Punishment.	
Damages for killing dog.	That nothing in this act shall prevent the killing of a mad dog, sheep-killing dog, or egg-sucking dog on sight, when off the premises of its owner, and the owner shall not recover any damages for the loss of such dog.
Mad, sheep-killing, or suck-egg dogs.	
Counties now having dog laws.	SEC. 10. That any county in this State which now has a local law taxing dogs, may, by election in the manner herein provided for, accept the provisions of this act, and if adopted by a majority of the qualified voters of said county at such election, the local law taxing dogs in such county shall thereby be repealed and annulled, and the provisions of this act shall be in full force and effect in such county.
	SEC. 11. That this act shall be in force and effect from and after its ratification.
	Ratified this the 6th day of March, A. D. 1917.

## CHAPTER 207

### AN ACT TO AMEND CHAPTER 122, PUBLIC LAWS OF 1913.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter one hundred and twenty-two, Public Laws of one thousand nine hundred and thirteen, be amended by striking out all of section five and substituting therefor the following:

Investment of surplus of tax.

"SEC. 5. The funds 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 at par value any of said bonds from the said excess fund, provided same may be offered to them by the holder thereof; or the commissioners may stipulate in the bond when same are to be redeemable, provided it be not less than five nor more than forty years from the date of the bonds, and the said bonds when so issued, after election is proved by the commissioners, shall bear on their face the statement that the tax shall be levied by the county commissioners in accordance with this act for payment of interest and principal, full payment of which interest and principal is guaranteed by the county, though no polls or property outside of the township in whose name the bonds are issued shall be liable for said bonds until the resources of the township shall be exhausted. All bonds issued under this act shall be sold at a public meeting of the board of county commissioners of the county in which the bonds are issued, after the said bonds shall have been advertised for sale in at least one issue of a newspaper."

Purchase of bonds.

Bonds may be subject to call.

Condition stated in bonds

Guaranty by county.

Sale of bonds.

Advertisement.

SEC. 2. That all laws and clauses of laws inconsistent with this act are hereby repealed in so far as they affect this act.

Repealing clause.

SEC. 3. That this act shall be in force from and after its ratification: *Provided*, that the provision as to advertising the sale of the bonds shall apply only to bonds sold after March tenth, one thousand nine hundred and seventeen.

When act effective.

Proviso: provision for advertisement of bond sales.

Ratified this the 6th day of March, A. D. 1917.

## CHAPTER 208

AN ACT TO AMEND CHAPTER 173 OF THE PUBLIC LAWS OF 1913 AND CHAPTER 236 OF THE PUBLIC LAWS OF 1915, SO AS TO INCREASE THE AGE LIMIT FOR COMPULSORY ATTENDANCE FROM TWELVE YEARS TO FOURTEEN YEARS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter one hundred and seventy-three, Public Laws of one thousand nine hundred and thirteen, be and the same is hereby amended as follows: (a) In lines four and twenty-four of section one strike out the word "twelve" and insert in lieu thereof in each case the word "fourteen"; (b) in line eleven of section one strike out the word "four" and insert in lieu thereof the word "six"; (c) in line three of section three strike out the word "twelve" and insert in lieu thereof the word "fourteen"; (d) in line four of section eleven strike out the word "twelve" and insert in lieu thereof the word "fourteen."

Amendments to law of 1913.

Amendments to  
law of 1915.

SEC. 2. That chapter two hundred and thirty-six of Public Laws of one thousand nine hundred and fifteen be and the same is hereby amended as follows: (a) Subsection (a) of section three is hereby repealed; (b) amend section five by inserting after the word "committee" and before the word "or" in line four the words "of the township"; (c) amend section six by striking out the word "twelve" in line five and inserting in lieu thereof the word "fourteen."

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

Ratified this the 6th day of March, A. D. 1917.

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## CHAPTER 209

AN ACT TO VEST IN THE STATE BOARD OF EDUCATION  
LANDS WHICH HAVE BEEN SOLD FOR TAXES AND THE  
TITLE THERETO ACQUIRED BY THE STATE.

*The General Assembly of North Carolina do enact:*

Title vested.

SECTION 1. All lands which have been sold for taxes and by reason thereof the title thereto acquired by the State are hereby vested in the State Board of Education.

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

Ratified this the 6th day of March, A. D. 1917.

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## CHAPTER 210

AN ACT TO ASSIST IN THE ERECTION OF AN INDUSTRIAL  
BUILDING AT THE SLATER INDUSTRIAL AND STATE  
COLORED NORMAL SCHOOL.

Preamble: build-  
ing needed.

Preamble:  
amount required.

Preamble: contri-  
bution proposed.

Whereas an industrial building is greatly needed at the Slater Industrial and State Colored Normal School at Winston-Salem; and whereas it will require approximately twenty thousand dollars (\$20,000) to erect and equip a suitable building for this purpose; and whereas the principal, local board of directors, and friends of this school have proposed to raise the sum of ten thousand dollars toward the erection and equipment of such a building: Therefore,

*The General Assembly of North Carolina do enact:*

Appropriation.

SECTION 1. That a sum not to exceed ten thousand dollars (\$10,000) is hereby appropriated for the purpose of erecting an industrial building at the Slater Industrial and State Colored Normal School at Winston-Salem, and for equipment, on condition

Condition.

that a like sum be secured for said purpose from sources other than State funds; this appropriation shall be available in amounts equal to the amounts received for this purpose by the treasurer of the local board of directors from sources other than State funds as certified by him to the State Board of Education: *Provided*, that the total amount from the State shall not exceed ten thousand dollars (\$10,000): *Provided further*, that the local board of directors shall be satisfied that the whole \$10,000 from other sources shall be secured within one year from March fifteenth, one thousand nine hundred and seventeen, before any of the amount hereby appropriated shall be available.

Appropriation available.

Proviso: total amount.

Proviso: contribution available.

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

Ratified this the 6th day of March, A. D. 1917.

## CHAPTER 211

### AN ACT TO PERMIT HIGH SCHOOL PUPILS TO ATTEND THE PUBLIC HIGH SCHOOLS OF ADJOINING COUNTIES.

*The General Assembly of North Carolina do enact:*

SECTION 1. The boards of education of any adjoining counties may permit pupils, upon such terms as they may deem just, of the adjoining county entitled to attend the public high school of their own counties, to attend the public high school of said adjoining county in all respects as if the school were located in their own county, when it shall appear that such permission may be made in justice to the schools and will be in the interest of convenience and economy.

Boards of education may permit attendance.

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

Ratified this the 6th day of March, A. D. 1917.

## CHAPTER 212

### AN ACT TO PROVIDE FOR THE RENOVATION, EQUIPMENT, AND PROPER FURNISHING OF THE GOVERNOR'S MANSION.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the Board of Public Buildings and Grounds be and they are hereby authorized to renovate, equip, and properly furnish the Governor's Mansion and improve the surrounding grounds.

Authority to board of public buildings and grounds.



Appropriation.

SEC. 2. That in order to carry out the purposes of this act said Board of Public Buildings and Grounds may expend a sum not to exceed four thousand dollars (\$4,000), which is hereby appropriated out of any funds in the hands of the State Treasurer not otherwise appropriated, to be paid upon the approval of said board by warrant of the State Auditor on the State Treasurer.

Repealing clause.

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.

Ratified this the 6th day of March, A. D. 1917.

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### CHAPTER 213

AN ACT TO REGULATE THE APPEARANCE OF JUDGES AND PROSECUTING ATTORNEYS OF RECORDER'S, MUNICIPAL, AND COUNTY COURTS IN OTHER COURTS.

*The General Assembly of North Carolina do enact:*

Appearance forbidden.

SECTION 1. That it shall be unlawful for the judge or prosecuting attorney of any recorder's, municipal, or county court to appear in any other court on behalf of any defendant in a criminal action: *Provided*, where such criminal action had been tried in the court of such officer.

Misdemeanor.  
Punishment.

SEC. 2. That any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding one hundred dollars.

Exception.

SEC. 3. That this act shall not apply to Iredell County.

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

Ratified this the 6th day of March, A. D. 1917.

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### CHAPTER 214

AN ACT TO AMEND CHAPTER 50 OF THE PUBLIC LAWS OF 1915, RELATING TO THE CLERICAL FORCE OF THE GOVERNOR'S OFFICE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section one of chapter fifty of the Public Laws of one thousand nine hundred and fifteen be and the same is hereby repealed, and the following inserted in lieu thereof:

Salaries.

"The salaries of the employees of the Executive Department shall

Private secretary.

be as follows, and no more: The private secretary to the Gover-

nor shall receive an annual salary of twenty-five hundred dollars. The executive secretary, as provided in chapter fifty, section one, Public Laws of one thousand nine hundred and fifteen, shall receive a salary of twelve hundred dollars annually, and 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 has heretofore been allowed; and for additional clerical assistance the executive department shall be allowed a sum not exceeding twelve hundred dollars per annum." Executive secretary.  
Additional clerical assistance.

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

Ratified this the 6th day of March, A. D. 1917.

## CHAPTER 215

### AN ACT FOR THE MAINTENANCE OF PUBLIC LIBRARIES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That any city or town is hereby authorized and empowered to make continuing appropriations of money to such library associations or corporations as shall maintain a library or libraries, whose books shall be available without charge to the residents of said city or town, under such rules and regulations of said library associations or corporations as shall be approved by the governing body of said city or town. Appropriations by cities or towns.

SEC. 2. No city or town shall appropriate under this act in any year a total greater than one-fortieth of one per cent of the taxable value of said city or town according to the assessment of the previous year. Limit of amount.

SEC. 3. That this act shall not affect any existing local laws allowing or providing municipal aid to libraries. Existing local laws not affected.

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

Ratified this the 6th day of March, A. D. 1917.

## CHAPTER 216

### AN ACT TO INCREASE THE EFFICIENCY IN THE CARE OF PATIENTS SUFFERING WITH TUBERCULOSIS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That any county or town desiring to erect a sanatorium or hospital, shack, tent, or other structure in which it is intended to keep persons suffering with tuberculosis, shall first submit to the State Board of Health for its approval or rejection the plans of said sanatorium, hospital, shack, tent, or other Plans submitted to state board of health.

Approval of state  
board of health.

structure, and it shall be unlawful for any county or town to begin the erection of any such structure referred to above without the consent or approval of the said State Board of Health.

Misdemeanor.

SEC. 2. Any person, firm, or corporation, failing, neglecting, or refusing to comply with the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, in the discretion of the court.

Punishment.

Repealing clause.

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

Ratified this the 6th day of March, A. D. 1917.

## CHAPTER 217

AN ACT TO AMEND CHAPTER 196 OF THE PUBLIC LAWS OF 1913, RELATING TO THE COURTS OF PITT COUNTY.

*The General Assembly of North Carolina do enact:*

Term.

SECTION 1. That chapter one hundred and ninety-six of the Public Laws of nineteen hundred and thirteen be and the same is hereby amended by inserting after the word "March" in the ninth line of the paragraph entitled "Pitt County," on page three hundred and twenty-one of said Public Laws of nineteen hundred and thirteen, and before the word "second" in said line, the words "and twelfth Monday after the first Monday in March."

Jurisdiction.

SEC. 2. That the criminal terms of court designated for Pitt County by said Public Laws of nineteen hundred and thirteen be and the same are hereby declared to be mixed terms for the trial of both civil and criminal matters.

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

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

Ratified this the 6th day of March, A. D. 1917.

## CHAPTER 218

AN ACT TO REPEAL HOUSE BILL 1596, SENATE BILL 1226, RATIFIED MARCH 5, 1917, ENTITLED "AN ACT TO REPEAL CHAPTER 101 OF THE PUBLIC LAWS OF 1915."

*The General Assembly of North Carolina do enact:*

Law repealed.

SECTION 1. That House bill fifteen hundred and ninety-six, Senate bill twelve hundred and twenty-six, ratified March the fifth, nineteen hundred and seventeen, entitled "An act to repeal chapter one hundred and one of the Public Laws of nineteen hundred and fifteen," be and the same is hereby repealed.

SEC. 2. That chapter one hundred and one of the Public Laws <sup>Law reënacted.</sup> of nineteen hundred and fifteen, and all laws amendatory thereto, are hereby reënacted to all intents and purposes as if the same had never been repealed.

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

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

Ratified this the 6th day of March, A. D. 1917.

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## CHAPTER 219

### AN ACT TO LEGITIMATE BASTARD CHILDREN UPON THE MARRIAGE OF THEIR REPUTED FATHER AND MOTHER.

*The General Assembly of North Carolina do enact:*

SECTION 1. That whenever the mother of any bastard child and <sup>Child held legiti-</sup> the reputed father of such child shall intermarry or shall have <sup>mate after mar-</sup> intermarried at any time after the birth of such child, the said child shall in all respects after such intermarriage be deemed and held to be legitimate and entitled to all the rights in and to the estate, real and personal, of its father and mother that it would have had had it been born in lawful wedlock.

SEC. 2. This act shall take effect from its ratification, and all laws in conflict therewith are hereby repealed.

Ratified this the 6th day of March, A. D. 1917.

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## CHAPTER 220

### AN ACT TO PROVIDE FOR PRINTING FOR THE STATE BOARD OF HEALTH, STATE LABORATORY OF HYGIENE, STATE SANATORIUM FOR THE TREATMENT OF TUBERCULOSIS, AND THE BUREAU OF VITAL STATISTICS.

*The General Assembly of North Carolina do enact:*

SECTION 1. For the purpose of providing printing for the State <sup>Appropriation.</sup> Board of Health, the State Laboratory of Hygiene, and the State Sanatorium for the Treatment of Tuberculosis, the sum of eight thousand dollars (\$8,000) is hereby annually appropriated for the years of one thousand nine hundred and seventeen and one thousand nine hundred and eighteen.

SEC. 2. For the purpose of providing printing for the Bureau <sup>Appropriation.</sup> of Vital Statistics, the sum of two thousand dollars (\$2,000) is hereby annually appropriated for the years one thousand nine

hundred and seventeen and one thousand nine hundred and eighteen.

Payment from  
general fund.

SEC. 3. All printing provided for in sections one and two of this act is to be paid for out of the general fund as other State printing.

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

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

Ratified this the 6th day of March, A. D. 1917.

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### CHAPTER 221

AN ACT TO AMEND CHAPTER 161, SECTION 1, PUBLIC LAWS OF 1915, RELATING TO THE EQUIPMENT AND OPERATION OF TRAVELING LIBRARIES BY THE LIBRARY COMMISSION.

*The General Assembly of North Carolina do enact:*

Appropriation.

SECTION 1. That section one of chapter one hundred and sixty-one of the Public Laws of one thousand nine hundred and fifteen be amended by striking out in line five the words "four thousand dollars (\$4,000)" and inserting in lieu thereof the words "eight thousand dollars (\$8,000)."

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

Ratified this the 6th day of March, A. D. 1917.

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### CHAPTER 222

AN ACT TO AMEND CHAPTER 101, PUBLIC LAWS OF 1915, RELATIVE TO STATE-WIDE PRIMARY, BY MAKING THE PROVISIONS OF SAID ACT APPLY TO STOKES COUNTY.

*The General Assembly of North Carolina do enact:*

Stokes stricken  
out.

SECTION 1. That section thirty-four of chapter one hundred and one of the Public Laws of one thousand nine hundred and fifteen of North Carolina be and the same is hereby amended by striking out the word "Stokes" in line ten of said section.

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

Ratified this the 6th day of March, A. D. 1917.



## CHAPTER 223

AN ACT TO AMEND CHAPTER 68 OF THE PUBLIC LAWS OF 1913, RELATING TO CO-OPERATIVE WORK BETWEEN THE STATE BOARD OF AGRICULTURE AND THE COLLEGE OF AGRICULTURE AND MECHANIC ARTS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section one of chapter sixty-eight of the Public Laws of one thousand nine hundred and thirteen be amended so as to read as follows: "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 each of the Board of Agriculture and the trustees of the College of Agriculture and Mechanic Arts; and in addition thereto the Governor of the State, the Commissioner of Agriculture, and the president of the North Carolina College of Agriculture and Mechanic Arts shall be *ex officio* members of said committee. The Governor shall be *ex officio* chairman of the committee. The committee may elect a chairman *pro tem.*, who shall preside in the absence of the Governor, and the committee shall make a report annually to the Governor on the work in its charge."

Joint committee  
for agricultural  
work.

Members.

Members *ex*  
*officio*.

Governor chair-  
man.  
Chairman *pro*  
*tem.*  
Annual reports.

Ratified this the 6th day of March, A. D. 1917.

## CHAPTER 224

AN ACT FOR THE REDUCTION AND ELIMINATION OF ILLITERACY IN NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the State Board of Education is authorized and directed to appropriate annually for two years the sum of twenty-five thousand dollars for conducting schools to teach adult illiterates, the said appropriation to be made out of funds delivered to said State Board of Education under the terms of an act of the General Assembly entitled "An act to issue bonds of the State of North Carolina for the permanent enlargement and improvement of the State's educational and charitable institutions."

Appropriation  
for adult illiter-  
ates.

Funds.

SEC. 2. That the State Board of Education shall duplicate out of said appropriation the sum of money raised and provided by any county, any school district, or community for the conduct of any school in said county, school district, or community for teaching illiterates over fourteen years of age for a term of not less than one month with an enrollment of not less than ten.

Sums provided  
by localities.

Expense of organization and direction.

SEC. 3. That the State Board of Education is authorized to use annually not to exceed five thousand dollars of said appropriation for the organization and direction of said work of teaching illiterates under the direction of the State Superintendent of Public Instruction. All printing necessary for carrying out the purposes of this act shall be done by the State Printer as public printing to an amount not to exceed five hundred dollars annually.

Printing.

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

Ratified this the 6th day of March, A. D. 1917.

## CHAPTER 225

### AN ACT TO INCLUDE MECKLENBURG COUNTY UNDER 1915 STATE-WIDE PRIMARY ACT.

*The General Assembly of North Carolina do enact:*

Mecklenburg stricken out.

SECTION 1. That chapter one hundred and one of the Public Laws of nineteen and fifteen be amended by striking out the word "Mecklenburg" in line five of section thirty-four.

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

Ratified this the 6th day of March, A. D. 1917.

## CHAPTER 226

### AN ACT TO FIX TERMS OF THE SUPERIOR COURT OF BERTIE COUNTY.

*The General Assembly of North Carolina do enact:*

Schedule of terms.

SECTION 1. That on and after the passage of this act there shall be held in the county of Bertie terms of the Superior Court as follows: On the third Monday before the first Monday in March, to continue for one week; on the ninth Monday after the first Monday in March, to continue for two weeks; on the first Monday before the first Monday in September, to continue for two weeks; on the tenth Monday after the first Monday in September, to continue for two weeks.

Repealing clause.

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

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

Ratified this the 6th day of March, A. D. 1917.

## CHAPTER 227

AN ACT TO INCREASE THE ANNUAL STATE APPROPRIATION FOR PUBLIC HIGH SCHOOLS FROM \$75,000 TO \$100,000.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter one hundred and thirty-five, Public Laws of one thousand nine hundred and eleven, be and the same is hereby amended as follows: At the end of line five in section two strike out the words "seventy-five" and insert in lieu thereof the words "one hundred." Appropriation.

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

Ratified this 6th day of March, A. D. 1917.

## CHAPTER 228

AN ACT TO AMEND CHAPTER 196 OF THE PUBLIC LAWS OF 1913, ENTITLED "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:*

SECTION 1. That chapter one hundred and ninety-six of the Public Laws of one thousand nine hundred and thirteen, entitled "An act to provide for the division of the State into juricial districts and for holding the courts therein," be and the same is hereby amended as follows: Under the head "The Fourth District," on page three hundred and twenty-one, strike out the sections relating to Chatham County and Lee County and insert the following:

"*Chatham County*—Seventh Monday before the first Monday in March; tenth Monday after the first Monday in March; seventh Monday after the first Monday in September; second Monday after the first Monday in March; and the fourth Monday before the first Monday in September, the two last terms for the trial of civil cases exclusively. Schedule for Chatham county.

"*Lee County*—Third Monday after the first Monday in March, to continue for two weeks; ninth Monday after the first Monday in March; second Monday after the first Monday in September, for the trial of civil cases exclusively; eighth Monday after the first Monday in September, to continue for two weeks, the first week for criminal and civil cases and the second for civil cases exclusively; seventh Monday before the first Monday in September, to continue for two weeks. When any party has been duly served with summons and a copy of the complaint thirty days Trial at return term.

before the commencement of any term of the court of Lee County, the case shall stand for trial at said term in all respects as if summons had been returned to a preceding term."

Repealing clause.

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

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

Ratified this the 6th day of March, A. D. 1917.

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## CHAPTER 229

### AN ACT TO AMEND CHAPTER 18 OF THE PUBLIC LAWS OF 1915, RELATING TO LIENS ON COLTS, CALVES, AND PIGS.

*The General Assembly of North Carolina do enact:*

Action within  
twelve months.

SECTION 1. That chapter eighteen of the Public Laws of one thousand nine hundred and fifteen be and the same is hereby amended by striking out the word "six" between the words "within" and "months" in the ninth line of section two, and inserting the word "twelve" therefor.

Repealing clause.

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

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

Ratified this the 6th day of March, A. D. 1917.

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## CHAPTER 230

### AN ACT TO PROHIBIT THE ERECTION OF SIGNALS ON HIGHWAYS EXCEPT BY RAILROADS.

*The General Assembly of North Carolina do enact:*

Posts or standards  
forbidden.

SECTION 1. That no person, firm, or corporation other than a railroad or street railway shall, for advertisement or other purposes, erect and maintain any cross-arm post or other post or standard on or near any highway within the State containing the words "Stop! Look! Listen!" or other such words or combinations of words in imitation of railroad signals or notices; and any person, firm, or corporation violating the provisions of this section shall be guilty of a misdemeanor and punishable by fine or imprisonment, in the discretion of the court.

Misdemeanor.

Punishment.

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

Ratified this the 6th day of March, A. D. 1917.

## CHAPTER 231

## 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. Rate. Specific purpose.

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. Limit on municipal tax rate.

SEC. 4. *Corporation taxes payable to State Treasurer.*

Every corporation, joint-stock association, limited partnership or company whatsoever, from which a report is required by law to be made to the Corporation Commission, shall be subject to and pay to the State Treasurer annually the State and pension tax as prescribed in section three upon each one hundred dollars of the actual value of its whole capital stock of all kinds, including common, special and preferred, as ascertained in the manner prescribed by law; it shall be the duty of the State Treasurer to mail

Corporations subject to tax. Ad valorem of capital stock. Notification to corporation.



Payment direct to treasurer.	to every such corporation a statement of the amount of such tax, which statement shall contain a copy of so much of this section as relates to penalty as notice of penalty for failure to pay said tax; and it shall be the duty of the treasurer or other officer having charge of any such corporation, joint-stock association or limited partnership upon which a tax is imposed to transmit the amount of the tax to the State Treasurer within thirty days from the date of such notice. If such tax is not paid by the fifteenth of December it shall be the duty of the State Treasurer to send, not later than January first, final notice to such delinquent corporation that penalty will be imposed if payment is not made as required by this section. If the said tax is not paid by the first day of February next following, the State Treasurer shall certify to the State Auditor a complete list of all such taxes due and unpaid. The State Auditor shall add ten per centum to such taxes, and return to the State Treasurer, charging the State Treasurer with the amount so added, and the State Treasurer shall thereupon certify the same with such percentage added to the sheriff or tax collector of the county in which such delinquent corporation has its principal office, and charge such sheriff or tax collector with the amounts so certified. Such certificate by the State Treasurer to the sheriff or tax collector in any county shall have the same force and effect of a judgment and execution against the real and personal property of such corporation as is given by section 83 of the Machinery Act for the collection of other taxes, and it shall be the duty of the sheriff or tax collector to proceed to collect same, by levy, advertisement and sale, in the same manner as provided by law for the collection of other taxes. The sheriff or tax collector shall be allowed the same fees for collecting, or for levy, advertisement and sale, as provided by law for collection of other taxes, the same to be allowed in settlement with the State Treasurer. The provisions of this section shall apply to any taxes payable directly to the State Treasurer that are due and unpaid at the time of the passage of this act, and such taxes may be certified for collection at any time during the year 1917: <i>Provided</i> , that for the purposes of this act interests in limited partnerships or joint-stock associations shall be deemed to be capital stock and taxed accordingly: <i>Provided</i> , 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-
Final notice.	
Enforcement of payment.	
Effect as of judgment.	
Fees.	
Taxes now due.	
Proviso: limited partnerships and joint-stock associations. Proviso: securities and credits.	
Securities held in trust.	
Stockholders relieved of tax.	

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. Nor shall any individual stockholder of any foreign corporation be required to list or pay taxes on any share of its capital stock, if two-thirds in value of its entire property is situated and taxed in the State of North Carolina, and the said corporation pays franchise tax on its entire issued and outstanding capital stock at the same rate as paid by domestic corporations.

Foreign corporations.  
repealed.

#### SEC. 5. *Tax exemption repealed.*

Whenever in any law or act of incorporation, granted either under the general law or by special act, there is any limitation or exemption of taxation, the same is hereby repealed, and all the property and effects of all such corporations 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 or the interest on or income from such investments shall be used exclusively for religious, charitable, or benevolent purposes or the interest upon the bonded indebtedness of said religious, charitable, or benevolent institutions.

Limitations or  
exemptions  
repealed.

Excepted property.

Proviso: property  
held for specula-  
tion, investment,  
or rent.

### INHERITANCE TAX.

#### SCHEDULE AA.

#### SEC. 6. *Rate of inheritance tax.*

From and after the passage of this act all real and personal property of whatever kind and nature which shall pass by will or by the intestate laws of this State from any person who may die seized or possessed of the same while a resident of this State, whether the person or persons dying seized thereof be domiciled within or out of the State (or if the decedent was not a resident of this State at the time of his death, such property or any part thereof within this State), or any interest therein or income therefrom which shall be transferred by deed, grant, sale, or gift, made in contemplation of the death of the grantor, bargainor, donor, or assignor, or intended to take effect in possession or enjoyment after such death, to any person or persons or to bodies corporate or politic, in trust or otherwise, or by reason whereof any person or body corporate or politic shall become beneficially entitled in possession or expectancy to any property or the in-

Property subject  
to inheritance tax.

Deed, grant, sale,  
or gift in contem-  
plation of death.

Lineal issue or ancestor, adopted child, husband or wife.

come 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, adopted child, or husband or wife, of the person who died possessed of such property aforesaid, at the following rates of tax for each one hundred dollars of the clear market value of such interest in such property:

		Rate of Tax.
Graduated rate.	Above exemption up to \$25,000.....	1 per cent.
	Excess over \$25,000 and up to \$100,000...	2 per cent.
	Excess over \$100,000 and up to \$250,000...	3 per cent.
	Excess over \$250,000 and up to \$500,000...	4 per cent.
	Excess over \$500,000 .....	5 per cent.

Exemptions.

The persons mentioned in this class shall be entitled to the following exemptions: Widows, ten thousand dollars; each child under twenty-one (21) years of age, five thousand dollars; all other beneficiaries mentioned in this section, two thousand dollars each: *Provided*, grandchildren shall be allowed the single exemption of the child they represent.

Proviso: grand-children.

Brothers or sisters or descendants.

Second. Where the person or persons entitled to any beneficial interest in such property shall be the brother or sister or descendant of the brother or sister of the person who died possessed as aforesaid, at the following rates of tax for each one hundred dollars of the clear market value of such interest:

		Rate of Tax.
Graduated rate.	Twenty-five thousand dollars or less.....	3 per cent.
	Excess over \$25,000 and up to \$100,000....	4 per cent.
	Excess over \$100,000 and up to \$250,000....	5 per cent.
	Excess over \$250,000 and up to \$500,000....	6 per cent.
	Excess over \$500,000 .....	7 per cent.

Other degrees of relationship, collateral relations or strangers in blood, or corporations.

Third. Where the person or persons entitled to any beneficial interest in such property shall be in any other degree of relationship 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, at the following rates of tax for each one hundred dollars of the clear market value of such interest:

		Rate of Tax.
Graduated rate.	Twenty-five thousand dollars or less.....	5 per cent.
	Excess over \$25,000 and up to \$100,000....	6 per cent.
	Excess over \$100,000 and up to \$250,000....	7 per cent.
	Excess over \$250,000 and up to \$500,000....	8 per cent.
	Excess over \$500,000 .....	9 per cent.

*Provided*, that no tax shall be imposed or collected under this section on legacies or property passing by will or otherwise, or by the laws of this State to religious, educational, or charitable corporations (not conducted for profit) in this State, and this provision shall apply to all such legacies or property passing by will or by the laws of this State since March twelve, one thousand nine hundred and thirteen; nor shall any tax be imposed in any case where the whole amount of such legacy or devise does not exceed two hundred dollars in value.

Proviso: property passing to religious, educational, or charitable corporations.

Fourth. That whenever an estate subject to the tax under this act shall be settled or divided among the heirs at law, legatees or devisees, without the qualification and appointment of a personal representative, the clerk of the Superior Court of the county wherein the estate is situated shall certify the same to the Corporation Commission, and shall also require such heirs at law, legatees or devisees to report to him under oath the value of said real and personal estate, and shall report said valuation to the Corporation Commission. The clerk is authorized and required to cite all interested parties to appear before him and make the report herein required and pay to him the amount of the inheritance tax due upon said property, 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: *Provided*, that in all counties in which the clerk of the Superior Court receives a salary for his services, the "three per cent" referred to in this section shall be accounted for by him in the same manner as all other fees received by said clerk.

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.

Proviso: clerks paid by salary.

#### 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.

Payment of tax only discharge.

#### SEC. 8. *Discount for payment in six months; interest after twelve months; penalty after two years.*

All taxes imposed by this act shall be due and payable at the death of the testator, intestate, grantor, donor or vendor, unless in this act otherwise provided, and if the same are paid within six months from the date of the death of the testator, intestate, grantor, donor or vendor, a discount of two and one-half per centum shall be allowed and deducted from such taxes; if not paid within one year from the date of the death of the testator, intestate, grantor, donor or vendor, such tax shall bear interest at the rate of six per centum per annum, to be computed from the

Discount for payment in six months.

Interest after twelve months.



Penalty after  
two years.

expiration of one year from the date of the death of such testator, intestate, grantor, donor or vendor, for a period of one year, and ten per centum per annum thereafter until the same is paid.

SEC. 8 (a). *Collection to be made by sheriff if not paid in two years.*

Certificate of clerk  
and collection by  
sheriff.

Sheriffs' fees.

Collection by dis-  
tress.

Return of collec-  
tion.

Proviso: extension  
of time.

If taxes imposed by this act are not paid within two years after the death of the decedent, it shall be the duty of the clerk to certify to the sheriff the amount of tax due upon such inheritance, and the sheriff shall collect the same as other taxes, with an addition of two and one-half per cent as sheriff's fees for collecting same; and the sheriff is hereby given the same rights of levy and sale upon any property upon which the said tax is payable as is given in the Machinery Act for the collection of other taxes. The sheriff shall make return to the clerk of the Superior Court of all such taxes within thirty days after collection, to be accounted for by the clerk in monthly settlement with the State Auditor and Treasurer as provided by law: *Provided*, that time for payment and collection of such tax may be extended by the State Tax Commission for good reason shown.

SEC. 9. *Executor, etc., shall deduct tax.*

Taxes deducted  
from legacies and  
shares.

Payment on  
estates other than  
money.

Payment or de-  
livery on payment  
of tax.

Sale of article  
charged with tax.

Distribution of  
surplus.

The executor or administrator or other trustee paying any legacy or share in the distribution of any estate subject to said tax shall deduct therefrom at the rate prescribed, or if the legacy or share in the estate be not money he shall demand payment of a sum to be computed at the same rates upon the appraised value thereof for the use of the State; and no executor or administrator shall be compelled to pay or deliver any specific legacy or article to be distributed, subject to tax, except on the payment into his hands of a sum computed on its value as aforesaid; and in case of neglect or refusal on the part of said legatee to pay the same such specific legacy or article or so much thereof as shall be necessary shall be sold by such executor or administrator at public sale, after notice to such legatee, and the balance that may be left in the hands of the executor or administrator shall be distributed as is or may be directed by law; and every sum of money retained by any executor or administrator or paid into his hands on account of any legacy or distributive share for the use of the State shall be paid by him to the proper officer without delay.

SEC. 10. *Legacy for life, etc., tax to be retained upon the whole amount.*

Legacy for life or  
term taxed on full  
amount.

If the legacy or devise subject to said tax be given to any person for life or for a term of years or for any other limited period upon a condition or contingency, the tax thereon shall be retained



upon the whole amount, and application shall be made to the court having jurisdiction of the accounts of executors and administrators to make apportionment, if the case requires it, of the sum to be paid by such life tenants and remaindermen; and for such further order relative thereto as equity shall require.

SEC. 11. *Legacy charged upon real estate, heir or devisee to deduct and pay to executor, etc.*

Whenever such legacy shall be charged upon or payable out of real estate the heir or devisee of such real estate, before paying the same to such legatee, shall deduct therefrom at the rates aforesaid, and pay the amount so deducted to the executor or administrator, and the same shall remain a charge upon such real estate until paid, and in default thereof the same shall be enforced by the decree of the court in the same manner as the payment of such legacy may be enforced: *Provided*, that all taxes imposed by this act shall be a lien upon the real and personal property of the estate on which the tax is imposed or upon the proceeds arising from the sale of such property, from the time said tax is due and payable, and shall continue a lien until said tax is paid and receipted for by the proper officer of the State.

Apportionment of charge.

Heir to deduct tax from legacy charged on real estate.

Tax a charge on real estate. Enforcement of collection.

Proviso: lien on real and 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 seal 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.*

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.

Foreign fiduciaries to pay tax on transfers of stock.

Liability of corporation.

SEC. 14. *Proportion of tax to be repaid upon certain conditions.*

Whenever debts shall be proven against the estate of a decedent, after the distribution of legacies from which the inheritance

Return of tax on legacies subjected to contribution.

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. *Appraisers to be appointed by the clerk, etc.*

Assessor of estates for inheritance tax.	It shall be the duty of each clerk of the court in each county in the State to appoint, on or before the first day of May, one thousand nine hundred and seventeen, subject to approval of the State Tax Commission, an assessor of estates for inheritance tax, such
Term of office.	appointment to be made for a period of two years, beginning the first day of May, one thousand nine hundred and seventeen. It
Appraisal at market value.	shall be the duty of such appraiser of estates for inheritance tax to appraise the actual market value of all estates which are or shall be subject to inheritance tax, and it shall be the duty of said
Annuities and life estates.	appraiser to make a fair and conscionable appraisement of such estates at their actual market value; and it shall be the further
Proviso: interest of appraiser in estate.	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
Proviso: right of appeal.	payable out of the estate at the rate of such valuation: <i>Provided</i> , that if the said appraiser is interested in estate to be appraised, or is related by blood or marriage to the parties interested, the clerk of the court shall appoint a special appraiser for the appraisal of such estate, who shall receive the same compensation as hereinafter provided in this section for the appraisal of estates:
Jurisdiction on appeal.	<i>Provided further</i> , that any person or persons not satisfied with said appraisement shall have the right to appeal within sixty days to the Superior Court of the proper county at term-time 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
Pay of appraisers.	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 clerk of the court.
Itemized statements.	

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
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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.

Dismissal from  
service.  
Punishments.

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.

Clerk to enter  
returns.

Public record.

Accounts against  
estates.

Certificates of  
payment.

Monthly state-  
ments to auditor.

Statement re-  
corded by auditor.

Petition for en-  
forcement of pay-  
ment.

Proceedings on  
petition.

SEC. 18. *Court may order executor, etc., to file account, etc.*

If the clerk of the court shall discover that said tax has not been paid according to law, the court shall be authorized to cite the executors or administrators of the decedent whose estate is subject to the tax to file an account, or to issue a citation to the executors, administrators, legatees or heirs, citing them to appear on a day certain and show cause why the said tax should not be paid, and when personal service cannot be had, notice shall be given for four weeks, once a week, in at least one newspaper published in said county; and if the said tax shall be found to be due and unpaid the said delinquent shall pay said tax, interest and costs; and it shall be the duty of the solicitor of the district in which the said delinquent resides to sue for the recovery and amount of such tax, and for such services he shall be allowed a fee, to be fixed by the judge, not to exceed five per cent of the amount recovered. The 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.

Citation to file  
account.

Citation to appear  
and show cause.

Notice by publica-  
tion.

Delinquent to pay  
tax, interest, and  
costs.

Solicitor to sue.

Fee of solicitor.

Allowance to  
clerks on settle-  
ments.

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.

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 payment 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 fifteen, 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 names 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.

Inquiry by county assessor.

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

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.

Income subject  
to tax.

State tax exclu-  
sive.

above twenty-five hundred dollars and up to five thousand dollars, one and one-half per cent; on the excess above five thousand dollars and up to ten thousand dollars, two per cent; on the excess over ten thousand dollars, two and one-half per cent. The above tax shall not be levied upon the income derived from property already taxed nor upon income less than one thousand 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.

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 each county in which the business is conducted, except as otherwise herein provided. Whenever in this act a tax is graduated with reference to the population of the city or town in which the privilege is exercised the minimum tax provided in such section shall be applied to the same business or privilege when conducted or exercised outside of a municipality.

Term of license.

License not trans-  
ferable.  
Abatement not  
allowed.

Collected in  
county.

##### SEC. 27. *Theaters.*

Theaters and  
opera houses.

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.

On each room or hall used as a theater or opera house, where public exhibitions or performances are given for profit, the license tax shall be as follows: In cities or towns of one thousand inhabitants or less, ten dollars per annum; over one thousand to three thousand, twenty-five dollars per annum; three thousand to five thousand, fifty dollars per annum; over five thousand to ten thousand, seventy-five dollars per annum; over ten thousand to fifteen thousand, one hundred dollars; over fifteen thousand, one hundred and fifty dollars. The license under this section shall be issued by the sheriff and shall be conspicuously posted in the entrance of the vestibule of the room or hall, and said room or hall shall not be liable for any other license tax by the county, but the

said tax shall be divided and one-half paid to the State and one-half to the county. Companies or individuals when performing or exhibiting in rooms or halls licensed under this section shall not be required to pay any other county or State license tax: *Provided*, that no city shall levy a tax greater than the amount levied by the State.

Companies performing in licensed halls exempt.  
 Proviso: city tax.

#### SEC. 28. *Traveling theatrical companies.*

On every traveling theatrical company giving exhibitions or performances in any hall, tent or other place not licensed as provided in the preceding section, whether on account of municipal ownership or for any other reason, five dollars on each day's or part of a day's exhibitions or performances; that two or more exhibitions at different times on the same day and place shall only be liable for one day's tax, and the owner of the hall, tent, or other place shall be responsible for the tax; but artists exhibiting paintings or statuary, work of their own hands, shall only pay two dollars: *Provided*, all such places of amusement as do not charge more than a total of twenty cents for admission at the door and the right to a reserved seat, and shall perform in any given place as much as one week at a time shall only be required to pay five dollars for the first day and one dollar per day for each succeeding day. Counties, cities, or towns shall not collect a greater amount than that of the State tax, and the proprietor of any such show shall apply in advance to the sheriff of any county in which a performance is to be given, for a license. Failing to do this, the show shall be subject to the actual expenses incurred by the sheriff or tax collector in enforcing payment of the license levied under this section.

Companies in other than licensed halls.

Owner of place liable for tax.  
 Artists exhibiting their own work.

Proviso: tax graded.

County, city, and town tax.  
 Application for license.

Expense of collection.

#### SEC. 28 (a). *Moving picture or vaudeville shows.*

On each room, hall, or tent used as a moving picture or vaudeville show, a tax as follows: In towns of less than one thousand five hundred inhabitants, ten dollars per annum; less than five thousand inhabitants and more than one thousand five hundred, thirty dollars per annum; less than ten thousand inhabitants and more than five thousand, sixty dollars per annum; in towns or cities with more than ten thousand inhabitants and less than fifteen thousand, one hundred dollars per annum; more than fifteen thousand inhabitants, one hundred and fifty dollars per annum. Counties, cities, or towns shall not levy a greater amount of license tax than that of the State.

Places used for moving picture or vaudeville shows.  
 Graduated tax.

County and municipal 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 pre-

Exhibitions of circus, menagerie, wild west, dog and pony, and other shows.

ceding sections, a tax as follows, for each day or part of a day:  
Shows transported by wagons, \$10.00. Shows requiring transportation of

15-car and less trains.	15-car trains and less.....	\$ 25.00
16 to 25-car trains.	16 to 25-car trains.....	75.00
25 to 40-car trains.	25 to 40-car trains.....	100.00
40 to 50-car trains.	40 to 50-car trains.....	150.00
Over 50-car trains.	Over 50-car trains.....	200.00

Proviso: county, city, and town tax. Side-shows. All other shows. Shows charging more than 50 cents admission.

County tax.

Agricultural fairs.

Statement to be filed with treasurer.

Treasurer to fix amount of tax.

Copy to sheriff or tax collector.

Sheriff to report advertisement and exhibitions to treasurer.

Treasurer to investigate by representative.

*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. Every traveling circus, carnival, or show giving performances in the open air or tents in any town or city of this State, or within ten miles of such town or city during the time when an agricultural fair is held or one week prior to the time when such fair is held, shall pay a tax of \$500 to the State and one-half that amount to the county. The person, firm, or corporation by whom any show taxed under this section is owned or controlled shall file with the State Treasurer, not less than five days before the same shall enter the State for the purpose of exhibiting therein, a statement, duly subscribed, setting out in detail such information as the State Treasurer may deem necessary to cover the places within the State where exhibitions are to be given, the character of the exhibition, etc. Upon receipt of such statment the State Treasurer shall fix and determine the amount of the license tax with which such show is chargeable, and shall indorse his findings upon such report, and transmit a copy thereof to the sheriff or tax collector of each and every county in which such show is to exhibit, with full and particular instructions as to the license tax to be collected herefrom, 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.

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.

On all carnival companies, traveling circuses and shows of like character, moving picture and vaudeville shows, museums and menageries, merry-go-rounds and Ferris wheels, and other like amusement enterprises, conducted for profit under the same general management and filling week-stand engagements, or in giving week-stand exhibitions, whether under canvass or not, the following taxes shall be paid for each week or part of week, to wit: On all such carnival companies and traveling circuses and shows of a like character, consisting of not more than six distinct attractions, conducted for profit, one hundred dollars (\$100) for the State and one half of a like amount for the county; and, when consisting of more than six distinct attractions, conducted for profit, seventy-five dollars for the State 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, educational or other cause whatsoever.

Carnival companies, etc.

Companies of not more than six attractions.

More than six attractions.

Proviso: cities and towns of less than 10,000.

Cities of more than 10,000.

Proviso: companies not embraced.

Proviso: no rebate for donations.



SEC. 30. *Certain entertainments exempt from license tax.*

Exhibitions for sole benefit of religious, charitable, or educational objects exempt.

Chautauquas.

Provido: operas, star courses, or theatrical troupes.

Provido: exhibitions for religious, charitable or educational objects in halls used exclusively for such objects.

Exhibitions at city parks and resorts.

All exhibitions or entertainments given for the sole benefit of religious, charitable or educational objects shall be exempt from taxation: *Provided*, that when operas, chautauquas, star courses or theatrical troupes are employed, such as usually appear in licensed halls or theaters, then the tax shall be the same as that imposed on traveling theatrical companies performing in unlicensed halls: *Provided further*, that no tax shall be charged for any exhibitions or entertainments for the sole benefit of religious, charitable or educational objects and given in halls used at the time exclusively for such objects, nor for exhibitions given at city parks and other resorts, when no charges for admission are made: *Provided*, no county, city or town shall levy any additional tax on chautauquas, and no tax shall be collected for the use of State on any *bona fide* chautauqua acting under contract with local committee of guarantors.

SEC. 31. *Attorneys, physicians, dentists, etc.*

Lists of trades and professions.

Provido: no municipal nor county tax.

License good in all counties.

On each and every practicing lawyer, practicing physician, dentist, oculist, photographer, optician, osteopath, architect, optometrist, veterinary surgeon, accountant, fire insurance adjuster, electrical engineer, chiropractor, civil engineer, or any person practicing any professed art of healing for fee or reward, the sum of five dollars: *Provided*, that no city, town, or county shall levy an additional license tax under this section. Said license when paid in one county shall be good in every other county in the State.

SEC. 32. *Real estate and rent-collecting agents.*

Rent-collecting and real estate agents.

Towns less than 5,000.

Towns 5,000 to 10,000.

Towns 10,000 to 15,000.

More than 15,000.

Every individual or firm or his or their agents acting as agent in buying and selling real estate of any and every description, or collecting rent for compensation, shall pay an annual license tax, in towns of less than five thousand, ten dollars; in towns of more than five thousand and less than ten thousand, fifteen dollars; in towns of more than ten and less than fifteen thousand, twenty dollars; in towns of more than fifteen thousand, twenty-five dollars. Cities and towns may, in their discretion, levy a tax under this section not in excess of the State tax.

SEC. 32 (a). *Real estate auction sales.*

Real estate auctions.

Any person, firm or corporation that conducts auction sales of real estate for profit shall pay a tax of ten dollars per day on which auction sales of real estate are held, and the county may levy an equal amount. *Provided*, this tax shall not apply to sales under mortgage, deed of trust, or order of court.

SEC. 33. *Coal dealers.*

Coal dealers.

Wholesale.

On every individual, corporation, firm, or association of persons engaged in and conducting the business of selling coal, at



wholesale, an annual license tax of twenty-five dollars; at retail, an annual license tax in each town in which coal is sold or delivered in towns of less than two thousand five hundred inhabitants, five dollars; in towns of more than two thousand five hundred and less than ten thousand inhabitants, fifteen dollars; in towns of more than ten thousand, fifty dollars: *Provided*, that where the retailer does not deliver the coal to his customers by means of wagons or freight cars or other vehicles, that in such case the annual license tax in any city shall be five dollars.

Retail.  
Towns less than 2,500.  
Towns 2,500 to 10,000.  
Towns more than 10,000.  
Proviso: dealers not delivering.

#### SEC. 34. *Collecting agencies, etc.*

On every collecting agency collecting accounts, bills, notes or other money from one person in favor of another, twenty dollars; on every dealer in second-hand clothing, forty dollars; on all undertakers and emblamers and retail dealers in coffins in towns and cities of over fifteen thousand inhabitants, an annual license tax of fifty dollars, and in towns and cities of more than ten thousand and less than fifteen thousand, thirty dollars, and in towns and cities of more than five thousand and less than ten thousand, twenty dollars, and in cities and towns or villages of less than five thousand inhabitants, ten dollars; in villages of less than five hundred inhabitants the annual license tax shall not be more than five dollars: *Provided*, that this act shall not apply to the cabinet-maker (and who is not an undertaker) who makes coffins to order.

Collecting agencies:  
Other subjects of tax.  
Proviso: cabinet-makers, not undertakers.

#### SEC. 35. *Dealers in horses and mules.*

On all persons, firms, or corporations who buy and sell horses and mules as a business or for profit, an annual license tax of twenty-five dollars; and all persons, firms, or corporations, who purchase for sale horses or mules by the car-load 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. *Provided*, a separate license shall be required in every county where a separate place of wholesale business is maintained. No county, city, or town shall levy or collect any tax under this section. Any person required to take out a license under this section who shall sell or attempt to sell any horses or mules without having obtained such license shall be deemed guilty of a misdemeanor, and upon conviction shall be fined fifty dollars or imprisoned not exceeding thirty days, the fine to be paid into the State Treasury for the general school fund. No person 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

Dealers in horses and mules.  
Wholesale dealers.  
License issued by sheriff.  
Good in all counties.  
Proviso: license for wholesale business.  
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.

the offender guilty of a misdemeanor. All persons, firms, or corporations operating under a livery stable license who buy horses and mules for sale shall be classed as horse dealers and, in addition to their livery stable tax, shall be required to pay such tax as he or they shall be liable for under this section: *Provided*, that this section shall not apply to persons dealing solely in horses or mules of their own raising: *Provided*, any person, firm, or corporation who pays the tax laid in this section shall not be liable for the twenty-five dollars license tax mentioned in section forty-one: *Provided*, that any persons, firm, or corporation who shall pay the wholesaler's tax shall not be required to pay the retail tax in addition thereto.

Proviso: dealers in stock raised by dealer.

Proviso: relief from tax under section 41.

Proviso: wholesale dealers not taxed as retailers.

### SEC. 36. *Phrenologists.*

Phrenologists.

On every person engaged in the practice of phrenology an annual license tax of twenty-five dollars for each county in which such person does business.

### SEC. 37. *Bicycle dealers.*

Dealers in bicycles and fixtures.

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.

Towns of 12,000 or more.

Towns less than 12,000.

Proviso: bicycle repairers.

### SEC. 38. *Commission merchants and persons selling stock in foreign corporations.*

Commission merchants and merchandise or stock brokers.

On every commission merchant, broker, or dealer buying or selling goods and merchandise on commission, ten dollars per annum; and on every person, individual, firm, or corporation selling or offering for sale stock in foreign corporations, an annual tax of one hundred dollars.

### SEC. 39. *Ship brokers.*

Ship brokers.

On every person engaged in the business of managing the affairs occurring between the owners of vessels and the shippers or consignee of the freight which they carry, usually known as "ship brokers," an annual license tax of forty dollars; on every person owning or operating marine railways with a hauling capacity of less than eighty tons, fifteen dollars; on every marine railway with a hauling capacity of more than eighty tons and less than one hundred and fifty tons, fifty dollars; on every marine railway with a hauling capacity of more than one hundred and fifty tons, seventy-five dollars.

Marine railways, less than 80 tons.

More than 80 and less than 150 tons.

More than 150 tons.

SEC. 40. *Pawnbrokers.*

No person shall without a license authorized by law engage in the business of lending money or other things for profit for or on account of specific articles of person property, other than farm products, deposited with the lender in pledge. Any person who shall in any manner lend or advance money as aforesaid on the pledge and possession of such personal property shall be held to be a pawnbroker. After such person shall have forfeited his right to redeem the property the pawnbroker may cause said property to be sold at public auction. The 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.

Doing business without license forbidden.

Pawnbroker defined.

Sale of unredeemed pledges.

Expense of sale.

Disposition of surplus.

Penalty for doing business without license.

License tax.

SEC. 41. *Livery Stables.*

On every person, firm, or corporation who keeps horses or mules to hire or let, with or without vehicle, 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 sheriff 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 horse dealer and shall pay an additional tax of twenty-five dollars, and shall post license from a sheriff in some conspicuous place in his office or place of business.

Livery stables.

Semiannual statements.

Liverymen classed as horse dealers.

Additional tax.

License to be posted.

SEC. 42. *Sewing machines.*

Every person, firm or corporation selling sewing machines in this State shall pay an annual license tax to the Treasurer of one hundred dollars (\$100), and the Treasurer shall issue a license to said person, firm, or corporation to sell sewing machines until July first next thereafter. In addition to the license tax above required, every person, firm, or corporation selling sewing machines shall pay a tax of eighty (80) cents on every hundred dollars of the total amount received during each year for or on account of machines sold, leased, or exchanged in this State during said year and prior thereto, after the ratification of this act, which tax shall be paid to the Treasurer before securing an annual license on July first in each year. Any person, firm, or corporation selling sewing machines without having paid the license tax required by this section shall pay a penalty of two

Sewing machines.

Tax on receipts.

Tax paid before renewal of license.  
Penalty for sale without license.

Double license and taxes.	hundred and fifty dollars, to be recovered by the Treasurer in a civil action in the Superior Court of Wake County, and shall also pay double the license and sales taxes required by this section for the year then current. When a person, firm, or corporation makes application for the license required by this section, the Treasurer shall require a sworn statement showing the amount of sales of sewing machines made by the applicant in this State for the year preceding the first day of July then last past. The Treasurer may require an itemized statement and may require the production of books and papers and may make such investigation as he may deem proper; and after making said investigation the Treasurer shall find what 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.
Sworn statements on application for license.	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 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,
Investigation by treasurer.	
Finding amount sales and collecting taxes.	
Verification of report.	
False statement a misdemeanor.	
Penalty.	
Action for penalty.	
Employment of agents.	
Tax for duplicates of license.	
County 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.	



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.

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.*

Any person who shall carry from place to place any goods, wares, or merchandise and offer to sell or barter the same or actually sells or barter the same shall be deemed to be a peddler and shall pay a license tax as follows: Each peddler on foot, twenty-five dollars for each county; each peddler with horse, ox, or mule, with or without vehicle, or with a vehicle propelled by any other power, seventy-five dollars for each county; each and every peddler of medicinal and proprietary preparations, flavoring extracts, spices and toilet articles, whether on foot or with horse, mule or ox, with or without vehicle, or with vehicle propelled by any other power, but having no free or paid attractions and no attractions upon the streets nor in a tent nor any other place for the purpose of receiving trade, one hundred dollars for each county; each and every peddler of medicines or drugs, whether on foot or with horse, mule, or ox, with or without a vehicle, or with a vehicle propelled by any other power, and having any free or paid attractions upon the street or in a tent or in any other place for the purpose of receiving trade, one hundred and fifty dollars for each county. Every itinerant salesman who shall expose for sale, either on the street or in a house rented temporarily for that purpose, goods, wares, or merchandise, shall pay a tax of one hundred dollars in each county in which he shall carry on such business, whether as principal or as agent for any other person. Every person mentioned in this section shall apply in advance for a license to the board of county commissioners of the county in which he purposes to peddle or sell, and the board of county commissioners may in their discretion issue the license upon the payment of the tax to the sheriff, which shall expire at the end of twelve months from its date. This section shall not apply to those who sell or offer for sale books, periodicals, printed music, ice, fuel, fish, vegetables, fruits, or any articles of the farm or dairy or articles of their own individual manufacture, except medicines or drugs. The board of county commis-

Peddler defined.

Peddlers on foot.  
Other peddlers.

Peddlers of specifics without advertising attraction.

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.

Proviso: tax refunded.

Proviso: county taxes under special acts.

sioners 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. And no city, town or county shall levy any tax on Confederate soldiers acting as peddlers. Any person carrying a wagon, cart, buggy, or motor-driven vehicle, or traveling on foot for the purpose of exhibiting or delivering any wares or merchandise, shall be considered a peddler: *Provided*, that this section shall not apply to persons or their agents engaged in exchanging woolen goods for wool: *Provided further*, that this section shall not apply to drummers selling by wholesale and bona fide residents who are blind: *Provided further*, that each person other than a bona fide citizen of the county in which he shall undertake to do business, who shall expose for sale goods, wares, or merchandise in any building, room, or stand rented for such purpose shall be liable to the tax herein imposed upon itinerant dealers: *Provided further*, that such tax shall be refunded to any such dealer who shall continue to do business in such county for a period of one year: *Provided further*, that nothing in this section shall prevent counties having special acts applying thereto from collecting a higher tax in accordance with the provisions of said special act.

#### SEC. 45. *Mercantile agencies.*

Mercantile agencies.

No municipal nor county tax. Representing unlicensed company a misdemeanor.

On every mercantile agency or association doing or soliciting business in this State which has for its object the rating of the commercial status of persons, firms, or corporations, the sum of two hundred and fifty dollars, to be paid by the principal office in the State to the State Treasurer; and no city, town, or county shall levy any additional license tax. Any person representing any mercantile agency which has failed to pay a license tax as above provided shall be guilty of a misdemeanor.

#### SEC. 46. *Gypsies or fortune-tellers.*

Gypsies or fortune-tellers.

Indictments not barred.

Palmists and clairvoyants.

Every company of gypsies or strolling bands of persons living in wagons or tents or otherwise who trade horses or mules, or receive rewards for pretending to tell fortunes, two hundred dollars in each county in which they offer to trade horses or mules or practice any of their crafts, recoverable out of any property belonging to any of the company; but nothing herein contained shall be so construed as to exempt them from indictment or penalties imposed by law; and any other person or persons receiving reward for pretending to tell fortunes or practicing the art of palmistry, and clairvoyants, shall pay twenty-five dollars in each county in which they offer to practice their profession or craft.

#### SEC. 47. *Lightning-rod agents.*

Lightning-rod agents.

Every person, firm, or corporation selling and erecting lightning rods in the State shall pay an annual license tax to the Insurance

Commissioner of fifty dollars, and the Insurance Commissioner shall issue a license to said person, firm, or corporation to sell lightning rods until July first next thereafter. In addition to the license tax above required, every person, firm, or corporation selling lightning rods shall pay a tax of eighty cents on every hundred dollars received from the sale of lightning rods, which tax shall be paid to the Insurance Commissioner before securing an annual license on July first in each year. When a person, firm, or corporation makes application for the license required by this section, the Insurance Commissioner shall require a sworn statement showing the amount of sales of lightning rods made by the applicant in this State for the year preceding the first day of July then last past. The Insurance Commissioner 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 such investigation the Insurance Commissioner 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 the taxes due under this section shall be guilty of a misdemeanor and shall be liable to a penalty of one hundred dollars, to be recovered by the Insurance Commissioner in a civil action to be instituted in the Superior Court of Wake County. 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 Insurance Commissioner, 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 such license is licensed thereby to sell only the classes or brands of rods sold by the holder of the original license. No person, firm, or corporation licensed under this section shall be required to pay any other license or privilege tax. No county, city, or town shall levy a license or privilege tax exceeding twenty dollars on any dealer having a general office for selling from any receiving point. No person, firm, or corporation paying a tax upon gross sales under this section shall be required to pay a tax on said sales under or by virtue of any other sections of this act. Said amount shall be payable to the Insurance Commissioner for the use of the State

License tax.

Tax on sales.

Return of sales.

Verification of returns.

Penalty for false return.

Duplicates.

County and municipal tax.

and each county upon a license being issued by him, which license he is authorized to issue upon satisfactory evidence that the brand or make of lightning rods are standard and efficient when properly erected.

#### SEC. 48. *Hotels.*

Hotels: graduated tax.

European plan.

Rooms not counted.

Proviso: resort 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 per room. Each hotel run on the European plan shall pay an annual tax of fifty cents on each room for which the charge is one dollar and fifty cents or less; on rooms for which the charge is over one dollar and fifty cents and less than two dollars and fifty cents, one dollar; on all rooms 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 when calculating the number of rooms in the hotel: *Provided*, that one-half of the foregoing taxes shall be collected from resort hotels and boarding houses which are kept open for only six months or less in the year, whether the charges are made at daily, weekly, or monthly rates: *Provided further*, that this tax shall not apply to boarding houses charging less than ten dollars per week.

#### 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.

#### SEC. 50. *Billiard and pool tables, and bowling alleys.*

Billiard and pool tables and bowling alleys.

Tables and alleys outside of towns.

Parks and playgrounds.

On each billiard or pool table, each track of the bowling alley or alley of like kind kept for public use, an annual license tax of twenty-five dollars: *Provided, however*, that it shall be unlawful for any sheriff or other officer to issue a license under this section to any person or corporation to maintain a billiard or pool table or bowling alley for public use outside of incorporated towns or cities, except with the approval of the county commissioners, and all applications for such licenses are hereby required to be filed with the county commissioners at least ten days before being acted upon, and notice thereof published in some newspaper published in the county once a week for two weeks, or posted at three conspicuous places in the community where the license is to be exercised, for two weeks prior to the action of the county commissioners thereon: *Provided further*, that nothing herein shall be construed to require the payment of a license tax on bowling alleys in public parks or on public playgrounds

not operated for gain or profit. Notwithstanding the issuance of Power to prohibit. license by the sheriff hereunder, any city or town shall have the right to prohibit the keeping, for public use, of any billiard or pool table, bowling alley or alleys of like kind within its limits.

SEC. 51. *Gift enterprises; prize photographs.*

On any gift enterprise or any person or establishment offering any article for sale and proposing to present purchasers with any gift or prize as an inducement to purchase, twenty-five dollars; on every itinerant dealer in prize photographs or prizes of any kind, one hundred dollars in each county in which the business is conducted. The taxes in this section shall be paid to the sheriff or tax collector of the county, but shall not be construed as giving license or relieving such person or establishment from any penalties incurred by violation of the law.

Gift enterprises.

Itinerant dealers in prize photographs or prizes of any kind.

Tax paid to sheriff.

Penalties for violation of law.

SEC. 52. *Slot machines.*

Upon every slot machine operated in this State wherein is kept any article to be purchased by depositing therein any coin or thing of value, and for which may be had any article of merchandise whatsoever, or anything that can be exchanged for any article of merchandise, the sum of 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 merchandise of the market value of the coin deposited and used as an automatic clerk and kept by dealers in their storehouses and paying taxes as a merchant, or slot machines where drinking-water is delivered at one cent a glass: *Provided further*, that any person using, running or operating a slot machine of any 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.

Slot merchandise machines.

Picture or music machines.

Weighing machines.

Stencil machines.

Proviso: return fixed and certain.

Proviso: automatic clerks.

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

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.

play, with or without name (unless used for private amusement or exercise alone), the following graduated tax shall be paid, to wit: In cities or towns of less than five thousand inhabitants, five dollars; from five thousand to ten thousand inhabitants, ten dollars; in all cities or towns of more than ten thousand inhabitants, twenty dollars. If kept in connection with any place where drinks of any kind are sold, fifty dollars. On skating rinks (unless used for private amusement or exercise alone), the following graduated tax, to wit: In cities or towns of less than five thousand inhabitants, five dollars; from five thousand to ten thousand inhabitants, ten dollars; and all cities or towns of more than ten thousand inhabitants, twenty dollars: *Provided*, that on each bagatelle table, merry-go-round, hobbyhorse, switchback railway or shooting gallery carried on outside of any incorporated city or town, the sum of five dollars. If kept in connection with any place where drinks of any kind are sold, fifty dollars.

#### SEC. 54. *Stockbrokers.*

Stockbrokers.

Every dealer in stocks, bonds, or other securities shall pay for the privilege of transacting business an annual license tax in towns of less than five thousand inhabitants, ten dollars; in towns of more than five thousand and less than ten thousand inhabitants, twenty-five dollars; in towns of more than ten thousand and less than fifteen thousand inhabitants, fifty dollars; in towns of more than fifteen thousand inhabitants, one hundred dollars. No county, city, or town shall levy or collect any tax under this section exceeding twenty-five dollars for the county and ten dollars for the city or town.

County, city, and town tax.

#### SEC. 55. *Bottling works.*

Bottling works.

Each person, firm, or corporation manufacturing or bottling soda water, coca-cola, pepsi-cola, ginger ale, and like preparations and every wholesale dealer in such preparations shall pay an annual tax, in rural districts and towns of two thousand five hundred inhabitants or less, thirty dollars; in towns of over two thousand five hundred and not exceeding five thousand inhabitants, sixty dollars; in towns of over five thousand and not exceeding ten thousand inhabitants, ninety dollars; in towns and cities of over ten thousand and not exceeding twenty thousand inhabitants, one hundred and twenty dollars; in towns and cities of over twenty thousand inhabitants, one hundred and fifty dollars: *Provided*, that no county shall levy more than one-half of the amount levied by the State.

Graduated tax.

Proviso: county tax.

#### 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 slaughtering within the State as much as fifty per cent of their sales. Proviso: slaughtering within State.

#### SEC. 57. *Newspaper contests.*

Every person, corporation, or association that conducts contests and offers a prize or prizes to obtain subscriptions to newspapers, an annual license tax of ten dollars for weekly, semi- or triweekly newspapers, and twenty-five dollars for each daily newspaper in which said contest is advertised. Newspaper contests.

#### SEC. 58. *Persons, firms, or corporations selling certain oils.*

Each person, firm, or corporation selling illuminating oil, lubricating oil, benzine, naphtha, or gasoline in this State shall pay an annual license tax to the State Treasurer, on or before the first day of July in each year, for the twelve months preceding the first day of June, where the gross sales exceed twenty-five thousand dollars, one per centum upon such gross sales. The said amount of sales shall be returned to the State Treasurer by the general manager of said oil company, if a corporation, and if a natural person, by him, and duly sworn, upon forms to be prepared by the State Treasurer for that purpose. Any person, firm, or corporation subject to this license tax and doing business in this State without having paid such license tax shall be liable to a penalty of one thousand dollars and in addition thereto to double the tax imposed by this section; and the State Treasurer is authorized to bring any suit for the collection of the same in the Superior Court of Wake County. No county shall impose any tax under this section upon the business of oil dealers. No city or town shall levy a license or privilege tax exceeding ten dollars, and only when there is located in such city or town an agency, station or warehouse for the distribution and sale of such oils; and the person, firm, or corporation paying the tax upon the gross sales as aforesaid shall not be liable for any other tax except the *ad valorem* tax upon the property situate and being in this State: *Provided*, that no tax shall be collected under the provisions of this section while the inspection fees or charges are collected under and by virtue of chapter five hundred and fifty-four of the Public Laws of one thousand nine hundred and nine, entitled "An act to provide for the inspection of illuminating oils and fluids," or under any act passed by the General Assembly of nineteen hundred and seventeen. Dealers in oils, benzine, naphtha, and gasoline.  
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, and who in each and every May lists a poll tax or property for taxation in the county in which the business is transacted, shall pay an annual tax of five dollars for Motor vehicles for hire.

Graded tax.	each automobile or other motor vehicle kept for that purpose and having seating capacity for not more than seven persons; and for motor vehicles having seating capacity for more than seven persons, ten dollars; and if such person, firm, or corporation aforesaid does not list a poll or property for taxation the annual tax shall be ten dollars for motor vehicles having seating capacity for not more than seven persons, and twenty dollars for motor vehicles having seating capacity for more than seven persons. Every person, firm, or corporation operating one or more automobiles for hire shall carry a number plate in a conspicuous place on each machine so operated for hire, on which shall be printed or stamped the words, "For Hire," and also number and date said license expires. Every person, firm, or corporation violating the provisions of this section shall be subject to a fine of five dollars for every day the offense continues without having said license plate. It shall be the duty of the sheriff in each county to purchase a sufficient number of license tags for his county and to deduct one-half of the cost of same from the State tax and one-half from the county tax: <i>Provided</i> , the penalty provided above shall not apply if the tax has been paid and application for the tag made to the sheriff of the county until tag is furnished by the sheriff.
Number plates.	
Penalty for violation of act.	
Sheriff to furnish plates.	
Proviso.	

SEC. 60. *Obsolete.*

SEC. 61. *Malt dealers.*

Manufacturers and dealers in malt.	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.
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SEC. 62. *Obsolete.*

SEC. 63. *Newsdealers on trains.*

Newsdealers on trains.	Upon all persons, companies, or corporations carrying on the business of selling books, magazines, papers, fruits, confections, or other articles of merchandise on the railroad trains in this State, shall pay to the State Treasurer 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.
No county or municipal tax.	

SEC. 64. *Soda fountains and venders of carbonated drinks.*

Soda fountains.	On each soda fountain operated by any person, firm, or corporation an annual tax as follows: In towns of less than one thousand inhabitants, five dollars (\$5); in towns of over one thousand inhabitants and less than five thousand, ten dollars (\$10); in towns of over five thousand inhabitants and less than ten thousand, fifteen dollars (\$15); in towns of over ten thousand inhabitants and less than fifteen thousand, twenty dollars (\$20); in
Graduated tax.	

towns of more than fifteen thousand inhabitants, twenty-five dollars (\$25). No county shall levy any tax under this section. No county tax.  
 Nothing in this section shall be construed to authorize the sale Sales not authorized.  
 of soft drinks containing cocaine or any of its salts or derivatives.

SEC. 65. *Dealers in patent rights and formulas.*

On every person, firm, or corporation selling or offering for sale any patent right or formula, an annual license tax of ten dollars Dealers in patent rights and formulas.  
 for each and every county, to be collected by the sheriff.

SEC. 66. *Stallions and jacks.*

All persons, firms, or corporations who own and keep for breeding purposes, for pay, any stallion or jack shall pay an annual license tax of ten dollars (\$10) on each stallion or jack, the same to be collected by the sheriff of the county in which the horse or jack is kept or used for breeding purposes: *Provided*, that no Stallions and jacks.  
 county, city, or town shall levy any tax under this section. Proviso: tax in only one county.

SEC. 67. *Insurance companies.*

The officer authorized to collect the tax on insurance, bond, and investment companies, associations, or orders, shall collect and Insurance companies.  
 pay into the State Treasury charges, fees, and taxes as follows:  
 For each license issued to a life insurance company or association, License for life insurance companies.  
 two hundred and fifty dollars; for each license issued to a fire insurance company or association or to any company or association of companies operating a separate or distinct plant or agencies, License for fire insurance companies.  
 two hundred dollars; for each license issued to an accident insurance company or association, two hundred dollars; for each License for accident companies.  
 license issued to a marine insurance company or association, two License for marine companies.  
 hundred dollars; for each license issued to a surety insurance company or association, one hundred dollars; for each license issued License for surety companies.  
 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 Boiler insurance companies.  
 to a domestic mutual insurance company, fifty dollars; for each Domestic mutual insurance companies.  
 license issued to a domestic mutual insurance company operating Insurance companies.  
 in not more than two counties, ten dollars; for each license issued Fraternal orders.  
 to a fraternal order, twenty-five dollars; for each license issued to License to bond, guaranty, registry, and like companies.  
 a bond, investment, dividend, guaranty, registry, title guaranty, or Other insurance companies.  
 debenture company, one hundred dollars; for each license issued Tax on gross receipts.  
 to all other insurance companies or associations, one hundred dollars. All of said companies shall pay a tax of two and one-half Deductions not allowed.  
 per centum upon the amount of their gross receipts in this State Proviso: investments reducing taxes and license fees.  
 with no deduction for dividends, whether returned in cash or allowed in payment or reduction of premiums or for additional insurance and without any deductions except for return premiums: *Provided*, that if any general agent shall file with the Insurance Commissioner a sworn statement showing that at least

one-fourth of the entire assets of his company, when his company has assets, are invested in and are maintained in any or all of the following securities or property, viz.: bonds of this State or of any county, city, or town of this State, or any property situate in this State and taxable therein, then the tax shall be one per centum upon the gross receipts aforesaid and the license fee shall be one-half that named above; and if the amount so invested shall be three-fourths of the total assets, the tax shall be one-fourth of one per centum and the license fee one-fourth of that named above. Companies paying the tax levied in this section shall not be liable for tax on their capital stock, and no county, city, or town shall be allowed to impose any additional tax, license, or fee. The license fees and taxes imposed in this section shall be paid to the Insurance Commissioner and by him paid into the State Treasury as provided by law.

Companies paying taxes not subject to further taxation.

Fees and taxes paid to insurance commissioner.

#### SEC. 68. *Dealers in pistols, etc.*

Dealers in pistols and cartridges.

Dealers in other weapons.

Dealers in fireworks.

Separate licenses.

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.

#### SEC. 69. *Pianos and organs.*

Dealers in pianos and organs.

Tax on receipts.

Penalty for selling without license.

Action for recovery.

Sworn statement on application for license.

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 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 as 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.

Investigation by treasurer.

Verification of statements.

False statement a misdemeanor.

Penalty.

Action for penalty.

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.*

On every manufacturer of cigarettes the following tax: Where the annual output of cigarettes by such manufacturer is less than two hundred and fifty million, two hundred and fifty dollars; where such annual output exceeds two hundred and fifty million, but does not exceed five hundred million, five hundred dollars; where such annual output exceeds five hundred million, two thousand dollars: *Provided*, that no county, city or town, or township shall levy or collect any tax, assessment, license, or fee from or on such manufacturer except the *ad valorem* tax. 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.

Manufacturers of cigarettes.

Proviso: no municipal tax except *ad valorem*.

Retail dealers.

No county tax.

Limit of municipal tax.



SEC. 71. *Obsolete.*SEC. 72. *Manufacturer of automobiles.*

Manufacturers  
and dealers in  
automobiles.

Application for  
license.

Duplicates.

Number of agents  
unlimited.

County tax.

Section printed  
on license.

Proviso: traveling  
representatives.

Proviso: invest-  
ments reducing  
taxes.

Proviso: rebate or  
renewal of license.

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 returned for taxation therein, the taxes named in this section shall be one-fifth those named. *Provided further*, that if, at the expiration of a State license issued under this section to any manufacturer or person selling automobiles in the State, such license shall have been in force for less than six months, then upon a renewal of such license for the following year the manufacturer or person shall be allowed by the State Treasurer a rebate of two hundred and fifty dollars (\$250) on the new license.

SEC. 73. *Emigrant agents.*

On every person, firm or corporation engaged in procuring laborers for employment out of this State, an annual license tax of two hundred dollars for each county in which such person, firm or corporation does business, the same to be collected by the sheriff. Any one violating provisions of this section shall be guilty of a misdemeanor and fined not less than two hundred dollars or imprisoned, in the discretion of the court.

Emigrant agents.  
State and county  
tax.

Engaging in busi-  
ness without  
license misde-  
meanor.  
Punishment.

SEC. 74. *Obsolete.*SEC. 75. *Trading stamps.*

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.

Trading stamps  
and similar  
devices.

Manufacturers or  
merchants offer-  
ing definite in-  
ducements.

Proviso: county,  
city, or town tax.

## SCHEDULE C.

SEC. 76. *Defining taxes embraced in this schedule.*

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.

Privilege tax.

Regulations un-  
der Schedule B.

SEC. 77. *Privilege tax on railroads.*

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

Returns of rail-  
roads to auditor.

Returns to be  
verified.

Auditor's certi-  
ficate to treasurer.

Graduated tax on  
gross earnings.

Tax paid to  
treasurer.

No county, city,  
or town tax.

Returns to corpo-  
ration commis-  
sion.

Certificate to  
treasurer.

Tax on mileage.

Proviso: tax on  
future extensions.

Proviso: no  
county tax.  
Municipal tax.

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.

#### 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.

#### 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:

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 muni-

palities, 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 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.

Graduation of municipal tax.

Proviso: interstate commerce and business transacted for government.

#### SEC. 80. *Telegraph companies.*

Each and every person, firm or corporation operating within this State the apparatus necessary to communication by telegraph shall pay, for the privilege of engaging in such business, to the State an annual license tax of two dollars per mile for each pole mile of such telegraph line owned or operated by them within the State, as shown by report of such telegraph company to the tax commissioners under section forty-eight of the Machinery Act, and it shall be the duty of the tax commissioners to certify to the State Auditor the number of miles of line operated by such telegraph company in this State, and it shall be the duty of the State Treasurer to collect the tax as herein levied upon the basis of mileage as reported: *Provided*, that nothing in this section shall be construed to authorize the imposition of any tax upon interstate commerce or upon any business transacted for the Federal Government: *Provided*, that no county shall levy any additional tax under this section, but towns may levy the following taxes: Those having a population of one thousand and not exceeding five thousand, ten dollars; from five thousand to ten thousand, fifteen dollars; from ten thousand to twenty thousand, twenty dollars; over twenty thousand, fifty dollars.

Telegraph companies.

Tax per mile.

Tax commissioners certify mileage to auditor.

Treasurer to collect tax.

Proviso: interstate commerce and business of government.

Proviso: no county tax.

Graduated town tax.

#### SEC. 81. *Telephone companies.*

On every telephone company doing business in this State, an annual tax of two and one-half per cent on the gross receipts of such telephone company within the State, reckoning for the purpose of ascertaining the amount of such gross receipts the proportion of the interstate business done within the State which is properly credited to North Carolina: *Provided*, that if any such company shall file with the Board of State Tax Commissioners a

Telephone companies.

Tax on gross receipts.

Ascertainment of amount.

Proviso: investments reducing tax.



statement, signed and sworn to by its principal officer in this State, showing that at least one-quarter of the entire assets of his company, when his company has assets, are invested in and are maintained in any or all of the following securities or property, viz., bonds of this State or of any county, city, or town of this State, or any property situated in this State and taxable therein, then the tax shall be one and one-half per cent; and if the amount so invested shall be one-half of its total assets the tax shall be one per cent; and if the amount so invested shall be three-fourths of its total assets the tax shall be one-half of one per cent. The superintendent, general manager, or other chief officer of every such company shall make and return, under oath, to the Treasurer of the State, within ten days after the first day of January, April, July and October of each year, the amount of the gross receipts of the company for the quarter ending on the first day of the month immediately preceding, and pay to the Treasurer the tax herein imposed at the time of making such return. It shall be the duty of each sheriff to report to the Treasurer any such company doing business in his county. In case of default of such return and payment of tax, the company shall pay a penalty of one thousand dollars, to be collected by such sheriff as the Treasurer of the State shall designate, by distress or otherwise: *Provided further*, no county, city, or town shall be allowed to impose an additional tax, license or fee provided in this section, except the *ad valorem* tax.

Sworn returns to treasurer.

Payment of tax.

Sheriffs to report companies.

Penalty for default.

Collection of penalty.

Proviso: no county, 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 postoffice address of each.

Names and addresses 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 commission shall certify the amount so determined by it to the Auditor of the State, who shall charge for collection on or about August fifteenth, as herein provided, from such corporation, a fee of one twenty-fifth of one per cent upon its subscribed or issued and outstanding capital stock, which fee shall not be less than

Determination of subscribed or issued and outstanding stock.

five dollars in any case. Such fee shall be payable to the Treasurer of the State on or before the first day of the following October. No county, city, or town shall have the power to levy any franchise tax under this section.

Certificate to auditor.

Tax to be charged by auditor.

SEC. 82. (4) *Foreign Corporations.*—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.

Minimum.

Payable to treasurer.

No county, city, or town tax.

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.

Report to commission by foreign corporation.

SEC. 82. (6) Such report shall contain:

Verification of report.

(a) The name of the corporation and under the laws of what State or country organized.

Contents.

(b) The location of its principal office.

Names and addresses of officers.

(c) The names of the president, secretary, treasurer, and members of the board of directors, with the postoffice address of each.

Principal office.

(d) The date of the annual election of officers.

Name and address of officers.

(e) The amount of authorized capital stock, and the par value of each share.

Date of annual election.

Authorized stock and par value.

(f) The amount of capital stock subscribed, the amount of capital stock issued, and the amount of capital stock paid up.

Stock subscribed issued, and paid up.

(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.

Business and places of business.

(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.

Location of offices and names of agents.

Value and location of property.

Volume of business in State.

Volume and location of business outside of State.

Changes since last report.

Assessment by commission and certificate to auditor.

Privilege tax charged by auditor.

Fee payable to treasurer.  
No county nor municipal tax.

Companies paying franchise tax excepted.

Review and correction of finding.

Treasurer to give receipts.

(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.

(j) The volume of business done by the company in this State.

(k) The volume of business done by the company outside of the State, and where the said business is done.

(l) The change or changes, if any, in the above particulars, made since the last annual report.

SEC. 82. (7) Upon the filing of the report provided for in the last three preceding subsections, the commission, from the facts thus reported and any other facts coming to its knowledge bearing upon the question, shall on or before the first Monday in September assess and fix the proportion of the subscribed or issued and outstanding capital stock of the company represented by its property or business in this State, and certify the same to the Auditor of State on or before the first Monday in October.

SEC. 82. (8) On or before October fifteenth the Auditor of State shall charge for collection, as herein provided, annually, from such company, in addition to the initial fees otherwise provided for by law, for the privilege of exercising its franchise in this State, a fee of one twenty-fifth of one per cent upon the proportion of the subscribed or issued and outstanding capital stock of the corporation represented by property owned and used or business transacted in this State as found and certified by the State Tax Commission, which fee shall not be less than five dollars in any case. Such fee shall be payable to the Treasurer of the State on or before the first day of the following December. No county, city, or town shall have the power to levy any franchise tax under this section.

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 or business transacted by it in this State, and the dates herein fixed for the certification to the Auditor of State of such amount or proportion, the commission may, on the application of any person or company interested, or on its own motion, review and correct its findings.

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.

Fees, taxes, and penalties first liens on property.

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.

Penalty for failure to report.

SEC. 82. (14) All taxes received by the Treasurer of State, under the provision 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.

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 list of delinquents to the commission.

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.

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.

Forfeiture of charter or of domestication.

Powers, privileges, and franchises determined.

Notice to corporation.

Fine for corporate actions after cancellation.

Restoration within two years.

SEC. 82. (16) All foreign corporations, and the officers and agents thereof, doing business in this State, shall be subject to all the liabilities and restrictions that are or may be imposed upon corporations of like character, organized under the laws of this State, and shall have no other or greater powers. Every contract made by or on behalf of any such foreign corporation, affecting the liability thereof or relating to its property within this State, before it shall have complied with the provisions of section eleven hundred and ninety-four of the Revisal of one thousand nine hundred and five, shall be wholly void on its behalf and on behalf of its assigns, but shall be enforceable against it or them. Nothing contained in this subsection shall be held or construed to apply to insurance corporations, fraternal beneficiary associations, or building and loan associations, banking, railroad, express, telephone, and telegraph companies.

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 any such corporation which is organized under the laws of this State by appropriate entry upon the margin of the record thereof, or cancel the certificate of authority by any such foreign corporation to do business in this State, by proper entry. Thereupon all the powers, privileges, and franchises conferred upon such corporation by such articles of incorporation or by such certificate of authority shall cease and determine. The Secretary of State shall immediately notify such domestic or foreign corporation of the action taken by him.

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 cancelled, as provided in any section of this act, shall be fined not less than one hundred dollars nor more than one thousand dollars.

SEC. 82. (19) Any corporation whose articles of incorporation or certificate of authority to do business in this State have been cancelled by the Secretary of State, as provided in section 82 (17) of this act, upon the filing, within two years after such cancellation with the Secretary of State, of a certificate from the com-



mission that it has complied with all the requirements of this act and paid all taxes, fees, or penalties due from it, and upon the payment to the Secretary of State of an additional penalty of fifty dollars, shall be entitled to again exercise its rights, privileges, and franchises in this State, and the Secretary of State shall cancel the entry made by him under the provisions of section 82 (17) of this act, and shall issue his certificate entitling such corporation to exercise its rights, privileges and franchises.

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 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 precedence over any civil cause of a different nature pending in such court and such court shall always be deemed open for the trial of any such action brought therein.

Remedy by  
injunction.

Grant and issue  
of injunction.

Precedence of  
action.  
Court always  
open.

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 franchises. If the court is satisfied that any such corporation is in default as aforesaid, it shall render judgment ousting such corporation from the exercise of its privileges and franchises within this State, and shall otherwise proceed as provided by law.

Remedy by quo  
warranto.

Judgment of  
ouster.



Personal liability on officer, agent, or employee of a delinquent corporation.

SEC. 82. (22) Whoever, being an officer, agent or employee of any public utility, company, firm, person, copartnership, corporation, or association subject to the provisions of any law which the Tax Commission of North Carolina is required to administer, shall fail or refuse to fill out and return any blanks, as required by such law, or shall fail or refuse to answer any questions therein propounded, or shall knowingly or willfully give a false answer to any such question wherein the fact inquired of is within his knowledge, or who shall, upon proper demand, fail or refuse to exhibit to such commission or any commissioner, or any person duly authorized, any book, paper, account, record, or memorandum of such public utility which is in his possession or under his control, shall be fined not more than one thousand dollars for each offense.

Forfeiture on corporation ordering delinquency by officer, agent, or employee.

SEC. 82. (23) A forfeiture of not less than five hundred dollars nor more than one thousand dollars shall be recovered from any such public utility, company, firm, person, copartnership, corporation or association for each violation of the next preceding subsection when such officer, agent or employee acted in obedience to the direction, instruction or request of such public utility, company, corporation or association, or any general officer thereof.

Separate offenses.

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.

Additional returns prescribed by commission.

SEC. 82. (25) *Banks*.—Each company, firm, corporation, person, association, copartnership or public utility shall furnish the commission in the form of returns prescribed by it all information required by law and all other facts and information, in addition to the facts and information in this act specifically required to be given, which the commission may require to enable it to carry into effect the provisions of the laws which the commission is required to administer, and shall make specific answers to all questions submitted by the commission.

Specific answers to all questions.

Corporations to fill blanks fully and correctly.

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.

Reason for failure to answer.

Verification and return of answers.

SEC. 82 (27) The answers to such questions shall be verified under oath by such person, or by the president, secretary, super-

intendent, general manager, principal accounting officer, partner, or agent, and returned to the commission, at its office, within the period fixed by the commission.

SEC. 82. (28) The Commission shall cause to be prepared suitable blanks for carrying out the purpose of the laws which it is required to administer, and, on application, furnish such blanks to each company, firm, corporation, person, association, copartnership or public utility subject thereto.

Commission to prepare and furnish blanks.

SEC. 82. (29) The Commission, when it deems the same necessary or advisable, may extend to any corporation or public utility a further specified time, not to exceed ninety days, within which to file any report required by law to be filed with the Commission, in which event the attaching or taking effect of any penalty for failure to file such report or pay any tax or fee shall be extended or postponed accordingly.

Commission may extend time for answer.

SEC. 83. *On each marriage license, one dollar.*

The tax on marriage 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 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.

Tax on marriage license.

Sworn returns from register of deeds.

Payment to sheriff.

Returns filed.  
Payment to State treasurer.

County tax.

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 the same: For the Great Seal of the State, on any commission, two dollars, on warrants of extradition for fugitives from justice from other States, a reciprocal seal tax and fee shall be charged, i. e., the same fee and seal tax must be collected from the State making requisition which is charged this State for like service. All fees and seal taxes of whatever kind collected by the Private Secretary of the Governor shall be paid into the treasury quarterly; for the seal of the State Department, one dollar, to be collected by the Secretary of State and paid by him into the treasury; for the seal of the State Treasurer, to be collected by him and accounted for as other public money, one dollar. Said officers shall keep an account of the number of times their seals may be used, and shall deliver to the proper officer a sworn statement thereof. Whenever a scroll is

Seal taxes.

Great seal of State.

Reciprocal tax.

Private secretary to settle fees and seal taxes quarterly.

Seal of State department.

Seal of State treasurer.

Sworn statements.

Scroll seals.

Seals exempted.

Commissions to officers.

Neglect or refusal to settle seal taxes a misdemeanor.  
Punishment.

Annual license on or before May 1st.

Penalty for failure to secure license.

License books.

Form of license.

License to be posted.

used in the absence of a seal by any of the said officers the said tax shall be on the scroll. Seals affixed for the use of any county or the State or used on the commissions of officers of the militia, or any other public officer not having a salary, or under the pension law, or under any process of court, shall be exempt from taxation. The officers collecting the said taxes and fees may retain as compensation five per centum only, as provided in the Revisal of one thousand nine hundred and five, except in cases of sheriffs, whose compensation shall be allowed by the Auditor. Any person receiving taxes under this section and willfully refusing or neglecting to pay the same as required, shall be guilty of a misdemeanor, and upon conviction shall be fined not more than five hundred dollars or imprisoned at the discretion of the court.

SEC. 85. *License must be procured before beginning business.*

Each person, firm, or corporation who engages in any business or practices any profession for which a license is required by this act, except where the amount of the tax is contingent upon the amount of business transacted, shall procure said license annually in advance on or before the first day of May, or before engaging in the business or practicing the provision for which a tax is levied by this act. Any person, firm, or corporation who engages in any business or practices any profession for which a license is required by this act without first having procured a license therefor shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, in the discretion of the court; *Provided*, the fine shall not be less than twenty per cent of the tax in addition to the tax and the cost.

SEC. 86. *License books to be furnished by State Tax Commission.*

The State Tax Commission shall, not later than April fifteenth in each year, furnish the sheriff in each county a book of blank license certificates, with corresponding stubs consecutively numbered, which shall provide separate blank space both for the State and for the county tax. Such license shall bear inscription, "Issued by State Tax Commission," and no other form of license certificate issued by the sheriff or tax collector of any county shall, after the first day of May, one thousand nine hundred and seventeen, be a valid license for any of the trades or professions taxable under this act.

SEC. 87. *License shall be kept posted where business is carried on.*

It shall be unlawful for any person, firm, or corporation to carry on any business or practice any profession, for which a license is required by this act without having the license therefor posted in a conspicuous place at the place where such business is carried on; and if the business that is made taxable is carried on at two or more separate places, a separate license for each business shall be required.

SEC. 88. *Transacting business without license forbidden.*

It shall be unlawful for any person to carry on or practice any itinerant trade, business or profession for which a license is required under this chapter without having in his actual possession at the time of so carrying on or practicing said trade, business or profession, said license or duplicate thereof. Neither the State Treasurer nor Secretary of State nor sheriff shall have authority to issue a duplicate of any license unless expressly authorized to do so by this chapter, but each person, firm, or corporation 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.

Failure to secure license.

Separate license for each agent.

Penalty.

SEC. 89. *Duties of sheriffs and tax collectors in administering this act.*

Except where otherwise provided in this act, the sheriffs and tax collectors of the several counties of the State shall be the agents of the State for the issuing of license and collection of license taxes provided for in this act; and it shall be their duty from time to time to make diligent inquiry if all parties within their respective counties who are liable for any such specific tax have paid the same; and if after sixty days from the first day of May any person, firm, or corporation is found to be carrying on any business or practicing any profession for which a license is required by this act, without such license, it shall be the duty of such sheriff to demand the immediate payment of the tax, with an additional penalty of twenty per centum (the said penalty not to exceed ten dollars in any one case) as a penalty for failure to procure said license before engaging in such business or practicing such profession as required by this act; and in default of such immediate payment the sheriff shall have power, and it shall be his duty, to levy upon any personal or real estate owned by such person, firm, or corporation, and sell the same for the payment of said tax, penalty, and costs, in the same manner as provided by law for levy and sale of property for collection of other taxes; and if sufficient property is not found it shall be his duty to swear out a warrant before some justice of the peace of his county for the violation of this act, as provided in section eighty-five. *Provided*, that the sheriff shall not be liable for false arrest or wrongfully levying upon any property under this section unless it shall appear that the sheriff did so maliciously: *Provided further*, that no sheriff shall issue any license under Schedule B after the expiration of sixty days from the first day of May without collecting the penalty herein provided, unless it be shown that the person, firm, or corporation to whom such license is issued did not engage in the business or practice the profession for which license is required after the first day of May and prior to the issuance of said license.

Sheriffs agents of State.

Inquiry.

Demand for payment.  
Penalty.

Collection by distress.

Proviso: liability of sheriff.

Proviso: enforcement of penalty.



SEC. 90. *Special agents to assist sheriff in enforcement of this act.*

Traveling  
auditors.

It shall be the duty of the State Tax Commission to employ such number of traveling auditors or special agents, not exceeding three, as in their judgment necessary, to assist the sheriffs of the several counties of the State in securing the faithful observance of the provisions of this act and of the revenue laws of the State. Such traveling auditors, upon presentation of certificate of authority from the State Tax Commission, shall have access to the books and records of any county officer in any county in the State.

Access to books  
and records.

SEC. 91. *Settlements to be made by sheriffs for license tax collected.*

Quarterly returns.

The sheriffs and tax collectors of the several counties of the State shall make return to the State Auditor and Treasurer of all license taxes collected under this act, less commissions allowed by law, at stated periods as follows: July first, October first, January first, and May first; the payments made at such times to be credited in annual settlement. The State Auditor shall furnish the State Tax Commission, within fifteen days after each of the settlement periods above named, a statement by counties of the collections reported by the sheriffs (and tax collectors) for the previous collection period. The sheriffs of the several counties shall also make return to the register of deeds of the State and county license taxes collected on the dates specified herein for return to the State Auditor and Treasurer.

Statement to tax  
commission.

Returns to county.

SEC. 92. *Construction of Revenue Act.*

Decisions of  
treasurer and tax  
commission.

It shall be the duty of the State Treasurer to decide all questions presented to him which may arise upon the construction and execution of all sections of this act imposing license taxes which are payable directly to the State Treasurer, and of the State Tax Commission to construe all sections of this act imposing license taxes which are payable to the sheriffs and tax collectors of the several counties and to the clerks of the Superior Courts. Such decisions by the State Treasurer and the State Tax Commission shall be *prima facie* correct and a protection to the officers affected thereby.

SEC. 93. *Fines for the benefit of the school fund.*

Disposition of  
fines.

Whenever any officer, including justices of the peace, receives or collects a fine, penalty, or forfeiture in behalf of the State, he shall, within thirty days after such reception or collection, pay over and account for the same to the treasurer of the county board of education for the benefit of the fund for maintaining the free public schools in such county. Whenever any fine or penalty is imposed by any officer the said fine or penalty shall be at



once docketed, and shall not be remitted except for good and sufficient reasons, which shall be stated on the docket.

SEC. 94. *Misappropriation of taxes deemed a misdemeanor.*

Any officer, including justices of the peace, violating the preceding section shall be guilty of a misdemeanor, and upon conviction shall be punished by fine or imprisonment, at the discretion of the court.

Misappropriation of fines.

SEC. 95. *Unless prohibited, county may levy same license as State.*

In cases where a specific license tax is levied for the privilege of carrying on any business, trade, or profession the county may levy the same tax and no more: *Provided*, no provision to the contrary is made in the section levying the specific license tax.

Tax levy by counties.

SEC. 96. *Appropriation for Auditor and Treasurer.*

A sum not to exceed two thousand five hundred dollars is hereby annually appropriated, out of any moneys not otherwise appropriated to be expended by the Treasurer of the State as he may deem best and necessary to secure the prompt and proper collection of taxes and the protection of the treasury; and two thousand five hundred dollars or so much thereof as may be necessary is hereby annually appropriated to be used by the Auditor of the State for the proper enforcement of the Machinery Act.

Appropriation for auditor and treasurer.

SEC. 97. *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.

SEC. 98. This act shall be in force from and after its ratification.

Ratified this the 6th day of March, A. D. 1917.

## CHAPTER 232

### AN ACT TO AMEND CHAPTER 115 OF THE PUBLIC LAWS OF 1915, RELATING TO CREDIT UNIONS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section seventeen of chapter one hundred and fifteen of the Public Laws of one thousand nine hundred and fifteen be changed to read as follows: If the by-laws so provide, a credit union shall have power to borrow money from any source in addition to receiving deposits from its own members,

Power to borrow money.

- Limitation. but the aggregate amount of such indebtedness in the case of credit unions which have over five thousand dollars in capital, surplus, and reserve funds shall not at any one time exceed more than the sum of such funds.
- Deposits. SEC. 2. That section eighteen (b), lines one and two, be changed to read: "They may be deposited to the credit of the corporation in savings banks, credit unions, State banks or trust companies, incorporated under the laws of....."
- Investments. SEC. 3. That a new paragraph (d) be inserted, which shall read: "Not more than ten per cent of the capital stock and reserve fund of a credit union may be invested in the stock of another credit union."
- Substitute credit committeeman. SEC. 4. That section nineteen, paragraph three, be changed to read: "The supervisory committee shall appoint a substitute to act on the credit committee in the place of any member in case such member makes application to borrow money from the credit union or becomes surety for any other member whose application for a loan is under consideration.
- SEC. 5. This act shall be in force from and after its ratification. Ratified this the 6th day of March, A. D. 1917.

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## CHAPTER 233

AN ACT TO AMEND SECTION 1 OF CHAPTER 196, PUBLIC LAWS OF NORTH CAROLINA, SESSION 1913, RELATIVE TO THE DIVISION OF THE STATE INTO JUDICIAL DISTRICTS AND THE HOLDING OF COURTS THEREIN.

*The General Assembly of North Carolina do enact:*

- Schedule stricken out. SECTION 1. That chapter one hundred and ninety-six, Public Laws of North Carolina, session one thousand nine hundred and thirteen, be and the same is hereby amended by striking out all of section one of said chapter under the heading Hoke County, which reads as follows: "Sixth Monday before the first Monday in March; 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," and inserting in lieu thereof the following: "Sixth Monday before the first Monday in March; sixth Monday after the first Monday in March; third Monday before the first Monday in September, to continue for two weeks; and twelfth Monday after the first Monday in September."
- Schedule established. SEC. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.
- Repealing clause. SEC. 3. That this act shall be in force from and after its ratification.
- Ratified this the 6th day of March, A. D. 1917.

## CHAPTER 234

AN ACT TO AMEND CHAPTER 286, PUBLIC LAWS OF 1915,  
IN RELATION TO THE ASSESSMENT OF PROPERTY AND  
THE COLLECTION OF TAXES.*The General Assembly of North Carolina do enact:*

## ARTICLE I.

## BOARD OF STATE TAX COMMISSIONERS.

SECTION 1. *Board of Corporation Commissioners created Board  
of State Tax Commissioners.*

In addition to the duties imposed upon the Board of Corporation Commissioners by the act creating said board, they are hereby created a Board of State Tax Commissioners, with powers and duties prescribed under this act.

Corporation commission created board of State tax commissioners.

SEC. 2. The members of said board shall take and subscribe the constitutional oath of office to be filed with the Secretary of State.

Members to qualify.

SEC. 3. It shall be the duty of said board and they shall have power and authority to have general supervision of the system of taxation throughout the State, and to have and exercise general supervision over the administration of all assessment and tax laws, over all county, township, and city tax assessors and boards of equalization, to the end that all assessments of property, real, personal, and mixed, be made relatively just and uniform, and at its true value in money; to require all county, township, and city assessors, boards of equalization and levy and assessment officers, under penalty of forfeiture and removal from office as such assessors or boards, to assess all property of every kind and character at its true value in money.

General supervision of system of taxation.  
General supervision of administration of laws, assessors, and board of valuation.

(1) To confer with and advise assessing officers as to their duties under this act, and to institute proper proceedings to enforce the penalties and liabilities provided by law for public officers, officers of corporations and individuals failing to comply with this act; to prefer charges to the Governor against assessing and taxation officers who violate the law or fail in the performance of their duties in reference to assessments and taxation; and in the execution of these powers the said board may call upon the Attorney-General or any prosecuting attorney in the State to assist said board, and any person or officer who fails or refuses to comply with any lawful order of the State Tax Commission shall be subject to a penalty or forfeiture of one hundred dollars, the same to be imposed by order of said commission; and in addition any such person or officer so offending shall be liable to punishment by said board as for contempt.

To confer with and advise officers.  
To institute proceedings for enforcement of penalties and liabilities.  
To prefer charges against officers.  
Attorney-general and prosecuting officers to assist.  
Penalty for failure to comply with order of board.  
Punishment as for contempt.

Pamphlet for instruction of tax assessors.

Attention to points overlooked or neglected.

Advisory and explanatory duties.

To receive and investigate complaints.

Correction of irregularities.

Visits to counties.

Purpose of visits.

To require reports from officers.

Penalty for neglect or refusal to furnish reports or hindrance to commission.

Presumption of willful delay.

To investigate laws and systems of other States and countries.

Recommendations to legislature.

(2) At least thirty days previous to the date fixed for listing taxes, to prepare a pamphlet for the instruction of tax assessors. Said pamphlet shall, in as plain terms as possible, explain the proper working of the tax laws of the State, and shall call particular attention to any points in the administration of the laws which have seemed to be overlooked or neglected. They shall advise the assessors of the practical working of the laws and explain any points which seem to be intricate and upon which assessors may differ.

(3) To receive complaints as to property liable to taxation that has not been assessed or of property that has been fraudulently or improperly assessed through error or otherwise, and to investigate the same, and to take such proceedings and to make such orders as will correct the irregularity complained of, if found to exist.

(4) To see that each county in the State be visited by at least one member of the board as often as is necessary, to the end that all complaints concerning the law of assessment and taxation may be heard; that information concerning its workings may be collected; that all assessing and taxation officers comply with the law and all violations thereof be punished, and that all proper suggestions as to amendments and change may be made.

(5) To require from any registers of deeds, clerks of courts, mayors and clerks of towns, or any other officer in this State, on forms prescribed by said Board of State Tax Commissioners, such annual or other reports as shall enable said board to ascertain the assessed valuations of all property listed for taxation throughout the State under this act, the amount of taxes assessed, collected, and returned delinquent, and such other matters as the board may require, to the end that it may have complete and statistical information as to the practical operation of this act; that every such officer mentioned in this section who shall willfully neglect or refuse to furnish any report required by the commission for the purposes of this act; or who shall willfully and unlawfully hinder, delay, or obstruct said commission in the discharge of its duties, shall forfeit and pay one hundred dollars for each offense, to be recovered in an action in the name of the State. A delay of ten days to make and furnish such report shall raise the presumption that the same was willful.

(6) To make diligent investigation and inquiry concerning the revenue laws and systems of other States and countries, so far as the same is made known by published reports and statistics and can be ascertained by correspondence with officers thereof, and, with the aid of information thus obtained, together with experience and observation of our own laws, to recommend to the Legislature at each regular session thereof such amendments, changes, or modifications of our revenue laws as seem proper



and necessary to remedy injustice and irregularities in taxation and to facilitate the assessment and collection of public revenues.

(7) To further report to the Legislature at each regular session thereof, or at such other times as the Legislature may direct, the whole amount of taxes collected in the State for all purposes, classified as to State, county, township, and municipal purposes, with the sources thereof; the amount lost, the cause of the loss, the proceedings of said board, and such other matters of information concerning the public revenues as it may deem of public interest.

Reports to legislature.

(8) To discharge such other duties as are or may be prescribed by law.

To discharge other duties.

#### SEC. 4. *Board to make annual report to the Governor.*

The Board of State Tax Commissioners shall, on or before the first day of 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 Tax Commission 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.

Annual report to governor.

Report to be printed.

Distribution of report.

SEC. 5. After the various tax lists required to be made under this act shall have been passed upon by the county board of equalization the State Board of Tax Commissioners or any member thereof shall have power to reconvene said board and to make such orders as the tax commissioners shall determine are just and necessary, and to direct and order such county boards of equalization to raise or lower the valuation of the property, real or personal, in any county, township, or city, and to raise or lower the valuation of property of any person, company, or corporation; and to order and direct any county board of equalization or board of county commissioners to raise or lower the valuation of any class or classes of property; and generally to perform and do any act or to make any order or direction to any county board of equalization, board of county commissioners, or any county or township assessor as to the valuation of any property or any class of property in any township, city, or county, which in the judgment of said tax commission may seem just and necessary, to the end that all property shall be valued and assessed in the same manner and to the same extent as any and all other property, real or personal, required to be listed for taxation. The tax commission or any member thereof are authorized to require county assessors to carefully place upon the assessment rolls, for tax-

Power to reconvene county board of equalization.

Procedure for correction of tax lists.

General powers in revision of tax lists.

Omitted property to be placed on lists.



tion as provided by law, omitted property which may be discovered to have for any reason escaped assessment and taxation in previous years.

May require counties to file itemized abstracts.

The Board of State Tax Commissioners are authorized to require the county assessors or clerk of the board of county commissioners of each county in the State to file with them, when called for, complete abstracts of all real and personal property in the county as equalized by the county board of equalization and itemized by townships. The board of tax commissioners are authorized to make such rules and regulations as the board may deem proper to effectually carry out the purposes for which the board is constituted and to make all rules and regulations not inconsistent with law as the board may deem necessary with respect to its own meetings, proceedings, notices, and hearings.

Power to make rules and regulations.

Record of official proceedings.  
Certified copies received in evidence.

SEC. 6. The said Board of State Tax Commissioners shall keep an accurate record of its official proceedings. Certified copies of its records, attested with its official seal, shall be received in evidence in all courts of the State with like effect as certified copies of other public records.

SEC. 7. *Place of meetings of board; shall have access to books, papers, etc., with power to subpoena and examine witnesses.*

Sessions of board.

Access to books, records, and documents.

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

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.

Punishments.

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.

SEC. 8. The State Board of Tax Commissioners shall constitute a State Board of Equalization of valuations and taxes for the State. In case it shall appear or be made to appear to said board that any tax list in any county in the State is grossly irregular, unlawfully or unequally assessed, it shall be the duty of said board to equalize the valuations of real property among the several counties in the following manner:

State board of equalization of valuations and taxation.  
Grossly irregular lists corrected.

SEC. 9. *Lands; how equalized.*

Lands shall be equalized by adding to the aggregate assessed value thereof, in every county in which said board may believe the valuation to be too low, such rate per centum as will raise the same to its proper proportionate value, and by deducting from the aggregate assessed value thereof, in every county in which said board may believe the valuation to be too high, such per centum as will reduce the same to its proper value. Town and city lots shall be equalized in the same manner herein provided for equalizing lands, and, at the option of said board, may be combined and equalized with lands.

Increase of assessment.

Deduction from assessment.

Equalization of town and city lots.

SEC. 10. *Final examination.*

When said board shall have separately considered the several classes of property as hereinbefore required, the results shall be combined into one table, and the same shall be examined, compared, and perfected in such manner as said board shall deem best to accomplish a just equalization of assessments throughout the State.

Results combined in one table.

Examination, comparison, and perfection.

SEC. 11. *When equalization completed.*

When said board shall have completed its equalization of assessments for any year the clerk of the board shall certify the rate per centum or amount finally determined by said board to be added to or deducted from the assessed valuation of each class of property in the several counties; and it shall be the duty of the clerk of the board of county commissioners to extend the rates of addition or deduction as ordered by the State Board of Equalization.

Final result certified to counties.

Reformation of lists by counties.

SEC. 12. The Board of State Tax Commissioners may direct that any member of the board shall hear complaints, make examinations and investigations.

Hearing, examination, and investigation by member of board.

SEC. 13. *Clerical assistance.*

The Corporation Commission may employ such additional clerks, agents, or other help as in their judgment they may deem necessary to put into proper execution the provisions of this act.

Employment of additional clerks.

<p>Terms of clerks. Appropriation.</p> <p>Salaries of members.</p> <p>Shall devote whole time to work. Additional compensation of clerk. Allowance of expenses.</p> <p>Special assistance and counsel.</p> <p>Compensation.</p>	<p>The persons so selected shall hold office during the pleasure of said board. The sum of fifteen thousand dollars (\$15,000), per annum, or so much thereof as may be necessary, is hereby appropriated for the payment of the services of said clerks, agents, or other help. The members of said board shall receive an annual salary each of five hundred dollars (\$500) in addition to their salary as Corporation Commissioners and shall devote their whole time to the discharge of the duties of their office; and the clerk of said commission shall receive three hundred dollars (\$300) in addition to his other salary; and they shall also receive their necessary traveling expenses, including necessary postage, stationery, and printing, in the performance of their duties, to be audited and allowed by the State Auditor and paid monthly by the State Treasurer out of the general fund. The State Tax Commission is hereby authorized to employ special assistants or counsel in the discovery and collection of all inheritance taxes that are overdue and unpaid, and whenever in the judgment of the commission the interests of the State will be conserved thereby, the compensation, not to exceed five per cent of the amounts of revenue collected, to be audited and allowed by the State Auditor upon certificate of the State Tax Commission in the settlement of such taxes.</p>
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*SEC. 14. County assessor to be appointed; term of office and compensation.*

<p>Appointment of county assessor.</p> <p>Term of office.</p> <p>Compensation.</p> <p>Vacancies.</p>	<p>The State Tax Commissioners shall, on or before the first day of April, nineteen hundred and fifteen, appoint one discreet freeholder of each county in the State, who shall be an experienced business man, to be known as county assessor. Such county assessor shall hold his office during the period of listing, assessing, and equalizing the real and personal property in his county for the year nineteen hundred and fifteen, and shall receive four dollars per day for such time as he may actually and necessarily be engaged in performing the duties of his office and actual necessary traveling expenses when away from home in the discharge of the duties of his office, to be audited and allowed by the board of county commissioners; and the board of commissioners shall be the judges of the time necessary for this work. In the event the office becomes vacant during the term the State Tax Commission shall, as soon as possible, appoint another person to act as and perform the duties of county assessor for the balance of that term.</p>
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*SEC. 15. Commissioners to appoint township list takers and assessors.*

<p>Appointment of township list takers and assessors.</p>	<p>The board of commissioners of each county shall on the first Monday in the month of April, in each year, appoint one discreet freeholder in each township (or in the discretion of the county</p>
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commissioners of any county they may appoint two), who shall have been a resident of the township for not less than twelve months, who shall be known as the township list taker and assessor and who shall list and assess the real and personal property in said township for taxation: *Provided*, said board of commissioners may appoint an assistant list taker and assessor for the purpose mentioned in this act for each ward in any city or town in their respective townships. The township list taker and assessor shall devote such portion of time to the duties of the office as may be necessary from the first day of May to the thirtieth day of June. The board of county commissioners shall allow each list taker and assessor such compensation as said board shall deem just and proper for each day actually engaged in the performance of his duties, not exceeding three dollars per day: *Provided*, the board of commissioners may, if in their judgment deemed wise to do so, fix compensation on the basis of number of tax lists taken, not to exceed fifteen cents per name. Said board of county commissioners shall also allow each member of the board of equalization such per diem for the number of days actually engaged in the performance of his duties as said board of commissioners shall deem just and proper, and in addition thereto mileage at the rate of five cents for each mile necessarily traveled in attending the meeting of the board of equalization. The per diem and mileage provided in this section shall be paid by the county.

Proviso: assistants.

Terms of employment.

Compensation.

Pay of board of equalization.

Mileage.

Payment by county.

#### SEC. 16. *General duties of county assessor.*

On the first Monday in May, nineteen hundred and fifteen, the township list takers and assessors shall meet with the county assessor at the courthouse to confer relative to their duties in making the assessment and valuation of real and personal property subject to taxation, and in reference to the equal valuation of real property and of the several classes of personal property as between individual taxpayers and as between the several townships in the county. The county assessor shall also meet with the different township list takers and assessors at such places within the township as he may designate, at least one day during the period of assessment, and as early in the assessment period as practicable, and shall confer with and instruct the township list takers and assessors in the discharge of their duties.

Meeting for conference.

County assessor to confer with and instruct township assessors.

#### SEC. 17. *General duties of township list takers and assessors; review by county assessor and county board of equalization; in force for four years.*

The township list taker and assessor shall begin work of assessment and listing on Tuesday after the first Monday in May each year, and shall complete the same as early as practicable, and shall return his list of assessments so made out for the year

Time for beginning assessment and listing.

Return to county.



nineteen hundred and fifteen to the county assessor, and for other years to the clerk of the board of county commissioners. Immediately upon the completion thereof by the township list taker and assessor and the return thereof by him to the county assessor, the county assessor and the township list taker and assessor shall revise such list at such place and at such stated times before the first day of July as the county assessor may designate, and make such changes as may be agreed upon as to the values of the property listed and assessed by said township list taker and assessor. In case of a disagreement, the matter shall be referred to and decided by the county board of equalization when it meets to review and equalize the assessments of property in the county. The schedule shall have one column in which shall be placed the values fixed by the township list taker and assessor; one in which shall be placed the values fixed by the joint action of the county assessor and the township list taker and assessor; and the third for the values to be fixed by the county board of equalization. The assessment of real property, when made, shall be in force for four years, or until altered, as provided by this act, by reason of structural improvement, erection, or destruction: *Provided*, that in any county in which there was extensive and permanent damage done to lands by the flood of one thousand nine hundred and sixteen, the board of county commissioners may apply to the State Tax Commission for leave to reassess the lands so damaged. If in the judgment of the State Tax Commission the damage to the lands of said county were extensive and substantial enough to justify such course, they may authorize the board of county commissioners, and the said board of commissioners, when so authorized, may appoint three freeholders as special assessors to view and reassess those particular tracts of land which were substantially damaged by said flood. The said special assessors shall reassess those tracts of land which were substantially damaged by said flood, and no others, and put them on equality with other lands in said county, and report their said assessment, together with the assessment placed on them in one thousand nine hundred and fifteen, to the board of county commissioners, who shall report the same with their recommendations to the State Tax Commission for its approval or disapproval. The State Tax Commission shall have authority to order said assessments raised or lowered as they may think just and proper. Upon approval of said assessments by the State Tax Commission, they shall be filed with the register of deeds, and shall become the legal and proper assessment of said tracts of land until the next regular period for the assessment of real estate, and the list takers shall use such valuations in performing their duties under section twenty-eight, instead of the valuation made in one thousand nine hundred and fifteen.

Revisal of list.

Changes in values.

Disagreement referred to and settled by county board.

Values by township assessors.  
 Values by county and township assessors.  
 Values by county board of equalization.

Term of valuation for real estate.

Proviso: reassessment of land in flood districts.



SEC. 18. *Duties of township list taker and assessor as to assessing and listing property.*

Each township list taker and assessor appointed under the authority of this act shall advertise in five or more public places within the township not later than the twentieth day of April, notifying all taxpayers to return to him all real and personal property which each taxpayer shall own on the first day of May, and said return shall be made to the list taker during the month of May under the pains and penalties imposed by law, and naming the times and places at which he will be present to receive tax lists. The township list taker and assessor shall obtain from each taxpayer a full, complete, and detailed statement of each and every piece and kind of property, real, personal, and mixed, which said taxpayer shall own on the first day of May, together with, as near as possible, the true value in money of all such property owned by him or them, or which may be under his or their control as agent, guardian, administrator, or otherwise, and which should be listed for taxation; and it shall be the duty of said township list taker and assessor to ascertain by visitation, investigation, or otherwise the actual cash value in money of each piece or class of property in his township, and to list such property at its actual value for taxation. He is hereby authorized and empowered to administer oaths in all cases necessary to obtain full and correct information concerning any taxable real and personal property in his township.

Advertisement for tax listing.

Time for making return.

Detailed statements of property.

Valuation.

Value ascertained by visitation.

Administration of oaths.

SEC. 19. *Oath of county assessor.*

Before entering upon the discharge of the duties of his office, the county assessor shall take and subscribe the following oath before the chairman of the board of county commissioners for his county, or some officer qualified to administer oaths:

County assessor to be sworn.

"I, ....., county assessor of ..... County, do solemnly swear (or affirm) that I will discharge the duties devolving upon me as county assessor according to the laws in force governing said office: so help me, God."

Form of oath.

SEC. 20. *Oath of township list taker and assessor.*

Before entering upon the discharge of the duties of his office the assistant assessor shall take and subscribe the following oath before the chairman of the board of county commissioners for his county or some officer qualified to administer oaths:

Assistant assessor to be sworn.

"I, ..... assistant assessor for ..... Township of ..... County, do solemnly swear (or affirm) that I will discharge the duties devolving upon me as assistant assessor according to the laws in force governing said office: so help me, God."

Form of oath.

And upon making his complete returns of his assessments, embracing an abstract of the taxable property of the township, to

Returns to be verified.

the county assessor, the assistant assessor shall annex the following affidavit, subscribed and sworn to before a justice of the peace, who shall certify the same:

Form of oath.

"I, the assistant assessor for ..... Township of ..... County, make oath that the foregoing list contains, to the best of my knowledge and belief, all the real and personal property required by law to be assessed in said township, and that I have assessed every tract or parcel of land or other real and personal property at its true value in money, and have endeavored to do equal justice to the public and to the taxpayers concerned."

False return a misdemeanor.

Any assessor making a false return shall be deemed guilty of a misdemeanor.

SEC. 21. *Real property to be assessed at its true value in money.*

Valuation from actual view or other information.

Real property shall be valued by the township list taker and assessor, either from actual view or from the best information that the township list taker and assessor can practically obtain, according to its true value in money. In determining the value the township list taker and assessor shall consider as to each piece its advantage of location, quality of soil, quantity of standing timber, water privileges, water power, mines, minerals, quarries, or other valuable deposits known to be available therein, and their value.

Matters for consideration.

SEC. 22. *Personal property to be assessed at its true value in money.*

Assessments of personal property.

All articles of personal property shall, as far as practicable, be valued by the list takers and assessors according to their true value in money; and after arriving at the total valuation of all articles of personal property which he shall be able to discover as belonging to any person, if he or they have sufficient evidence upon which to form a belief that such person has other personal property, consisting of money, credits, debts due or to become due, or any other thing of value liable to taxation, he, they, or the board of commissioners shall have power to take such action as may be necessary to get said property on the tax lists.

SEC. 23. *Defining actual value in money.*

Intent and purpose of tax laws.

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.

Terms defined.

SEC. 24. *Obsolete.*SEC. 25. *Discovering property not listed.*

It shall be the duty of the county commissioners and the several list takers to be constantly looking out for property which has not been listed for taxation, and when discovered such property shall be duly placed upon the assessment list and properly assessed for taxation. At any time before or after the tax list has been turned over to the sheriff as provided for in section eighty-five of this act such property may be so discovered, the list taker shall make return thereof to the clerk of the board of county commissioners, who shall enter such property upon the tax books, make out a tax account, and place the same in the hands of the sheriff or tax collector and charge him with the same and issue such orders to the sheriff as provided in section eighty-five, and such orders shall have the force and effect of a judgment and execution against the real and personal property of the person charged with such list, as provided in section eighty-five of the regular tax list.

Omitted property listed upon discovery.

Return and entry of property.

SEC. 26. *County Board of Equalization.*

The board of county commissioners shall constitute the board of equalization in each county, and shall meet the second Monday in July in each year. It shall be the duty of the county assessor in the year nineteen hundred and fifteen to meet with the county board of equalization in an advisory capacity, and he shall lay before the board the tax list for each township, and call to the attention of the board such matters in relation to equalization of values as in his opinion should receive consideration by the board. Said board shall equalize the valuation so that each tract or lot of land or articles of personal property shall be entered on the tax list at its true value in money, and for this purpose they shall observe the following rules: (1) They shall raise the valuation of such tracts or lots of real or articles of personal property, including stocks, bonds, and shares in all incorporated companies, except such as are specifically exempt by law, as in their opinion have been returned below their true value, to such price or sum as they may believe to be the true value thereof; (2) they shall reduce the valuation of such tracts and lots or articles of personal property as in their opinion have been returned above their true value, as compared with the average valuation of real and personal property, including stocks, bonds, and shares of all incorporated companies of such county. In regard to real property, they shall have due regard to the relative situation, quality of soil, improvements, natural and artificial advantages possessed by each tract or lot. The clerk of said board of county commissioners shall be clerk of the board of equalization, and shall within five days after adjournment of said board furnish the

County board of equalization.  
Time of meeting.  
County assessor to meet with boards.

Rules for equalizing values.

Raise of valuation.

Reduction of valuation.

Matters affecting real property.

Clerk of board.  
Copy of proceedings to State board.

Returns of aggregate and average values.

State Tax Commission with a copy of all proceedings of the county board of equalization with respect to any and all changes made by such board of valuations made and returned by the township list takers and assessors. The clerk of the board shall also furnish the State Tax Commission within five days after adjournment of the county board of equalization, on blanks to be furnished by the commission, statement from the returns made by the township list takers and assessors of aggregate value of real and personal property by townships and as a whole for the county and average value per unit of land acreage and of the several classes of live stock.

Verified accounts in detail.

Lists, schedules, statements, and books to be filed before payment.

SEC. 27. *Compensation of township list takers and assessors.*

Township list takers and assessors shall make out their account in detail, giving the date of each day when they shall have been employed, which account they shall verify under oath. They shall not be entitled to compensation until they shall have filed lists, schedules, statements, and books appertaining to assessment of property for such year with the county assessor for the year nineteen hundred and fifteen and for other years with the clerk of the board of county commissioners, the books to be accurately made up, showing correct total values for each class of property, average value per unit and aggregate value of all property in the township. The list takers and assessors shall not be entitled to pay unless they have performed the labor and made return in strict compliance with the law. The county commissioners shall be the judge of the number of days actually necessary for taking the lists and may regulate the same when a greater number of days are charged for than they deem necessary.

Compliance with law.

Judgment of county commissioners.

SEC. 28. *Listing in off years; correcting assessment.*

Land listed at assessed value.

Personal property listed and assessed.

Correction of land values.

Except in the year when there shall be an assessment of real property, the township list taker and assessor shall list the lands in his township at the valuation previously assessed on the same and shall list and assess all personal property in said township. Such township list taker and assessor shall correct any parcel of real property on which any structure of over one hundred dollars value may have been erected or improved in excess of the value of one hundred dollars or on which any structure of the like value shall have been destroyed, agreeably to the returns made in accordance with the provisions of this act.

SEC. 29. *Compensation as members of board of equalization.*

Pay of county commissioners as board of equalization.

The members of the board of county commissioners shall be allowed, each as a member of the board of equalization, their usual compensation per diem for the number of days actually engaged in the performance of their duties, and in addition thereto mileage at the rate of five cents for each mile necessarily



traveled in attending the meetings of the board of equalization. The per diem and mileage as provided in this section shall be paid by the county.

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 trustor resides within the State, then and in that case such property shall be listed for taxation in this State by said trustor where the property is situated. In all cases where a guardian, executor or executrix, administrator or administratrix resides in a city or incorporated town, all personal property in the hands of such guardian, executor or executrix, administrator or administratrix shall be listed for taxation only where their wards resided on the first day of May and where the deceased persons resided on the date of their death, unless such wards or deceased persons were nonresidents of the State on the first day of May or at the day of death, in which case the guardian, executor or executrix, administrator or administratrix shall list the property where he or she resides on the first day of May: *Provided further*, that when personal property is held in trust for another by any person, firm, or corporation in this State, whether as guardian, trustee, or otherwise, and the *cestui que trust* is a resident of the State, then the same shall be listed for taxation in the county and township where the *cestui que trust* lived on the first day of May; and if the *cestui que trust* lived in a county in the State other than the county of the trustee, guardian, or other person so holding said property, then the property so held in trust may be listed for taxation by forwarding a list thereof, verified by oath, to the register of deeds of the county wherein the *cestui que trust* lived on the first day of May, and such register shall enter the same on the tax lists of the township in which the *cestui que trust* lived; and banks listing their stocks held in trust shall give the county in which the *cestui que trust* lives and shall forward to the register of deeds of that county the names of *cestuis que trustent* living therein with the number of shares held by each, and their 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

Verified statement  
by owner.

Items to be listed.

Proviso: personal  
property held in  
trust.

Property held by  
guardians and by  
personal repre-  
sentatives of  
deceased persons.

Personal property  
listed at residence  
of *cestui que trust*.

Banks to forward  
reports of shares.

Exemption of  
ward from mu-  
nicipal tax.



Evasion of tax a misdemeanor.

resides outside of the corporate limits of the city or town. Any person who, to evade the payment of taxes, surrenders or exchanges certificates of deposit in any bank in this State or elsewhere for nontaxpaying securities, or surrenders any taxable property for nontaxable property, and after the date of listing property has passed takes said certificate or other taxable property back and gives up said nontaxpaying securities or property, or executes any fictitious note or other evidence of debt for deduction from his solvent credits, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than fifty nor more than two hundred dollars (one-half of which shall go to the informer), or imprisoned not less than one month nor more than six months, or both.

Fine.  
One-half fine to informer.  
Imprisonment.

SEC. 31. *Who may list through agents.*

List given by person charged.  
Proviso: persons allowed to appoint 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: *Provided*, such persons shall be required to qualify by stating under oath that he knows the extent and has a knowledge of the true valuation of the property to be listed. The property of a corporation shall be given in by the president, cashier, treasurer, or other person appointed for that purpose.

Proviso: agents to qualify.

Returns of corporations.

SEC. 32. *Where to list real estate, mineral, and quarry lands.*

Real property listed where situate.  
Interests listed separately.

All real property subject to taxation shall be listed in the township in which said property is situated on the first day of May. When the fee of the soil of any tract, parcel, or lot of land is in any person or persons, natural or artificial, and the right to any minerals, quarry, or timber therein is in another or others, the same shall be valued and listed, agreeable to such ownership, in separate entries, specifying the interest listed, and shall be taxed to the parties owning the different interests, respectively. In listing mineral, quarry, or timber interests the owner thereof shall describe the same in his list, together with the separate value of each separate tract or parcel of land in or on which the same shall be situated or located, and the list taker shall be particular to enter the same on the tax list according to the returns. An owner of separate timber interests shall list the same, whether the timber shall be attached to or detached from the soil.

Mineral, quarry, and timber interests described.

SEC. 33. *Where polls and personal property shall be listed.*

Polls and personal property listed where owner resides.  
Exceptions.

All taxable polls and all personal property shall be listed in the township in which the person so charged resides on the first day of May, subject to the following exceptions:

(1) Such shares of stock as are directed to be listed otherwise by this act. 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 use in connection with such goods and chattels: Goods and chattels in place where used.  
*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. Proviso: farm products. Manufactured goods.  
 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. 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. Residence of corporation.  
 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. Copartnership property.  
 A copartnership shall be deemed to reside in the township, town, or city where its business is principally carried on. Residence of copartnership.  
 Each partner shall be liable for the whole tax. Partners severally liable.  
 Any taxpayer who willfully fails to list any personal property or poll liable to taxation in this State shall be guilty of a misdemeanor, Failure to list a misdemeanor.  
 and the failure to list shall be *prima facie* evidence that such failure was willful. Prima facie evidence.

SEC. 34. *Debts owing by taxpayer may be deducted.*

The taxpayer, upon making a return to the list taker of his property subject to taxation under the provisions of section forty of this act, shall file with the list taker, on a blank to be prepared and furnished by the State Tax Commission, a statement of all the property of every kind and description owned by the taxpayer, and also a statement of his income subject to taxation under the laws of this State. Taxpayer to file lists.  
 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: Blanks prepared by State tax commission.  
*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 Statement of income.  
Deductions from credits.  
Deductions by insurance companies.  
Proviso: examination by tax commission.

well as the nature of any indebtedness which has been deducted from solvent credits and the name of the person to whom said indebtedness is due.

SEC. 35. *Boards of aldermen and boards of commissioners of cities and towns lying in two or more counties to appoint municipal tax assessors.*

Municipal assessment for towns or cities in more than one county.

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:

Board of tax assessors.

(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 fifteen, 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.

Property listed and assessed.

Powers of municipal board.

Municipal board of equalization.

(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 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

Equalization of valuation.

Powers of boards.

property by the county assessors and township or assistant assessors for the purposes of State and county taxation.

(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.

Tax assessor in off years.

Lists and 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 municipal lists.

Powers of municipal authorities.

(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.

Expenses borne by city.

(6) That no valid and enforceable provisions contained in the charter of any such city or town, and conferring upon the board 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

Powers not abrogated or repealed.



Proviso: adoption of system by municipal authorities.  
Proviso: time for listing.

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: *Provided, however*, all cities and towns shall list and assess for the purpose of municipal taxation the property located in said cities and towns during the month of May of each year.

#### SEC. 36. *Penalty for not listing personal property.*

Forfeit for false statement as to personal property.

Any person, firm, or corporation in this State owning or holding personal property of any nature or description individually or as agent, trustee, guardian, or administrator, executor, assignee, or receiver, which property is subject to assessment, who shall intentionally make a false statement to the list taker and assessor of his assessment district, or to the board of equalization, for the purpose of avoiding the payment of the just and proportionate taxes thereon, shall forfeit the sum of ten dollars for every hundred dollars, or major fraction thereof so withheld from the knowledge of such list taker and assessor or board of equalization. It is hereby made a duty of the sheriff of any county, upon complaint made to him by any taxpayer of the assessment district in which it is alleged that property has been so withheld from the knowledge of the list taker and assessor or board of equalization, or not included in the said statement, to investigate the case forthwith and bring an action in the Superior Court in the name of the State against the person so complained of. All forfeitures collected under the provisions of this section shall be paid into the county treasury.

Sheriff to investigate and bring action.

Forfeits to use of county.

#### SEC. 37. *List takers and assessors shall administer oath.*

List takers and assessors shall administer oaths.

It shall be the duty of the list takers and assessors of the several counties of the State, before receiving the returns of any taxpayer, to actually administer the oath required by law of taxpayers, the oath being read by the taxpayer in the presence and in the hearing of the list taker and assessor or by the list taker and assessor in the hearing and presence of the taxpayer; and for failure of said list taker and assessor to so administer said oath, except in those cases where by law said oath may be made before some other person, such list taker and assessor shall be guilty of a misdemeanor, and upon conviction shall be punished by imprisonment of not less than ten days nor more than six months, and in addition shall forfeit the sum of ten dollars for each omission, one-half to go to the person furnishing information sufficient to convict and one-half to the educational fund of the State, said amounts to be deducted from the compensation of such list taker and assessor.

Failure a misdemeanor.

Punishment.

Forfeit.

One-half forfeit to informer.  
One-half to State school fund.

#### SEC. 38. *Oath of taxpayer.*

List taker and assessor to require oath.

The list taker and assessor shall require the owner, agent, guardian, personal representative, or other person having control



of the property and listing such property, to make and subscribe the following oath, which shall be attached to each and every schedule, to wit.

"I do solemnly swear (or affirm) that the above and foregoing listed property is a full, true, and complete list of all and each kind of property owned by me or under my control as agent, guardian, personal representative, or otherwise, and that I have not neglected to list for taxation for the year all of each and every kind of property of which I am the owner or of which I have control as agent, guardian, personal representative, or otherwise, in the county of....., State of North Carolina. That I have made full and true return of my income as required by law, and that I have not in any way connived at the violation or evasion of the requirements of law in relation to the assessment of property for taxation: so help me, God."

Form of oath.

SEC. 39. *Property held in trust listed separately.*

Property held in trust as agent, guardian, executor or executrix, administrator or administratrix, or in the right of a feme covert, shall be returnable on a separate list. The sheriff or other tax collector in any county shall be liable to suit on his official bond for failure to report any false return of property mentioned in this section which he may discover or which may be otherwise discovered and made known to him, and it shall be his duty to report such fraud to the grand jury of his county.

Property 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 property of the taxpayer, and also the age of the party, if a male, with reference to his liability to a poll tax. The list shall also contain, as of the first day of May, (1) the quantity of land owned in the township, together with the kind and nature of any buildings erected thereon, and the land shall be described by name, if it has one; otherwise in a way that it may be identified, and each separate tract or parcel of land shall be separately listed and described; (2) manufacturing property outside of incorporated cities and towns; (3) the number of acres of mineral, timber, and quarry lands and lands susceptible of development for water-power; (4) the number of town lots; (5) the number and value of horses; (6) the number and value of mules; (7) the number and value of jacks and jennets; (8) the number and value of cattle; (9) the number and value of hogs; (10) the number and value of sheep; (11) the number and value of goats; (12) the number and value of dogs; (13) the value of farming utensils, including farm tools and machinery of all kinds; (14) the value of carriages, harness, buggies, wagons, carts, and other vehicles; (15) the value of warehouse fixtures and office furniture; (16) the value of tools of mechanics; (17) the value of household and kitchen furniture, musical instru-

List to state all property and age of lister.

List to contain as of first of May:

Quantity of land and kind of buildings.

Manufacturing property. Mineral, timber, quarry lands, and water-powers.

Town lots.

Horses. Mules. Jacks and jennets. Cattle. Hogs. Sheep. Goats. Dogs.

Farming utensils. Carriages, harness and other vehicles. Warehouse and office furniture. Tools of mechanics. Furniture, musical instruments, and provisions.

Libraries and scientific instruments. Money on hand. Credits.	ments, provisions of all kinds, including grain and forage; fire-arms; (18) the value of libraries and scientific instruments; (19) the amount of money on hand; (20) the amount of credits, including accrued interest uncollected and owing to the party, whether by a person in or out of the State, whether owing by mortgage, bond, note, bill of exchange, certificate, check, open account, or due and payable, whether owing by any State or government, county, city, town, or township, individual, company, or corporation; the value of cotton, tobacco, or other property in the hands of commission merchants or agents in or out of the State. If any credit be not regarded as entirely solvent, it should be given in at its current or market value, and the party may deduct from the amount of his credits owing to him the amount of collectible debts owing by him as principal debtor; (21) money, investments, stocks and bonds and shares of stock in incorporated companies which are not taxed through the corporation itself; (22) automobiles, pleasure boats of any and all kinds; (23) the number and value of seines, nets, fishing tackle, boats, barges, schooners, vessels and all other floating property; (24) all other personal property whatever, including all cotton in seed or lint; tobacco, either in leaf or manufactured; turpentine, rosin, tar, brandy, whiskey, musical instruments, bicycles, goods, wares and merchandise of all kinds; plated and silverware and all watches and jewelry possessed by the party or any minor child; (25) the income of the party for the twelve months next preceding the first day of May in the current year, if over one thousand two hundred and fifty dollars. If the party be a nonresident of the county and owns land therein, the list shall state his address, and may name an agent in the county to whom notice may be given respecting his taxes. If any person shall, with a view to evade the payment of taxes, fail or refuse to give in to the assessing officer any bonds, notes, claims, or other evidences of debt which are subject to assessment and taxation under this act, the same shall not be recoverable at law or suit in equity before any of the courts of this State until they have been listed and the tax paid thereon, together with any and all penalties prescribed by law for the nonpayment of taxes.
Credits at market value. Deductions.	
Money, investments, stocks and bonds.	
Automobiles and pleasure boats. Floating property.	
All other personal property.	
Income.	
Address of non-resident.	
Debts not recoverable until listed.	

SEC. 41. *Commissioners shall have power to exempt; sheriff to garnishee if taxes are not paid in sixty days; form of attachment.*

County commissioners may exempt from poll tax.

The boards of commissioners of the several counties shall have power to exempt any person from the payment of poll tax on account of poverty and infirmity; and when any such person has been once exempted he shall not be required to renew his application unless the commissioners shall revoke the exemption. When such exemption shall have been made, the clerk of the commissioners shall furnish the person with a certificate of such

Certificate of exemption.

action, and the person to whom it was issued shall be required to list his poll, but upon exhibition of such certificate the list taker shall annually enter in the column intended for the poll the word "Exempt," and the poll shall not be charged in computing the list. If any poll tax or other tax shall not be paid within sixty days after the same shall be demandable it shall be the duty of the sheriff, if he can find no property of the person liable sufficient to satisfy the same, to attach any debt or other property incapable of manual delivery due or belonging to the person liable or that may become due before the expiration of the calendar year, and the person owing such debt or having such property in possession shall be liable for said tax. Any corporation, firm or person who shall, on demand or request made, refuse to give to the tax collector of any county, city or town a list giving the names of all persons employed by them who are liable for tax, shall be guilty of a misdemeanor. For the purpose of carrying into effect the provisions of this section the following form shall be used as an attachment, viz.:

Collection by  
garnishment.

Lists to be fur-  
nished by em-  
ployers.

To A B. ....

Take notice that this is to attach any debt that is now due or may become due to C D, a delinquent in his poll (or property) tax for the year one thousand nine hundred and...., and you are hereby summoned to appear before E F, an acting justice of the peace for.....County, and disclose any indebtedness which is or may be due said delinquent by you during the present calendar year, and to show cause why judgment should not be rendered against you for said delinquent tax and costs of this proceeding.

Form of attach-  
ment.

..... day of ....., 19....

*A B, Sheriff, or Tax Collector.*

For serving notice the sheriff shall receive twenty-five cents, and if judgment is rendered the justice shall receive twenty-five cents as costs.

Fees.

#### SEC. 42. *Bank taxation.*

The taxes imposed for State purposes upon the shares of stock in any bank, banking association, or savings institution (whether State or National) in this State shall be paid by the cashier of such bank, banking association, or savings institution, directly to the State Treasurer, and upon failure to pay the State Treasurer as aforesaid he shall institute an action against the bank, banking association, or savings institution to enforce the same in the county of Wake or in the county in which the bank, banking association or savings institution is located, which action shall be prosecuted in the name of the State of North Carolina on the relation of the Treasurer of the State, and which shall be tried

Taxes paid by  
cashier.

Action for collec-  
tion.

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.

Examination by State tax commission.

Review of action of commission.

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 held by nonresidents 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 county and municipal taxation. Every such bank, banking association, or savings institution shall, during the month of May, list annually with the State Tax Commission, in the name of and for its shareholders, all the shares of its capital stock, whether held by residents or nonresidents, at its market value of the first day of May, or, if it have no market value, then at its actual value on that day, from which market or actual value shall be deducted the assessed value of the real and personal property which such bank, banking association, or savings institution shall have listed for taxation in the county or counties wherein such real and personal estate is located. The actual value of such shares, where such shares have no market value, shall be ascertained by adding together the capital stock, surplus, and undivided profits, and deducting therefrom the amount of real and personal property owned by said institution on which it pays tax and dividing the net amount by the number of shares in said institution. Insolvent debts due said institution may be deducted from the items of undivided profits or surplus, if itemized and sworn to, and forwarded to the State Tax Commission by the cashier of such institution, also accrued and unearned interest, unpaid taxes, an amount not exceeding five (5) per cent of the bills receivable of said institution to cover any other bad or insolvent debts, and also an amount equal to the true value of any shares of stock owned in other North Carolina banks or corporations upon which the tax is paid by the owner or the corporation issuing the same. 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 of 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 National) 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 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 purpose of county, school, and municipal taxation. All shares, whether owned by residents or nonresidents, shall be listed at the

No action to lie but on payment or tender.

Lists of names and residences 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.



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 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 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

Deductions.

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 appraisement and valuation so made and returned, they are hereby authorized and empowered to make a valuation thereof, based upon the facts contained in the report herein required or upon any information within their possession, and to settle an account on the valuation so made by them for taxes, penalties and interest due the State thereon, of which such settlement immediate notice shall be given to such corporation by said State Tax Commission, with the right to the company dissatisfied with any settlement so made against it to appeal to the Superior Court in term-time of the county in which such company has its principal place of business in this State, and thence to the Supreme Court of this State; but before such company shall be allowed to exercise the right of appeal it shall, within twenty days after notice of such settlement, file with the State Tax Commission exceptions to the particulars to which it objects, and the grounds thereof, and said State Tax Commission shall hear said exceptions, after ten days notice of such hearing given by said State Tax Commission to said company; and if they shall overrule any of said exceptions, then such company, if it desires to appeal to said Superior Court, shall within ten days thereafter give notice to said State Tax Commission of such appeal to said Superior Court, and the State Tax Commission shall thereupon transmit to said Superior Court a record of said settlement, with the exceptions of the company thereto, and all decisions thereon, and all papers and evidence considered in making said decision. The said cause shall be placed on the civil docket of said Superior Court and shall have precedence of all other civil actions, and shall be tried under the same rules and regulations as are prescribed for the trial of other civil causes. The cause shall be entitled State of North Carolina on the relation of State Tax Commission against such company. Either party may appeal to the Supreme Court from the judgment of the Superior Court, under the same rules and regulations as are prescribed by law for other appeals, except that the State of North Carolina, if it shall appeal, shall not be required to give an undertaking or make any deposit to secure the costs of such appeal; and the Supreme Court may advance the cause on their docket so as to give the same a speedy hearing; and in the event of the neglect or refusal of the officers of any corporation, company, joint-stock association, or limited partnership for a period of sixty days to make the report and appraisement to the State Tax Commission as herein provided, it shall be the duty of the State Tax

Certificate of appraisal.

Proviso: valuation by State tax commission.

Notice to corporation.  
Right of corporation to appeal.

Exceptions filed with commission.

Hearing on exceptions.

Notice of appeal.

Record of appeal.

Precedence of trial.

Entitlement of cause.  
Appeal to supreme court.

Cause advanced on docket.  
Appraisal by State tax commission on delinquency by corporation.

Right of appeal.

Tax on capital to relieve credits.

Reports not to be made public.

Record book.

Reports to show salaries of officers and employees.

Penalty.

Corporation commission to report to register of deeds.

Property of foreign corporations.

Shares to be listed at actual book value.

Commission to estimate a valuation of the capital stock of such defaulting corporation, company, joint-stock association, or limited partnership, and settle an account for taxes, penalty and interest thereon, from which settlement an appeal may be made to the Superior Court of the county in which the corporation has its principal place of business. Corporations, limited partnerships, or joint-stock associations liable to tax on capital stock shall not be required to make any report or pay any further State tax on the mortgages, bonds, other securities and credits owned by them in their own right. The State Tax Commission is forbidden to divulge or make public any report of a corporation required to be made to it by this section. The State Tax Commission shall prepare and keep a record book, upon which it shall enter a correct list of all the corporations and banks which it has assessed for taxation, and said record shall show the assessed valuation placed upon same by it.

SEC. 43a. That in addition to the information required by the preceding section to be reported to the State Tax Commission by domestic corporations, all corporations, both domestic and foreign, doing business in this State and required by any section of the Revenue Act or Machinery Act to make report to the State Tax Commission, shall be required to include in their annual reports to the State Tax Commission the name and place of residence of all officers and employees of such corporation who were paid by such corporation salaries, wages, or fees in excess of one thousand two hundred and fifty dollars for the year ending May first of the year in which such report is made, and the total amount of such compensation. All such corporations shall be liable for penalties provided in section eighty-two of the Revenue Act for failure to make the reports required by this section. The State Tax Commission is forbidden to divulge or make public the information required to be reported to it by this section, but it shall be the duty of the State Tax Commission to furnish the information so reported to the registers of deeds of the several counties of the State, whose duty it shall be to compute the income tax on all such incomes liable for income tax within their respective counties and charge same upon the county tax books.

SEC. 44. *No exemptions as to foreign corporations.*

Nothing in this act shall be construed to exempt from taxation at its real value any property situate in the State belonging to any foreign corporation.

SEC. 45. *Tax on building and loan associations.*

The secretary of each building and loan association organized and conducting business in this State shall list 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. 46. *State Tax Commission to make certificate to register of deeds.*

The State Tax Commission shall, on or before September first, certify to the register of deeds of the county in which such corporation, joint-stock association, limited partnership, or company whatsoever has its principal office or place of business the total value of the stock of such corporation, joint-stock association, limited partnership, or company whatsoever, as assessed for State taxation. The corporation, joint-stock association, limited partnership, or company whatsoever shall pay the county, township, town, or city taxes upon the valuation so certified by the State Tax Commission.

State tax commission to certify values.

County and municipal tax on State 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.*

Stock held by residents in foreign associations.

Withdrawal value.

Basis of valuation.

Association barred for failure to list.

Local officers guilty of misdemeanor.

Punishment.

Tax paid by association.

All foreign building and loan associations doing business in this State shall list for taxation with the State Tax Commission, through its agent, its stock held by citizens of this State in the county, city, or town where the owners of said stock reside. In listing said stock for taxation the withdrawal value as fixed by the by-laws of each company shall be furnished by the list taker, and the stock shall be valued for taxation as other money investments of citizens of this State. Any association or officer of said association doing business in this State who shall fail or refuse to so list shares owned by citizens of this State for taxation shall be barred from doing business in this State; and any local officer or other person who shall collect dues, assessments, premiums, fines, or interest from any citizen of this State for any such association which has failed or refused to list for taxation the stock held by citizens of this State shall be guilty of a misdemeanor and subject to fine or imprisonment, or both, in the discretion of the court. All of said taxes shall be paid by the association listing said stock.

SEC. 49. *Telegraph companies.*

Telegraph company defined.

Sworn statement to be filed.

Capital stock.

Number and par value of shares.

Place of business.

Actual value of shares.

Value and location of property.

Real estate outside of State.

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:

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. Mortgages on property.

Eighth. (a) The total length of the lines of said association or company; (b) the total length of so much of their lines as is outside the State of North Carolina; (c) the length of the lines within each of the counties and townships within the State of North Carolina. Details of length of lines.

#### SEC. 50. *Telephone companies.*

Every telephone company doing business in this State, whether incorporated under the laws of this State or any other State, or of any foreign nation, shall, annually, between the first day of 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 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 invested in the operation of such telephone business. Total capital.

Second. The number of shares of capital stock issued and outstanding, and the par or face value of each share. Number of shares and par value.

Third. Its principal place of business. Place of business.

Fourth. The market value of said shares of stock on the thirty-first day of March next preceding; and if such shares have no market value, then the actual value thereof. Value of shares.

Fifth. The real estate, structures, machinery, fixtures and appliances owned by said association, company, copartnership, or corporation and subject to local taxation within the State, and the location and assessed value thereof in each county where the same is assessed for local taxation. Value and location of property.

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. Real estate outside of State.

Seventh. All mortgages upon the whole or any of its property, together with the dates and amounts thereof. Mortgages on property.

Eighth. (a) The total length of the lines of said association or company; (b) the total length of so much of their lines as is outside the State of North Carolina; (c) the length of the lines within each of the counties and townships within the State of North Carolina. Details of length of lines.

SEC. 51. *Express companies.*

Express company  
defined.

Every joint-stock association, company, copartnership, or corporation, incorporated or acting under the laws of this State or any other State or any foreign nation, engaged in carrying to, from, through, in, or across this State, or any part thereof money, packages, gold, silver plate, merchandise freight, or other articles, under any contract, expressed or implied, with any railroad company or the managers, lessees, agents, or receivers thereof (provided such joint-stock association, company, copartnership, or corporation is not a railroad company), shall be deemed and held to be an express company within the meaning of this act; and every such express company shall, annually, between the first day of May and the twentieth day of May, make out and deliver to the State Tax Commission a statement, verified by the oath of the officer, or agent of such association, company, copartnership, or corporation making such statement, with reference to the thirtieth day of April next preceding, showing:

Sworn statement  
to be filed.

Capital

First. The total capital stock or capital of said association, copartnership, or corporation.

Number of shares  
and par value.  
Division of capital  
and evidence of  
holdings.

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.

Place of business.

Third. Its principal place of business.

Value of shares  
or of stock.

Fourth. The market value of said shares of stock on the thirtieth day of April next preceding; and if such shares have no market value, then the actual value thereof; and in case no shares of stock have been issued, state the market value, or the actual value in case there is no market value, of the capital thereof, and the manner in which the same is divided.

Value and loca-  
tion of property.

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.

Real estate out-  
side of State.

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.

Mortgages on  
property.

Seventh. All mortgages upon the whole or any part of its property, together with the dates and amounts thereof.

Details of lines  
or routes.

Eighth. (a) Total length of the lines or routes over which such association, company, copartnership, or corporation trans-

ports 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.*

Every joint-stock association, company, copartnership, or corporation incorporated or acting under the laws of this or any other State or of any foreign nation and conveying to, from, through, in, or across this State, or any part thereof, passengers or travelers in palace cars, drawing-room cars, sleeping cars, dining cars, or chair cars, under any contract, expressed or implied, with any railroad company or the managers, lessees, agents, or receivers thereof, shall be deemed and held to be a sleeping-car company for the purposes of this act, and shall hereinafter be called "sleeping-car company"; and every such sleeping-car company doing business in this State shall, annually, between the first day of May and the twentieth day of May, make out and deliver to the State Tax Commission a statement, verified by the oath of the officer or agent of such company making such statement, with reference to the thirtieth day of April next preceding, showing:

First. The total capital stock of such sleeping-car company invested in its sleeping-car business. Sleeping-car company defined.

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. Sworn statement to be filed.

Third. Under the laws of what State it is incorporated. State of domicile.

Fourth. Its principal place of business. Place of business.

Fifth. The names and postoffice addresses of its president and secretary. Name and address of 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. Value of shares.

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. Value and location of property.

Eighth. All mortgages upon the whole or any part of its property, and the amounts thereof devoted to its sleeping-car business. Mortgages.

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: Details of lines.

*Provided*, that where the railroads over which said cars run have double tracks, or a greater number of tracks than a single track.

Proviso: mileage as of single-track roads.

Statement in detail if required.	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
Notice to company of assessment.	particular railroad or system within the State. 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 at-
Time for filing objections.	testing 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 objection be made within thirty days, the amount
Bill for State taxes.	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 sleep-
Certificate to county commissioners.	ing-car company shall have thirty days within which to pay said taxes; and the clerk of the State Tax Commission shall certify to the county commissioners of the several counties through which such cars are used the value of the property of such sleeping-car
	company within such county in the proportion that the number of miles of railroad over which such cars are used in said county bears to the number of miles of railroad over which such cars are used within the State, together with the name and postoffice address of the officer attesting such report of such sleeping-car
	company, with the information that tax bills, when assessed, are to be sent him by mail; and such value, so certified, shall be assessed and taxed the same as other property within said county.
Bills for county taxes.	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 commis-
	sioners by registered mail a bill for the total amount of all taxes due to such county, and such sheriff or county tax collector shall
Time for payment.	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
Collection of tax and penalty.	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.*

Refrigerator and freight car companies taxed as sleeping-car companies.

Every firm, person, or corporation owning refrigerator or freight cars operated over or leased to any railroad company in this State or operating in the State shall be taxed in the same manner as hereinbefore provided for the taxation of sleeping-car companies, and the collection of the tax thereon shall be followed in assessing and collecting the tax on the refrigerator and freight cars taxed under this section: *Provided*, if it appear that the owner does not lease the cars to any railroad company or make any contract to furnish it with cars, but they are furnished

Proviso: assessment where cars are not leased.



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, water-works company, electric light and power company, gas company, ferry company, bridge company, canal company, and other corporations exercising the right of eminent domain shall, annually, between the first and twentieth of May, make out and deliver to the State Tax Commission a statement, verified by the oath of the officer or agent of such company making such statement, with reference to the copartnership or corporation, showing:

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.

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

Companies exercising right of eminent domain.

Sworn statement.

Capital stock.

Number and par value of shares.

Place of business.

Value of shares.

Value and location of property.

Real estate outside of State.

Mortgages.

Details of length of lines.

Examination of statements.



Call for other  
and further state-  
ments.

Forfeit for failure  
or refusal.

Action for recov-  
ery.

Penalty to gen-  
eral fund.

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.

SEC. 56. *State tax commission shall examine statements.*

State tax commis-  
sion to value and  
assess property.

Powers of com-  
mission.

The State Tax Commission shall thereupon value and assess the property of each association, company, copartnership, or corporation in the manner hereinafter set forth, after examining such statements and after ascertaining the value of such properties therefrom, and upon such other information as they may have or obtain. For that purpose they may require the agents or officers of said association, company, copartnership, or corporation to appear before them with such books, papers, and statements as they may require, or they may require additional statements to be made to them, and may compel the attendance of witnesses in case they shall deem it necessary to enable them to ascertain the true cash value of such property.

SEC. 57. *Manner of assessment.*

Commission to  
ascertain values

Method for ascer-  
tainment.

Proviso: property  
under mortgage.

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

Local assessments  
of real estate.

the purpose of ascertaining the true cash value of property within the State of North Carolina, next ascertain from such statements or otherwise the assessed value for taxation, in the localities where the same is situated, of the several pieces of real estate situated within the State of North Carolina, and not specifically used in the general business of such associations, companies, copartnerships, or corporations, which said assessed value for taxation shall be by said board deducted from the gross value of the property as above ascertained. Said State Tax Commission shall next ascertain and assess the true cash value of the property of the associations, companies, copartnerships, or corporations within the State of North Carolina by taking as a guide, as far as practicable, the proportion of the whole aggregate value of said associations, companies, copartnerships, or corporations as above ascertained, after deducting the assessed value of such real estate without the State which the length of lines of said associations, companies, copartnerships, or corporations, in the case of telegraph and telephone companies within the State of North Carolina, bears to the total length thereof, and in the case of express companies and sleeping-car companies the proportion shall be the proportion of the whole aggregate value, after such deduction, which the length of lines or routes within the State of North Carolina bears to the whole length of lines or routes of such associations, companies, copartnerships, or corporations, and such amount so ascertained shall be deemed and held as the entire value of the property of said associations, companies, copartnerships, or corporations within the State of North Carolina. The State Tax Commissioners shall also assess the value for taxation of all real estate, structures, 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 commissioners the assessed value for taxation of all real estate, structures, machinery, and appliances within the State and subject to local taxation in the counties as hereinbefore described in sections fifty-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.

Proportionate values.

Telegraph and telephone companies.

Express and sleeping-car companies.

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

Valuation per mile.

Method of assessment.

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.

SEC. 59. *Total value for each county.*

Assessment apportioned to counties.

Said State Tax Commission shall thereupon, for the purpose of determining what amount shall be assessed by it to said association, company, copartnership, or corporation in each county in the State, through, across, and into or over which the 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 extend. 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.

Certificate of valuation.

Payment direct to State treasurer.

SEC. 60. *Companies failing to pay tax.*

Action for enforcement of payment on failure or refusal.

In case any such association, company, copartnership, or corporation as named in this act shall fail or refuse to pay any taxes assessed against it in any county in this State, in addition to other remedies provided by law for the collection of taxes, an action may be prosecuted in the name of the State of North Carolina by the solicitors of the different judicial districts of the State on the relation of the county commissioners of the different counties of this State, and the judgment in the said action shall include a penalty of fifty per cent of the amount of taxes as assessed and unpaid, together with reasonable attorney's fees for the reduction of such action, which action may be prosecuted in any county into, through, over, or across which the lines or routes of any association, company, copartnership, or corporation shall extend, or in any county where such association, company, copartnership, or corporation shall have an office or agent for the transaction of business. In case such association, company, copartnership, or corporation shall have 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

Judgment to include penalty and attorney's fees.

Venue.

Suit for part or all of tax.

Option of attorney-general.

Collection credited to counties.

for or on account of any particular county made in any such suit or suits shall be by said board accounted for as a credit to the respective counties for or on account of which such collections were made by the said board at the next ensuing settlement with such county, but the penalty so collected shall be credited to the general fund of the State, and upon such settlement being made, the treasurers of the several counties shall at their next settlements enter credits upon the proper duplicates in their offices, and at the next settlement with such county report the amount so received by him in his settlement with the State, and proper entries shall be made with reference thereto: *Provided*, that in any such action the amount of assessment fixed by said State Tax Commission and apportioned to such county shall not be controverted.

Penalty to general fund of State. Settlement of penalties.

Proviso: amount of assessment not put in controversy.

#### SEC. 61. *Railroads.*

The commissioners selected from time to time under authority to establish the North Carolina State Tax Commission shall constitute a board of appraisers and assessors for railroad, canal, and steamboat companies and other companies exercising the right of eminent domain.

Railroad, canal, steamboat, and other companies.

#### SEC. 62. *Railroads.*

The president, secretary, superintendent, or other principal accounting officer within this State, of every railroad, telegraph, telephone, street railway company, whether incorporated by the laws of this State or not, shall, at such 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 sidetracks, depot buildings and depot grounds, section and tool houses, and the land upon which situated and necessary to their use; water stations and land, coal chutes and land, and real estate and personal property of every character necessary for the construction and successful operation of such railroad or used in the daily operation, whether situated on the charter right of way of the railroad or on additional land acquired for this purpose, except as provided below, including, also, if desired by the State Tax Commission, Pullman or sleeping cars or refrigerator cars owned by them or operated over their lines: *Provided*, however, that all machine and repair shops, general office buildings, storehouses and contents located outside of the right of way, and also real and personal property, other than the property as returned above to the State Tax Commission, shall be listed for purposes of taxation by the principal officers or agents of such

Sworn reports of railroad, telegraph, telephone, and street railway companies.

Property to be returned.

Proviso: property listed for local taxation where situate.



List filed with  
State tax commis-  
sion.  
Certificate from  
register of deeds.

Certificate of local  
tax rate.

Municipal tax  
rate.

Rolling stock  
defined.  
Return of rolling  
stock.

Items of inven-  
tory.

Schedule.

Instructions and  
forms.

Valuation of  
tangible property.

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.

#### SEC. 63. *Railroads.*

The movable property belonging to a railroad company shall be denominated for the purpose of taxation "rolling stock." Every person, company, or corporation owning, constructing, or operating a railroad in this State shall, in the month of May, annually, return a list or schedule to the State Tax Commission, which shall contain a correct detailed inventory of all the rolling stock belonging to such company, and which shall distinctly set forth the number of locomotives of all classes, passenger cars of all classes, sleeping cars and dining cars, express cars, horse cars, cattle cars, coal cars, platform cars, wrecking cars, pay cars, hand cars, and all other kinds of cars, and the value thereof, and a statement or schedule, as follows: (1) The amount of capital stock authorized and the number of shares into which such capital stock is divided; (2) the amount of capital stock paid up; (3) the market value, or, if no market value, then the actual value of shares of stock; (4) the length of line operated in each county and total in the State; (5) the total assessed value of all tangible property in the State; (6) and, if desired, all the information heretofore required to be annually reported by section five thousand two hundred and ninety-one of the Revisal. Such schedule shall be made in conformity to such instructions and forms as may be prescribed by the commission, and with reference to amounts and value on the first day of May of the year of which the return is made.

#### SEC. 64. *Tangible and intangible property assessed separately.*

(a) At such dates as real estate is required to be assessed for taxation, the said commission shall first determine the value of



the tangible property of each division or branch of such railroad of rolling stock and all other physical or tangible property. This value shall be determined by a due consideration of the actual cost of replacing the property, with a just allowance for depreciation on rolling stock, and also of other conditions, to be considered as in the case of private property.

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.

Valuation of  
franchise.  
Considerations  
determining value.

(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, 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.

Value for taxation.

Apportionment  
to counties.

Certificate to  
county.

Certificate to  
auditor.

Payment direct to  
State treasurer.

Action for enforce-  
ment 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

Proportionate  
assessment of rail-  
road partly out-  
side of State.

Hearing to com-  
panies.

Argument and communications in writing.

of their property. The said commission may, if they see fit, require all argument and communications to be presented in writing.

#### SEC. 66. *Railroads.*

Railroads under lease.

If the property of any railroad company be leased or operated by any other corporation, foreign or domestic, the property of the lessor or company whose property is operated shall be subject to taxation in the manner hereinbefore directed; and if the lessee or operating company, being a foreign corporation, be the owner or possessor of any property in this State other than which it derives from the lessor or company whose property is operated, it shall be assessed in respect to such property in like manner as any domestic railroad company.

Other property of lessee company.

#### SEC. 67. *Railroads.*

Powers of State tax commission in determining valuation.

The State Tax Commission shall have power to summon and examine witnesses and require that books and papers shall be presented to them for the purpose of obtaining such information as may be necessary to aid in determining the valuation of any railroad company. Any president, secretary, receiver, or accounting officer, servant or agent of any railroad or steamboat company having any portion of its property or roadway in this State, who shall refuse to attend before the said commission when required to do so, or refuse to submit to the inspection of said commissioners any books or papers of such railroad company in his possession, custody, or control, or shall refuse to answer such questions as may be put to him by said commission, or order, touching the business or property, moneys and credits, and the value thereof, of said railroad company, shall be guilty of a misdemeanor, and on conviction thereof before any court of competent jurisdiction shall be confined in the jail of the county not exceeding thirty days and shall be fined in any sum not exceeding five hundred dollars and costs; and any president, secretary, accounting officer, servant, or agent aforesaid, so refusing as aforesaid, shall be deemed guilty of contempt of such commission, and may be confined, by order of said commission, in the jail of the proper county until he shall comply with such order and pay the cost of his imprisonment.

Refusal to attend or to produce books and papers or to answer questions a misdemeanor.

Punishment.

Punishment as for contempt.

#### SEC. 67a. *Tax Commission to certify; when tax payable.*

List of corporations and values certified to auditor.

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

Auditor to compute tax.

same for collection, and said list shall be a charge against the State Treasurer. All such taxes due the State shall be paid by the secretary or treasurer of any such corporation direct to the State Treasurer within thirty days after receipt of bill from the Treasurer of taxes due. The State Tax Commission shall also certify to the register of deeds of the county the total valuation as hereinbefore determined and apportioned by the commission, and 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.

List a charge against treasurer. Payment direct to treasurer.

Certificate to counties.

Assessment and collection of school and county tax.

SEC. 68. *Canal and steamboat companies.*

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.

Canal and steamboat companies.

Assessment on failure of returns.

SEC. 69. *Private banks and bankers.*

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.

Banks, bankers, brokers and stock jobbers to file sworn statements.

Specifications of statements.

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.

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.

SEC. 70. *Stock-brokers and private bankers.*

Acting as stock-  
broker or private  
banker without  
license forbidden.  
Stock-broker  
defined.

Rights of stock-  
brokers.

Private banker  
defined.

Tax for privilege.

Fine for violation  
of section.

No person, bank, or corporation shall, without a license authorized by law, act as a stock-broker or private banker. Any person, bank, or corporation that deals in coin, foreign or domestic exchange, Government, stock, or other certificates of debt or shares in any corporation or chartered company, bank-notes or other notes used as a currency, or to sell the same or any of them on commission or for other compensation, or who negotiates loans upon real estate securities, shall be deemed to be a stock-broker. A stock-broker shall have the right to buy for profit or to sell on commission the coin, exchange, stocks, certificates of debt, shares in chartered companies, bank-notes and notes used as currency, as aforesaid, and may sell either privately or by auction, and also negotiate loans on real estate securities. Any person, bank, or corporation engaged in the business of receiving money on deposit or in lending or advancing money, or in negotiating loans on any class of securities, or in discounting, buying, or selling negotiable or other paper or credits, commonly known as stock-brokers, whether in an office for the purpose or elsewhere, shall be deemed to be a private banker, and in the latter case the tax shall be paid for the additional privilege of private banking. Any person, bank, or corporation violating this section shall pay a fine of not less than one hundred nor more than five thousand dollars for each offense.

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.  
Punishment.

Assessor or list  
taker to prosecute.  
List taker to com-  
plete list.  
Powers of list  
taker and chair-  
man of commis-  
sioners.

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.



SEC. 72. *What property exempt.*

The following real estate and no other shall be exempt from taxation, State and local:

(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.

Exempted real estate.

Real estate held by public for public or school uses. Exclusively for educational purposes.

(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.

Graveyards and burial lots.

(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.

Property of churches and religious bodies.

(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.

Buildings and land wholly devoted to educational purposes.

(5) Real estate belonging to and actually and exclusively occupied and used by Young Men's Christian Associations and other similar religious associations, orphan or other asylums, reformatories, hospitals, and nunneries, which are not conducted for profit, but purely and completely as charities.

Property occupied and used by religious and charitable associations.

(6) Buildings, with the land they actually occupy, belonging to any benevolent or charitable association and used exclusively for lodge purposes or meeting rooms by such association, together with such additional adjacent land as may be necessary for the convenient use of the buildings for such purposes; and also the proceeds and profits arising from rents, leases, etc., or rooms in said buildings, whether occupied for lodge and meeting purposes or not, when such rents, proceeds and profits are used for charitable and benevolent purposes.

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:



Property of State or United States or any subdivision of State.

(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.

Furniture used for religious worship or residences of ministers.

(2) The furniture and furnishings of buildings lawfully owned and held by churches or religious bodies and wholly and exclusively used for religious worship or for the residence of the minister of any church or religious body or such ministers' private libraries, and also the private libraries of the teachers in the public free schools of the State.

Private libraries.

Equipment devoted to educational purposes.

(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.

Property of religious and charitable associations.

(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.

Furniture of lodges and meeting rooms.

(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.

Wearing apparel, libraries, and furniture.

(6) Wearing apparel, private libraries, kitchen and other household furniture, not exceeding in value twenty-five dollars, and also growing crops.

Growing crops.

#### SEC. 73. *Form of assessing and listing property.*

State tax commission to prepare forms.

The State Tax Commission shall prepare forms to be used in assessing and listing property for taxation by assessors and list takers. It shall transmit said forms to the clerk of the board of commissioners of each county by the fifteenth day of April, and the 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.

Time for sending forms.

Delivery to assessors.

#### SEC. 74. *List shall be completed by the third Monday in June; shall make a return of polls and property not listed.*

Time for return of tax lists.

The list taker and assessor shall, on or before the third Monday in June, return the tax list to the county assessor in the year nineteen hundred and fifteen and in other years to the register of deeds or to the auditor in counties where the tax lists are made out by such officer. He shall also return a list of taxable polls

Lists of delinquents.

and property of the township not given in for taxation. The <sup>Returns open for inspection.</sup> returns so made shall be open to the inspection of all persons interested, and the clerk shall give to any person desiring it a <sup>Fee for copy.</sup> copy of so much thereof as relates to his property on paying a fee of ten cents.

SEC. 75. *Oaths of list takers and assessors.*

The list taker and assessor, upon making returns to the board <sup>Returns to be verified.</sup> of commissioners of the lists and statements, shall take and subscribe an oath to the effect following, which may be administered by the chairman of the board of commissioners or any officer authorized to administer oaths:

"I, ....., list taker and assessor of..... <sup>Form of oath.</sup> in the county of....., do solemnly swear (or affirm) that the value of all real and personal property, moneys, credits, investments in bonds, stocks, joint-stock companies, or otherwise, of which a statement has been made to me by the persons required by law to list the same, is truly returned and set forth in that statement; that in every case where by law I have been required to ascertain the items and value of the real and personal property, moneys, credits, investments in bonds, stocks, joint-stock companies, or otherwise, of any person, company, or corporation, I have diligently and by the best means in my power endeavored to ascertain the real value thereof and that I verily believe a full list, with the value thereof estimated by the rules prescribed by law, is set forth in annexed returns; that in no case have I knowingly omitted to receive from any person from whom by law I was required to receive a statement of the description and value of real and personal property or of the amounts of moneys, credits, investments in bonds, stocks, joint-stock companies, or otherwise, which he was required to list, or in any way connived at any violation or evasion of any of the requirements prescribed by law in relation to the listing or valuation of property, moneys, credits, investments in bonds, stocks, joint-stock companies, or otherwise, of any kind of taxation, and that I have returned to the board of commissioners the original returns made to me, or which I have made, or which by law I am required to procure and return."

Any list taker and assessor making a false return, as aforesaid, <sup>False return a misdemeanor.</sup> shall be guilty of a misdemeanor.

SEC. 76. *List takers and assessors to furnish list of exempt property.*

Each list taker and assessor shall, when making the assessment <sup>Lists of exempted property.</sup> 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 as-

Time for delivery of lists.

Duplicates to State tax commission.

County commissioners to revise lists and valuation.

Register of deeds to compute tax.

Duration 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. Complaints of improper valuation or excessive tax.

Claim presented in writing.

Hearing on complaint.

True account to be rendered.

Account certified to State tax commission.

assessment district, together with a statement of its value, for what purpose used, and the rent, if any, obtained therefor. The list of such exempt property, when completed, on or before the first day of October, shall be delivered by the list taker and assessor to the register of deeds, who, on or before 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.

#### SEC. 77. *Equalization of values.*

The board of commissioners of each county, after notice in one newspaper or by poster put up, shall meet on the second Monday in July and revise the tax list and valuation reported to them; and it shall be the duty of the register of deeds, without additional compensation, to complete the list by computing the tax payable by each person, affixing the same opposite his name. The board of commissioners shall sit for one day at least, and when necessary shall sit until the revision is complete, and shall hear all persons objecting to the valuation of their property. They shall have power to summon and examine witnesses, and shall correct the list of the list takers and assessors as may be right and just, so that the valuation of similar property throughout the county shall be as near uniform as possible. They shall have power, after notifying the owner or agent, to raise the valuation of such property as they shall deem unreasonably low. The said board of commissioners, on tendering the prescribed oath, may take the list of any person applying to list his taxables at any meeting of the commissioners, held on or before the second Monday in July, upon his paying the clerk twenty-five cents for recording the same. The board of commissioners shall ascertain the valuation of his property by the examination of witnesses or otherwise, and insert it in the abstract, and without satisfactory excuse they shall add to the tax of the person so allowed to give in five per centum on the regular amount of his tax for that year.

#### SEC. 78. *The taxpayer may complain to board of commissioners.*

If any person shall complain before the board of commissioners that his property, either real or personal, has been improperly valued, or that he is charged with an excessive tax, he may be required to present his claim in writing, and the board of commissioners, shall hear any evidence adduced by him and shall summon and examine any witness necessary for a just decision of the question, including the assessors or list taker who made the valuation. If the board of commissioners shall find that he has cause for complaint, they shall direct the clerk to render a true account thereof, and the account thus rendered, certified by the clerk, shall be transmitted to the State Tax Commission, and if

the same be approved by them they shall certify it to the State Auditor, who shall credit the sheriff with the overcharge in his settlement for the year.

Certificate to auditor.  
Credit to sheriff.

SEC. 79. *Commissioners may give certificate of relief granted.*

If the application for relief be made to the board of commissioners after the sheriff shall have settled the accounts with the State and county, the board of commissioners shall carefully examine the case, and, if in their opinion the applicant is entitled to relief, shall direct the clerk to record on the record book the cause of complaint, the amount which in the opinion of the board of commissioners should be refunded to the applicant. The clerk shall make out a copy of such record, certify the same, under the seal of the board of commissioners, and deliver it to the applicant, who shall pay the clerk a fee of twenty-five cents. Such copy shall be transmitted to the State Tax Commission for their approval or disapproval. If the State Tax Commission shall approve the same, they shall issue an order to that effect, and it shall be the duty of the Auditor of the State, upon receiving a certified copy thereof, to issue a warrant on the Treasurer of the State for the amount of State tax specified. The Treasurer shall, on presentation of such warrant, pay to the holder of the same the amount to be refunded.

Complaints after settlement by sheriff.  
Record of complaint and awards.  
Certified copy of records.  
Fee for copy.  
Copy transmitted to State tax commission.  
Order by State tax commission.  
Warrant of auditor.  
Treasurer to pay warrant.

SEC. 80. *Sheriff may recover overpayment by error.*

If a sheriff or tax collector shall, in consequence of an error in the abstract of taxes sent to the State Auditor, or otherwise, be charged with more than the true amount with which he should be chargeable, and pay the amount so charged in excess to the Treasurer of the State, the Auditor shall, upon the certificate of the board of commissioners setting forth the nature of such error, give its warrant upon the Treasurer of the State for the amount so paid in excess, and the Treasurer shall pay the same.

Sheriff repaid on payment by error.

SEC. 81. *Commissioners to enter property escaping taxation in previous 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 shall be authorized to value and assess the same for those years: *Provided*,

Property entered for lapsed years.  
Taxes.  
Addition to taxes.  
Unlisted railroad property.  
Assessment.  
*Provided*: limit of power.



Omitted personal property to be entered.

Limit of power. Additional taxes.

Assessment.

Power extended to municipalities.

Board to insert unlisted property.

Additional tax.

Willful failure to list a misdemeanor.

Failure prima facie willful. Names presented to grand jury. Changes as to real estate reported and noted.

Search for property not listed.

Proviso: limit and apportionment of cost.

Proviso: commissioners not to appoint tax collector.

this shall not apply beyond five years. In all cases where any personal property, choses 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.

SEC. 82. *The board of commissioners shall insert omitted property.*

The chairman of the board of commissioners shall examine the tax list from each township for the previous year and insert in said list the description and valuation of all property not given in, and shall charge all such persons with twenty-five per centum in addition to the tax with which they would otherwise be chargeable, unless satisfactory excuse therefor be rendered to the board of commissioners on or before the first Monday in October; and all persons who own property and willfully fail to list it within the time allowed before the list taker or board of commissioners shall be guilty of a misdemeanor, and the failure to list shall be prima facie evidence that such failure was willful, and it shall be the duty of the board of commissioners to present to the grand jury the names of all such persons. The list taker and assessor shall report to the board of commissioners any change he may make to the tax list as to real estate, and the said board shall note such change in a book to be kept for that purpose. It shall be the duty of the commissioners of each county to employ a competent man, whose duty it shall be to spend such time as the commissioners may deem necessary to make diligent search for property not listed for taxes and to put such property on the tax books: *Provided*, the cost of listing such unlisted property shall not exceed ten per cent of the revenue so derived, said expense to be divided pro rata between the State and county: *Provided further*, that nothing in this section shall be construed as authorizing or empowering the county commissioners to appoint tax collectors.



SEC. 83. *Register of deeds to make out tax duplicates.*

The board of county commissioners shall cause the register of deeds to make out two copies of the tax list for each township, as revised and settled by the tax lister, according to a form to be furnished to them by the State Tax Commission. Such form shall show in different columns the sum due by each taxpayer to the State and to the county, and also in separate columns the amount of school poll tax levied by the General Assembly and the county commissioners, and the total amount of property school tax levied by the General Assembly and the county commissioners. The register of deeds or auditor shall also fill out receipts and stubs for all taxes charged on the tax books so made out, the receipts to be written in full except date and signature of collecting officer. Receipt books for this purpose shall be furnished by the county, on order of the register of deeds or auditor: *Provided*, this shall not be required in counties using carbon receipt books and cash book combined, but such may be used in lieu thereof. One of said copies shall remain in the office of the clerk of the board of commissioners; the other shall be delivered to the sheriff or tax collector on or before the first Monday in October in each year, and he shall receipt for the same. The clerk shall indorse on the copies given the sheriff an order to collect the taxes therein mentioned, and such order shall have the force and effect of a judgment and execution against the real and personal property of the person charged with such list. In such list the clerk shall note all appeals from the judgment of the board of commissioners which have been perfected by the giving of a bond. Said order shall be in the following or similar form:

STATE OF NORTH CAROLINA,  
.....County.

Form of order.

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.

The board of commissioners shall make an order for the payment to the register of deeds or auditor, as the case may be, of such a sum as may be deemed a proper compensation for the work of computing the taxes and making out the tax list and the necessary copies thereof, including the making of such abstract and returns as he may be required to furnish to the State Tax Commission and Auditor; but the sum allowed for computing the taxes and making out the tax list shall not exceed five (5) cents for each name appearing on the tax list, to be paid by the county treasurer out of the county funds.

Two copies of tax list.

Form furnished by State commission.

Columns of tax list.

Receipts and stubs.

Receipt books furnished by county.

Proviso: carbon receipt and cash book.

Copy to remain in office.

Copy for sheriff.

Order for collection.

Force and effect of order.

Appeals noted.

Compensation for computing taxes and making out list.

Limitations.

Payment by county.

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 and Auditor.*

Abstracts to State commission and to auditor.

The clerk of the board of commissioners shall, on or before the first Monday in November, after the lists are deposited with him by the board of commissioners, return to the State Tax Commission and Auditor an abstract of the same, showing the number of acres of land and their value, and the value of town lots and the number of white and negro polls, separately and specify every other subject of taxation and the amount of county and State tax payable on each subject and the amount payable on the whole. At the same time the clerk shall return to the State Tax Commission and Auditor an abstract of the list of the poor, county, and school taxes payable in his county, setting forth separately the tax levied on each poll and on each one hundred dollars value of real and personal property for each purpose, and also the gross amount of taxes of every kind levied for county purposes.

Abstracts of county tax.

SEC. 86. *Penalty for register of deeds failing to make report.*

Penalty for failure of register of deeds to report.

If any register of deeds shall make a default of any of the duties prescribed in the preceding section or shall fail to deliver to the State Auditor a copy of the sheriff's return of taxes received under Schedules B and C of "An act to raise revenue," and a copy of the settlement of the State tax account between the board of commissioners and the sheriff or tax collector, made, sworn to, and subscribed, he shall forfeit and pay to the State one thousand dollars, to be recovered against him and the sureties of his bond in the Superior Court of Wake County, before the clerk thereof, on motion of the State solicitor; and it shall be the duty of the State Auditor to inform the solicitor of such default, and at the same time furnish him with a certified copy of the official bond of said register of deeds. The clerk of the Superior Court shall transmit to the State Auditor, on or before the second Monday in October in each year, a certified copy of the official bond of the register of deeds and his sureties under the same penalties for default as are prescribed in this act. The register of deeds shall transmit to the State Auditor annually a copy of the bond of the clerk of the Superior Court.

Recovery on bond.

Notice and copy of bond to solicitor.

Copies of official bonds sent to auditor.

Copy of clerk's bond.

SEC. 87. *Property may be divided upon sale.*

Apportionment of valuation on division of property.

In case, within the interval between the regular periods of the valuation of lands or real property, any piece of land or real

property shall become divided in ownership, either by partition or sale of a portion thereof or otherwise, either of the part owners may at any time, upon five days notice to the other part owner, apply to the board of commissioners for an apportionment of valuation. The board of commissioners shall allow such amendment to the tax duplicate as they may think just, and the person who has in custody the tax duplicates shall amend the same according to the assessment of the board of commissioners on the production of a certified copy of their proceedings ordering the change: *Provided*, that no amendment made after a tax has become due shall operate to affect the tax.

Amendments to tax list.

Proviso: amendment after tax due.

#### SEC. 88. *Taxes due the first Monday in October.*

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 failure to give such receipt, stating the State and county tax separately, he shall be guilty of a misdemeanor, and on conviction shall be fined at the discretion of the court: *Provided*, the sheriff or tax collector shall not collect the taxes for any year until he shall have settled in full with the State and county for the taxes of the previous year (if he was sheriff or tax collector) and given the bonds required by law; and if upon examination the commissioners are not satisfied with the solvency of the surety to said bonds, they may require new bonds to be given. The sheriff or collecting officer shall produce receipts for the State and county taxes for the previous year, if he was sheriff or tax collector, before receiving the tax duplicate from the 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.

Taxes due.

Note of payment on tax list.

Receipt.

Failure to give receipt misdemeanor.

Punishment.

Proviso: full settlement and bond.

New bonds.

Receipts for previous years.

Appointment of tax collector.

Deputies to be sworn.

Oath filed.

Failure to pay over tax a misdemeanor.

#### SEC. 89. *Sheriff shall attend to receive taxes.*

The sheriff or his deputy or tax collector shall attend at the courthouse or his office in the county town during the months of October and November for the purpose of receiving taxes. He shall also in like manner attend at least one day during the month of

Sheriff shall attend to receive taxes.

Attendance in townships.

Advertisement of attendance.	October at some one or more places in each township, of which fifteen days notice shall be given by advertisement at three or more public places and in a newspaper, if one is published in the county:
Proviso: collection by distraint.	<i>Provided</i> , that nothing in this section shall be construed to prevent the collecting officer from levying and selling after the first day of November, but he shall not sell before that day unless he has reason to believe the taxpayer is preparing to leave the county or State. The sheriff or tax collector shall be entitled to fifty cents for each actual levy or sale and fifteen cents for each advertisement, but in no case shall said sums be collected where no levy or sale or advertisement is made on real or personal property. No tax due from insolvents shall be credited to the sheriff in settlements with State Auditor except such as shall be allowed by the board of commissioners, a list whereof, containing the names and amounts and subscribed by the sheriff, shall be returned by the sheriff to the board of commissioners, and the same shall be allowed only on his making oath that he has been at the dwelling-house or usual place of abode of each of the taxpayers and could not there or elsewhere in the county find any property wherewith to discharge his taxes or such part thereof as is returned unpaid, and that the persons named in the list were insolvent at the time when by law he ought to have endeavored to collect the taxes.
Fees for levy and sale.	Such list shall be recorded in the commissioners' docket and a copy thereof shall be returned to the State Auditor on or before the day of the settlement of the sheriff with the Treasurer.
Insolvents allowed by county commissioners.	Chapter one hundred and fifty of the Laws of one thousand eight hundred and eighty-three, and amendments thereto, and all special acts prescribing or authorizing a time for collection and settlement of State taxes differing from the general provisions of this act for the collection and settlement of State taxes are hereby repealed, and all such special acts shall have no relation to the collection and settlement of taxes for the year one thousand nine hundred and seventeen and for subsequent years.
Oath of sheriff as to insolvents.	
List recorded.	
Copy to auditor.	
Acts repealed.	
	<b>SEC. 90. Sheriff to make report of all parties liable for Schedules B and C taxes to State Tax Commission.</b>
Sheriff to furnish lists under schedules B and C.	The sheriff of each county, within ninety days after the ratification of this act, and every six months thereafter, and as often as he may be called upon, shall ascertain and furnish to the State Tax Commission, upon blanks to be furnished by said commission, a complete list of all subjects in his county liable for tax under Schedules B and C of the Revenue Act, which said list shall be duly verified upon the oath of said sheriff, and said State Tax Commission shall deliver a copy of said return to the State Auditor. Any sheriff failing to make the report provided for in this section within thirty days of the time prescribed shall forfeit and pay to the State the sum of two hundred and fifty dollars, to be recovered on suit instituted by the State Tax Commission in the Superior Court of Wake County.
Verification of lists.	
Copy to auditor.	
Forfeit for failure.	
Suit for forfeit.	



SEC. 91. *Clerks of cities and towns shall furnish information.*

The clerk of each city and town shall annually make out and transmit to the State Tax Commission, on blanks furnished by the said commission, a statement showing the assessed valuation of all property within his town or city, and separately the amount of all taxes levied therein by said town or city, including school district, highway, street and sidewalk taxes for the current year, and the purposes for which the same were levied; also a complete and detailed statement of the bonded and other indebtedness of his town or city, and of the accrued interest, if any, remaining unpaid, and the purpose for which said indebtedness was incurred.

Annual reports from cities and towns.

Statement of debt.

SEC. 92. *City or county indebtedness shall be reported.*

Each register of deeds, city or town clerk, whenever required by the State Tax Commission, shall furnish a full and complete statement showing the bonded indebtedness and all other indebtedness of his respective county, city, or town, the purpose for which the same was incurred, and all accrued interest, if any, remaining unpaid.

Reports of county and municipal debts.

SEC. 93. *City clerk or assessor failing to carry out provisions of this act.*

Every clerk of any town or city and every assessor who shall fail or neglect to perform any duty required of him by any of the provisions of this act shall for 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 State Tax Commission to cause every such forfeiture to be collected.

Penalty on town or city clerk and assessor.

Penalty on clerk of court or register of deeds.

SEC. 94. *All taxes received shall be paid to State Treasurer within ten days after the first of the following month.*

All city, county, or State officers authorized to collect or receive privilege taxes or license fees for the State shall make return of the same on the first of every month to the State Auditor, and within ten days thereafter pay the amount mentioned in said return to the State Treasurer; and, further, it shall be the duty of the State Treasurer to immediately notify the State Tax Commission of any failure upon the part of any official to account as aforesaid. Any officer violating this section shall be guilty of a misdemeanor.

Officers to make returns on first of each month.

Payment within ten days. Notification of failure.

Violation of section misdemeanor.

SEC. 95. *Highest rate to be charged.*

Should there be any doubt as to which license fee any corporation, firm, or individual should pay on account of the business partaking of the nature of more than one subject of taxation, such

Highest license charged in case of doubt.



When business  
separate.

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.

#### SEC. 96. *Definitions.*

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:

Bank, banker,  
broker, stock  
jobber.

(1) Bank, banker, broker, stock jobber—whoever 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.

Collectors.

(2) Collector or collectors—county, township, and deputy collectors, including sheriffs.

List takers and  
assessors.

(3) List takers and assessors have all authority conferred upon list takers in this act.

Credits.

(4) Credits—every claim or demand for money, labor, interest, or valuable things due or to become due, including money on deposit.

He.

(5) He—male, female, company, corporation, firm, society, singular or plural number.

Real property,  
real estate, land,  
tract, lot.

(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.

Shares of stock,  
shares of capital  
stock.

(7) Shares of stock, shares of capital stock—the shares into which the capital stock of every incorporated company or association may be divided.

Tax, taxes.

(8) Tax, taxes—any taxes, special assessments or costs, interest, or penalty imposed upon property.

#### SEC. 97. *Mistakes in assessments.*

Correction of  
errors on assess-  
ment roll.

If on the assessment roll there is an error in the name of the person assessed, or any taxable property shall not be entered thereon, the name may be changed or the property entered on the list by the assessors after the roll has been returned to the clerk of the board of commissioners, or such error may be corrected or the omission supplied by the board of commissioners upon satisfactory evidence of such error or omission, at a regular meeting of the board; and the board, upon reasonable notice may

Order to show  
cause.

make an order requiring the person affected to show cause at a day to be therein appointed, why the error shall not be corrected or omission supplied, and, upon reasonable notice, his name and the property be entered on the tax list.

SEC. 98. *Taxes on railroads shall be a lien on property of the same.*

The taxes upon any and all railroads in this State, including roadbed, 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.

Lien for taxes on railroad property perpetual and paramount.

SEC. 99. *Removing or concealing personal property a misdemeanor.*

If any person whose duty it is to list personal property for taxation shall remove or conceal same, or cause same to be removed or concealed, for the purpose of avoiding taxation, or shall fail to list same for taxation, he shall be guilty of a misdemeanor.

Removal or concealment of property or failure to list misdemeanor.

SEC. 100. *Sheriff to keep the records of settlement of taxes.*

Every sheriff shall keep a record of the taxes collected by him from the clerk of the court, register of deeds and under Schedule B of the Revenue Act. A suitable book for the purpose shall be provided by the State Auditor for recording all forfeitures, arrears from insolvents, double taxes and taxes on unlisted subjects; and on the first Monday in December in each year the sheriff shall deliver, on oath, to the board of commissioners a statement setting forth all sums received to that date not previously accounted for, the date of such receipts, the person from whom received, the amount received from each person, the subjects on which received, and the aggregate amounts, accompanied by an affidavit taken and subscribed before the clerk of the commissioners and attested by him that the statement is correct and that no receipts have been omitted; and the register of deeds shall record the same in a book to be kept for that purpose, and shall before the second Monday in December send an abstract of such statement, with the affidavit, to the State Auditor, on a blank to be furnished by the State Auditor, register the same in a book kept in his office for that purpose, and keep a copy of the same in a conspicuous place in the courthouse until the first day of January next ensuing.

Records to be kept by sheriff.

Book provided by State auditor.

Annual statement of sheriff.

Report to be recorded.

Abstract to State auditor.

Copy posted.

SEC. 101. *Sheriff to settle State taxes third Monday in January; commissioners personally liable for failure to make report.*

The sheriff or other accounting officer, shall, on or before the second Monday of January in each year, settle his State tax account

Date for settlement of State tax.

Payment.	with the commissioners of his county and pay the amount for which said sheriff or collector is liable to the Treasurer of the State, in such manner or at such place as he shall direct, on or before the third Monday of said month: <i>Provided</i> , 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.
Proviso: extension of time.	
Report to auditor.	The commissioners shall forthwith report to the State Auditor 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 Auditor, shall open an account against such officer and debit him accordingly. Upon the failure of the board of county commissioners to make this report to the State Auditor on or before the third Monday of January of each year, or if a report has been filed which is not correct and the commissioners fail to file an amended and corrected report within thirty days after being notified so to do by the State Auditor, the commissioners of such county shall each personally be liable to a penalty of one hundred dollars, and it shall be the duty of the State Auditor forthwith to institute an action in the county of Wake to enforce the same. The sheriff or tax collector, in making his settlements as aforesaid, shall file with the commissioners a duplicate of the list required in this act. In such settlement the sheriff or other officer shall be charged with the amount of public tax as the same appears by the abstract of the taxables transmitted to the State Auditor; also with all double tax and taxes on unlisted property by him received, and with other tax which he may have collected or for which he is chargeable. The State Auditor shall give to each sheriff or tax collector a certified statement embracing the subjects of taxation contained in both lists and the amount of tax on each subject which the sheriff or tax collector shall deposit with the clerk of the commissioners of his county for public inspection; that the sheriffs and tax collectors shall receive five per cent on all taxes, 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: <i>Provided</i> , this shall not apply to or affect the compensation allowed sheriffs of the counties who receive salaries for the collection of taxes: <i>Provided further</i> , that this section shall not apply so as to affect the compensation of the sheriff or tax collector of Buncombe County as fixed by private statute.
Commissioners personally liable.	
Amount of penalty.	
Enforcement of penalty.	
Duplicate list on settlement.	
Amounts charged to sheriff.	
Certified lists of subjects of taxation and amount of tax.	
Deposit for public inspection.	
Commissions on collections.	
Laws repealed.	
Proviso: sheriffs receiving salaries.	
Proviso: compensation in Buncombe County.	

#### SEC. 102. *Deductions to be made in settlement.*

Deductions from list.

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:

(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.

(2) All overpayments made in former settlements by reason of any error in the clerk's abstracts of taxables. Overpayments on former settlements.

(3) The commission allowed by law. Commission.

SEC. 103. *Sheriff or tax collector to be paid per diem for settlement.*

For his settlement with the State Treasurer the sheriff or tax collector shall be allowed by said board of commissioners, and deducted from the amount due the State three dollars for each day he may be actually necessarily engaged therein with the commissioners at the county-seat. Payment allowed for settlement.

SEC. 104. In every case of failure by the sheriff or other accounting officer to settle his account within sixty days from the time prescribed by section one hundred and one of this act for such settlement, and to take the oath required in his settlement and pay the amount due to the Treasurer, the State Auditor shall forthwith report to the Treasurer the account of such sheriff or officer, as shown by abstract of listed and unlisted taxables furnished by the register of deeds or auditor for such county, deducting therefrom for commissions, but adding thereto one thousand dollars and ten per centum of the amount of taxes with which said sheriff is charged for the amount of taxes supposed not to appear in the list transmitted by the register of deeds or auditor, and furnish him a copy of the official bond of the said officer and his sureties; and if the whole amount be not paid, the Treasurer, on motion of the solicitor in Superior Court of Wake County, before the clerk thereof, within thirty days after default shall have occurred, shall recover judgment against him and his sureties, without other notice than is given by the delinquency of the officer; and to the end that obligations and names may be known, the clerk of the Superior Court shall, on or before the second Monday in each year, transmit to the State Auditor a copy, certified under the seal of the court, of the bond of the sheriff and his sureties, upon pain for his default of forfeiting to the State one thousand dollars, which the State Auditor shall and is hereby specially charged to collect in like manner and at such times as is provided in this section. Auditor to report account on failure to make settlement.

Deductions and additions.

Copy of official bond.

Judgment on bond by motion.

Clerk to certify copy of sheriff's bond to auditor.

Forfeit for default.

Auditor to enforce forfeit.

SEC. 105. The sheriff or tax collector shall pay the county taxes to the county treasurer or other lawful officer. He shall at no time retain over three thousand dollars for a longer time than ten days, under a penalty of two per centum per month to the county upon all sums so unlawfully retained, and shall, on oath, render a statement to the board of commissioners at their monthly meeting of the amount in his hands. On or before the first Monday of Feb- Settlement of county tax.

Penalty for retention of money.

Monthly statements.

Final account.



Penalty for delay.      ruary 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: *Provided*, the board of county commissioners may in their discretion relieve the sheriff or tax collector of said penalty of two per centum per month upon payment in full of the county taxes: *Provided further*, the county commissioners may extend the time of settlement of county taxes by the sheriff of the county to the first Monday in May.

Proviso: commissioners may remit penalty.

Proviso: extension of time.

Treasurer may grant indulgences.

And relinquish penalties. And bid in property.

SEC. 106. The Treasurer of the State, with the advice and approval of the Attorney-General, is hereby authorized, when in the judgment of these officers it may be best to secure the interest of the State and will not lose any lien held by the State, to grant indulgence to defendants in the execution and 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.

Sheriff charged with county taxes. Deductions allowed.

Costs and fees.

Proviso: extension of time for collection and settlement.

Proviso: forfeit for misuse of tax money.

Lien for tax paramount.

Auditing committee.

Report of audit.

Audit filed and recorded on approval.

SEC. 107. The sheriff or tax collector shall be charged with the sums appearing by the tax list as due for the county taxes, and shall be allowed to deduct therefrom, in like manner as is prescribed in this act in regard to his settlement of the State taxes, all insolvents and uncollectible poll taxes, and also the amount of county tax on the lands bid off by the county, and costs and fees, which shall be, for making a deed, fifty cents; for registering, twenty-five cents; and such other necessary sums as were actually paid by the sheriff: *Provided*, a majority of any board of county commissioners may extend the time for 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 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.

SEC. 108. The board of county commissioners, at their last regular or other subsequent meeting in each year, shall appoint one or more of their number, not to exceed three, to be present at the accounting and settlement between the sheriff and county treasurer provided for in the preceding section, and also to audit and settle accounts of the county treasurer and all other county officers authorized to receive or disburse county funds. The account so audited shall be reported to the board of county 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 for their services shall not exceed three dollars (\$3) per day each for the time actually spent in said settlement, and there shall be no allowance for extra clerical aid. Proviso: pay of auditing committee.

SEC. 109. In case the sheriff of a county shall fail, neglect, or refuse to account with the county treasurer and auditing committee as above required, or to pay what may rightfully be found due 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 one hundred and four of this act. Forfeiture of sheriff for failure to account and pay.  
Action on bond  
Criminal liability of sheriff.

SEC. 110. In each year the county treasurer shall give five days notice to all the county officers (except the sheriff) authorized to receive or disburse the county funds to appear at the courthouse, on a certain day in January, before him and the committee appointed by the board of commissioners and present an account of all sums received or disbursed for the county, with their vouchers, and any officer failing to attend and account shall be deemed guilty of a misdemeanor. The accounts, when audited, shall be reported to the board of commissioners at their next meeting, and if approved shall be filed with the clerk and recorded in their proceedings, together with their approval, and shall be deemed prima facie correct. Settlements with other county officers.  
Failure to attend and account a misdemeanor.  
Report, approval, and record of accounts.

SEC. 111. Whenever in this act a duty is imposed upon the sheriff of a county of which a tax collector has been or may be appointed, it shall be incumbent upon the tax collector to perform said office instead of the sheriff; and such tax collector shall collect all the taxes, have all the emoluments, and be subject to all the penalties as provided in case of sheriffs in this act; and it shall be the duty of all persons having tax moneys in hand to account for and settle with said tax collector. Tax collectors charged with duties and powers of sheriff.

SEC. 112. If any sheriff shall die during the time appointed for collecting taxes his sureties may collect them, and for that purpose shall have all power and means for collecting the same from the collectors and taxpayers as the sheriff would have had, and shall be subject to all the remedies for collecting and settling of the taxes, on their bond or otherwise, as might have been had against the sheriff if he had lived. Sureties to collect on death of sheriff.  
Powers and liabilities.

Time for completion of collection.

SEC. 113. 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.

Acts to be printed and distributed.

SEC. 114. The Secretary of State shall have printed five thousand copies of this act and the Revenue Act of this session and distribute the said acts among the officers whose duty it is to execute or carry into effect any portion thereof.

Copies for general assembly.

SEC. 115. The Secretary of State shall in like manner have printed ten copies of said act for each member of the General Assembly and forward the same to him.

Action for taxes payable to treasurer.

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.

Venue.

Penalty for doing business without license.

SEC. 117. Any person, firm, or corporation who is liable for any license or privilege tax under Schedules B and C, and who practice their or its profession or trade without paying said license or privilege tax, shall be subject to a penalty of two hundred and fifty dollars, the same to be recovered by the State Tax Commission in an action to enforce same in the Superior Court of Wake County or in the county of the defendant.

Action for recovery.

Repealing clause.

Proviso: vested rights.

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.

SEC. 119. *Actual sale of real estate conclusive evidence.*

That where actual sales of real estate are made for taxes under the general laws of the State the taxpayer whose real estate has been sold for taxes shall be precluded thereafter from attacking such sale on the ground that the tax could have been procured from personal property.

SEC. 120. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A. D. 1917.

## CHAPTER 235

AN ACT IN REGARD TO THE FILING OF EXPENSE  
ACCOUNTS BY THE GOVERNOR.*The General Assembly of North Carolina do enact:*

SECTION 1. That section two thousand seven hundred and thirty-six of Pell's Revisal of one thousand nine hundred and eight be amended by striking out of said section after the word "office," in line six of said section, and inserting in lieu thereof the words, "the said allowance to be paid monthly."

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

Ratified this the 6th day of March, A. D. 1917.

## CHAPTER 236

AN ACT TO PROVIDE FOR THE RECAPTURE OF FELONS  
WHO ESCAPE FROM THE STATE'S PRISON.*The General Assembly of North Carolina do enact:*

SECTION 1. It shall be the duty of the superintendent of the penitentiary when any person escapes from the State's Prison, whenever such person may have been confined or placed to work, to immediately notify the Governor and to accompany such notice with a full description of the escaped, together with such information as will be of service in the recapture.

SEC. 2. The Governor is authorized and empowered to offer such reward as he may deem advisable and necessary for the recapture and return to the State's Prison any person who may escape therefrom, and any person who heretofore has escaped from the State's Prison. Such reward when earned shall be paid by the Treasurer of the State upon the warrant of the Governor and charged to the penitentiary board, and by said board to be repaid to the State Treasurer, and accounted for as a part of the expense of maintaining the State's prisoners.

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

Ratified this the 6th day of March, A. D. 1917.

## CHAPTER 237

AN ACT TO VALIDATE THE PROBATE AND REGISTRATION  
OF CERTAIN DEEDS.*The General Assembly of North Carolina do enact:*

SECTION 1. Wherever it shall appear that the clerk of the Superior Court or other officer having the power to probate deeds, in passing upon deeds or other instruments, and the certificates

Probate and  
registration.

thereto, having more than one certificate of the same or a prior date, by other officer or officers taking acknowledgment or probating the same, has in his certificate or order mentioned only one or more of the preceding or foregoing certificates or orders, but not all of them, but has admitted the same deed or other instrument to probate, it shall be conclusively presumed that he has passed upon all the certificates of said deed or instrument necessary to the admission of the same to probate, and the certificate of the said clerk or other probating officer shall be deemed sufficient and the probate and registration of said deed or instrument is hereby made and declared valid for all intents and purposes whatsoever.

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

Ratified this the 7th day of March, A. D. 1917.

### CHAPTER 238

AN ACT TO AMEND CHAPTER 554 OF THE PUBLIC LAWS OF 1909, ENTITLED "AN ACT TO PROVIDE FOR THE INSPECTION OF ILLUMINATING OILS AND FLUIDS."

*The General Assembly of North Carolina do enact:*

Inspection tax.

SECTION 1. That 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," be and the same is hereby amended as follows: In section three, line three, strike out the word "one-half" and insert the word "one-fourth," so that hereafter the inspection tax shall be one-fourth cent per gallon for the inspection of illuminating oils and fluids in this State.

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

Ratified this the 7th day of March, A. D. 1917.

### CHAPTER 239

AN ACT TO PROVIDE WHOLE FAMILY PROTECTION FOR MEMBERS OF FRATERNAL ORDERS AND BENEFIT SOCIETIES.

*The General Assembly of North Carolina do enact:*

Insurance on  
children.

SECTION 1. Any fraternal order or fraternal benefit society authorized to do business in this State and operating on the lodge plan may provide in its constitution and by-laws, in addition to other benefits provided for therein, for the payment of death or annuity benefits upon the lives of children between the ages of two and eighteen years at next birthday, for whose sup-

port and maintenance a member of such society is responsible. Any such society may at its option organize and operate branches for such children and membership in local lodges, and initiation therein shall not be required of such children, nor shall they have any voice in the management of the society. The total benefits payable as above provided shall in no case exceed the following amounts at ages at next birthday at time of death, respectively, as follows: two, thirty-four dollars; three, forty dollars; four, forty-eight dollars; five, fifty-eight dollars; six, one hundred and forty dollars; seven, one hundred and sixty-eight dollars; eight, two hundred dollars; nine, two hundred and forty dollars; ten, three hundred dollars; eleven, three hundred and eighty dollars; twelve, four hundred and sixty dollars; thirteen to fifteen, five hundred and twenty dollars; and sixteen to eighteen years, where not otherwise authorized by law, six hundred dollars.

Branches for children.

Limit of amounts.

SEC. 2. No benefit certificate as to any child shall take effect until after medical examination or inspection by a licensed medical practitioner, in accordance with the laws of the society, nor shall any such benefit certificate be issued unless the society shall simultaneously put in force at least five hundred such certificates, on each of which at least one assessment has been paid, nor where the number of lives represented by such certificate falls below five hundred. The death benefit contributions to be made upon such certificate shall be based upon the "Standard Mortality Table" or the "English Life Table Number Six," and a rate of interest not greater than four per cent per annum, or upon a higher standard: *Provided*, that contributions may be waived or returns may be made from any surplus held in excess of reserve and other liabilities, as provided in the by-laws; and *Provided further*, that extra contributions shall be made if the reserves hereafter provided for become impaired.

Medical examination.

Simultaneous issues.

Basis of contributions.

Proviso: contributions waived.

Proviso: extra contributions.

SEC. 3. Any society entering into such insurance agreements shall maintain on all such contracts the reserve required by the standard of mortality and interest adopted by the society for computing contributions as provided in section two, and the funds representing the benefit contributions and all accretions thereon shall be kept as separate and distinct funds, independent of the other funds of the society, and shall not be liable for nor used for the payment of the debts and obligations of the society other than the benefits herein authorized: *Provided*, that a society may provide that when a child reaches the minimum age for initiation into membership in such society, any benefit certificate issued hereunder may be surrendered for cancellation and exchanged for any other form of certificate issued by the society: *Provided*, that such surrender will not reduce the number of lives insured in the branch below five hundred; and upon the issuance of such new certificate any reserve upon the original certificate

Reserve.

Funds kept separate.

Exchange of certificate.

Transfer of reserve.



Rights under  
new certificate.

herein provided for shall be transferred to the credit of the new certificate. Neither the person who originally made application for benefits on account of such child, nor the beneficiary named in such original certificate, nor the person who paid the contributions, shall have any vested right in such new certificate, the free nomination of a beneficiary under the new certificate being left to the child so admitted to benefit membership.

Separate state-  
ments.

SEC. 4. An entirely separate financial statement of the business transactions and of assets and liabilities arising therefrom shall be made in its annual report to the Insurance Commissioner by any society availing itself of the provisions hereof. The separation of assets, funds, and liabilities required hereby shall not be terminated, rescinded, or modified, nor shall the funds be diverted for any use other than as specified in section three, as long as any certificates issued hereunder remain in force, and this requirement shall be recognized and enforced in any liquidation, reinsurance, merger, or other change in the condition or the status of the society.

Payments to ex-  
pense or general  
fund.

SEC. 5. Any society shall have the right to provide in its laws and the certificate issued hereunder for specified payments on account of the expense or general fund, which payments shall or shall not be mingled with the general fund of the society, as its constitution and by-laws may provide.

Continuation of  
certificate.

SEC. 6. In the event of the termination of membership in the society by the person responsible for the support of any child on whose account a certificate may have been issued as provided herein, the certificate may be continued for the benefit of the estate of the child, provided the contributions are continued, or for the benefit of any other person responsible for the support and maintenance of such child who shall assume the payment of the required contributions.

SEC. 7. This act shall be in force on and after its ratification. Ratified this the 7th day of March, A. D. 1917.

## CHAPTER 240

### AN ACT TO PROTECT BUFFALO AND ELK IN NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

Full protection.

SECTION 1. That it shall be unlawful for any person or persons to shoot, kill, capture, destroy, or run with dogs, or in any manner interfere with any buffalo or elk in North Carolina.

Misdemeanor.

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

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

Ratified this the 7th day of March, A. D. 1917.

## CHAPTER 241

AN ACT TO REGULATE AND CONTROL THE SALE AND DISTRIBUTION OF AGRICULTURAL AND VEGETABLE SEEDS IN NORTH CAROLINA, AND TO REPEAL CHAPTER 924 OF THE PUBLIC LAWS OF 1909, RELATIVE THERETO.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the term "agricultural seed" as used in this act shall include the seeds of all domesticated grasses, cereals, clovers, vetches, alfalfas, peas (except garden peas), beans (except garden beans), and seeds of all other crops that are or may be successfully grown in North Carolina on field scale; while the term "vegetable seed" shall include the seeds of those crops that are generally grown in North Carolina on garden scale and generally known and sold under the name of "vegetable seeds."

SEC. 2. Every parcel, package, or lot of agricultural seeds, as defined in section one of this act, offered or exposed for sale in this State, for use within the State, shall have affixed thereto, in a conspicuous place on the outside thereof, distinctly printed in the English language in legible type, a statement certifying:

(a) The commonly accepted name of such agricultural seeds. Name.

(b) The approximate per cent by weight of purity, meaning the freedom of such agricultural seeds from inert matter and from other seeds distinguishable by their appearance. Purity.

(c) The approximate per cent by weight of weed seeds and other agricultural seeds designated in sections four and five of this act. Per cent of impurities.

(d) The approximate per cent of viability, together with the month and year said seed were tested for viability. Viability.

(e) Full name and address of the seedsman, importer, dealer, agent, or other person or persons, firms or corporations, selling, offering or exposing for sale or for distribution such agricultural seeds in the State for seeding purposes. Name and address of seller.

SEC. 3. The term "inert matter" as used in this act shall be understood to include sand, dirt, chaff, and other foreign substances, and broken seed incapable of germinating. Inert matter.

SEC. 4. The term "other agricultural seeds" as used in this act shall be understood to include all agricultural seeds not of the kind or species named on the package. Other agricultural seed.

SEC. 5. The term "weed seeds" as used in this act shall be understood to include seeds of the plants commonly known as wild onion or wild garlic, wild mustard, Canada thistle, clover dodder and other dodders, corn cockle, cheat or chess, wild car-

rot, curled dock, sheep sorrel, black mustard, common plantain, bracted plantain, buckhorn, chickweed, crab-grass, and seeds of all other plants which commonly occur in a wild state, noxious or otherwise.

Packages of mixed seed.

SEC. 6. Mixtures, when in bulk, packages, or other containers, offered or exposed for sale within the State, for seeding purposes, containing two or more kinds of agricultural seed shall have affixed thereto in a conspicuous place on the exterior of the container of such mixture a plainly written or printed tag or label in the English language, stating:

Mixture.

(a) That such seed is a mixture.

Varieties.

(b) The name, kind of each seed entering into the mixture.

Inert matter.

(c) The approximate percentage by weight of inert matter.

Impurities.

(d) The approximate percentage by weight of weed seeds, and other agricultural seeds, as defined in sections four and five of this act.

Name and address of seller.

(e) The full name and address of the seedsman, importer, dealer, or agent, or other person or persons, firms or corporations, selling or offering or exposing for sale or distribution such mixtures in this State for seeding purposes.

Exemptions.

SEC. 7. Agricultural seeds or mixtures of same shall be exempt from the provisions of this act when plainly marked on the outside of the container, "Not cleaned seed" or "Not tested seed," and when they are grown in the locality in which they are offered for sale.

Statements inconsistent with law.

SEC. 8. No statements regarding the quality of such agricultural seeds, or mixtures, if inconsistent with the requirements of this act, shall be written or printed on the tag or label, or placed inside or affixed to any container or bulk of agricultural seed or mixture sold, offered or exposed for sale or distribution within the State for seeding purposes.

Standard not maintained.

SEC. 9. No standard of purity or germination shall be maintained for vegetable seeds, but said seeds must have a reasonable percentage of viability and each packet or package must show on the tag or label the exact nature of its contents. The power to determine what is a "reasonable percentage of viability" is hereby vested in the Commissioner of Agriculture.

Reasonable percentage.

Labels to show contents.

Acts declared unlawful.

SEC. 10. It shall be unlawful for any person, firm, or corporation to sell, offer or expose for sale or distribution within the State any agricultural or vegetable seeds, or mixtures of agricultural seeds as defined in this act for seeding purposes, without complying with the requirements of this act, or to falsely mark or label any agricultural or vegetable seeds, or to interfere in any way with the inspectors or assistants in the discharge of the duties herein named.

Enforcement of act.

SEC. 11. The duty of enforcing this act and carrying out its provisions and requirements shall be vested in the Commissioner

of Agriculture. The said Commissioner shall be and is hereby empowered to adopt such regulations and rules as may be deemed necessary in order to secure the efficient enforcement of this act:

Regulations and rules.

*Provided*, that said Commissioner shall maintain a laboratory with the necessary equipment, and appoint such analysts, inspectors, and assistants as may be necessary for the proper enforcement and carrying out of the provisions of this act.

Proviso: laboratory and assistants.

SEC. 12. Seed not having a reasonable viability, or that are extremely impure, notwithstanding they may be properly labeled, shall be withdrawn from sale when, in the opinion of the Commissioner, such withdrawal is in the interest of normal crop production.

Withdrawal from sale.

SEC. 13. It shall be the duty of the said Commissioner, either by himself or his duly authorized agents, to inspect, examine, and make analysis of and test any agricultural or vegetable seeds sold, offered or exposed for sale or distribution within the State for seeding purposes, at such time and place and to such extent as he may determine. The Commissioner and his agents shall have free access, at all reasonable hours, upon and into any premises or structures to make examination of any agricultural seeds, whether such seeds are upon the premises of the owner or consignee of such seeds or on the premises or in the possession of any warehouse, elevator, railroad or steamship company; and he is hereby given authority in person, or by his analysts, inspectors, or assistants, upon notice to the dealer, his agent, or the representative of any warehouse, elevator, railroad, or steamship company, if present, to take for analysis a composite sample of such agricultural or vegetable seeds, from a parcel, package, or lot or other container, or numbers of parcels, packages, lots, or other containers. Said sample shall be thoroughly mixed and divided into two samples of at least two ounces each and securely sealed. One of said samples shall be left with or on the premises of the vender, or party in interest, and the other retained by said Commissioner, or analyst or agent, for analysis.

Inspection analysis, and test.

Entry on premises.

Samples.

Sample left with seller.

SEC. 14. It shall be the duty of the Commissioner of Agriculture to publish, or cause to be published, at the end of the year the results of the examinations and tests made of any samples of agricultural or vegetable seeds, or mixtures of agricultural seeds, received from private individuals, or withdrawn as provided for in section twelve, together with any other information he may deem advisable: *Provided*, that the rules for analyses shall conform to the best known methods of examining and testing agricultural and vegetable seeds.

Publication of results.

Proviso: rules for analysis.

SEC. 15. Every violation of the provisions of this act shall be deemed a misdemeanor and punishable by a fine not to exceed one hundred dollars, and if the Commissioner shall find, upon examination, analysis, or test, that any person, firm, or corpora-

Misdemeanor.

Punishment.

Prosecution.



Evidence.	tion has violated any of the provisions of this act he or his duly authorized agent or agents may institute proceedings in a court of competent jurisdiction to have such person, firm, or corporation convicted thereof; or the Commissioner, in his discretion, may report the results of such examination to the Attorney-General, together with sworn statement of the analyst, duly acknowledged, and such other evidence of said violation as he shall deem necessary. Said sworn statement shall be admitted as evidence in any court of this State in any proceeding instituted under this act; but, upon a motion of the accused, such analyst shall be required to appear as a witness and be subject to cross-examination:
Proviso: preliminary hearing.	<i>Provided, however,</i> that no prosecutions for violations of this act, if such violations are based on tests or analyses, shall be instituted except in the manner following: When the Commissioner of Agriculture finds that this act has been violated, as shown by test, examination or analysis, he shall give notice to the person or firm in whose hands the seeds were found, designating a time and place for a hearing. This hearing shall be private, and the person or firm involved shall have the right to introduce evidence, either in person, by agent, or attorney. If, after said hearing, or without said hearing in case said person fails or refuses to appear, the Commissioner decides that the evidence warrants prosecution, he shall proceed as herein provided. Moreover, it shall be the duty of the Attorney-General, or, in his discretion, he may act through the attorney of the county or city in which said violation has occurred, to institute proceedings at once against the person or persons, firms or corporations charged with such violations: <i>Provided,</i> such proceedings for violation shall be instituted according to the laws of this State.
Duty of attorney-general.	SEC. 16. Any citizen of this State who does not make a business of selling seed shall have the privilege of having his seed tested in the seed laboratories of the Commissioner of Agriculture, free of charge; but all persons or firms desiring to sell or offer for sale seeds in this State shall have like privilege of said laboratory upon the payment of a fee of fifty cents for each sample tested.
Tests for non-dealers.	SEC. 17. For the purpose of providing a fund to defray the expenses of the examination and analyses prescribed in this act, each person, firm, or corporation selling or offering for sale in or for export from this State any seed as mentioned in this act shall register with the Department of Agriculture the name of the person, firm, or corporation offering the seed for sale, and shall pay a license tax annually, on January first of each year, of twenty-five dollars. The Commissioner's receipt for such money shall be license to conduct the business, and said person, firm, or corporation paying such tax shall not be required to pay any further tax under this act.
Fee for tests.	
License tax.	
No further tax.	



SEC. 18. The following standards of viability and of purity, Standards of meaning freedom from weed seeds, other foreign seeds, and inert matter, are hereby fixed. Seeds measuring up to the required Standard seeds. standard may be labeled and sold as "Standard Seeds," but seeds falling below the required standard of purity and viability may be sold in this State only provided they are properly tagged and labeled as required in sections two and five of this act.

Name of Seed	Percent of Purity	Per cent of Viable Seed
Alfalfa .....	98	80
Barley .....	98	90
Blue-grass, Kentucky .....	80	45
Clover, Alsike .....	97	80
Buckwheat .....	86	90
Clover, crimson .....	96	90
Clover, red .....	98	85
Clover, white .....	96	80
Corn, field .....	99	94
Fescue, meadow .....	95	85
Millet, pearl .....	98	90
Millet, common .....	96	85
Millet, hog .....	96	85
Oats .....	97	90
Oat grass, tall .....	72	70
Orchard grass .....	70	70
Rape .....	99	90
Redtop .....	90	80
Rye .....	97	90
Rye grass, perennial .....	96	90
Rye grass, Italian .....	95	80
Sorghum .....	96	80
Sudan grass .....	96	75
Timothy .....	98	86
Wheat .....	98	90
Vetch .....	96	50

*Provided*, that nothing in this act shall be construed to require *Proviso: sales by* a farmer selling seeds raised by himself to comply with the *producer.* provisions hereof.

SEC. 19. Chapter nine hundred and twenty-four of the Public Specific repeal. Laws of one thousand nine hundred and nine, regulating the sale and distribution of the agricultural and vegetable seeds in North Carolina, is hereby repealed.

SEC. 20. All laws and clauses of laws in conflict with this act *Repealing clause.* are hereby repealed.

SEC. 21. This act shall be in force from and after January first, *When act effective.* one thousand nine hundred and eighteen.

Ratified this the 7th day of March, A. D. 1917.

## CHAPTER 242

AN ACT TO REGULATE THE SALE AND INSPECTION OF  
COTTON-SEED MEAL.

*The General Assembly of North Carolina do enact:*

Law amended.

SECTION 1. That chapter three hundred and thirty-nine of the Public Laws of one thousand nine hundred and three, entitled "An act to regulate the sale, inspection, and branding of cotton-seed meal," and chapter two hundred and sixty-seven of the Public Laws of one thousand nine hundred and five, entitled "An act to regulate the sale and inspection of cotton-seed meal," be amended so as to read as follows:

Definition.

"SECTION 1. That cotton-seed meal is a product of the cotton seed only, composed principally of the kernel with such portion of the fiber or hull and oil as may be left in the course of manufacture of cotton-seed oil, and when sold for use as fertilizer or feed shall be subject to an inspection tax of twenty cents per ton and be subject to inspection as other fertilizers or fertilizing materials, unless sold to manufacturers for use in manufacturing fertilizers or feed.

Inspection tax.

Inspection.

Items shown on packages.

"SEC. 2. That all cotton-seed meal offered for sale, unless sold to manufacturers for use in manufacturing fertilizers or feed, shall have plainly branded on the bag containing it, or on the tag attached thereto, the following data:

1. Cotton-seed meal (with brand and grade).
2. Weight of package.
3. Ammonia and protein.
4. Name and address of manufacturer.

Grades and classes.

"SEC. 3. That no person, firm, or corporation shall offer for sale any cotton-seed meal except as provided in section two of this act, graded and classed as follows:

Prime.

"1. Prime cotton-seed meal by analysis must contain at least seven and one-half per cent of ammonia or thirty-eight and fifty-six hundredths per cent of protein.

Good.

"2. Good cotton-seed meal by analysis must contain at least seven per cent of ammonia, or thirty-six and no one-hundredths per cent of protein.

Ordinary.

"3. Ordinary cotton-seed meal by analysis must contain at least six and one-half per cent of ammonia, or thirty-three and forty-four hundredths per cent of portein.

Rules and regulations by board of agriculture.

"SEC. 4. That the Board of Agriculture is empowered and directed to make such rules and regulations as are necessary to a proper carrying into effect the provisions of this act, and to provide for all such tags as manufacturers may demand, upon paying the tax therefor. Any person willfully violating any of the regulations made by the Board of Agriculture in connection with this

Tags.

Violation of regulations misdemeanor.

act shall be guilty of a misdemeanor. Every merchant, trader, manufacturer, or agent who shall sell or offer for sale any cotton-seed meal without having attached thereto such labels, stamps, and tags as are required by law, or who shall use the required tag a second time to avoid the payment of the tonnage charge, and every person who shall aid in the fraudulent selling or offering for sale of any cotton-seed meal, shall be liable to a penalty of the price paid the manufacturer for each separate bag, barrel, or package sold, offered for sale, or removed, to be recovered by 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 informant and one-half to the State Treasurer for the use of the Department of Agriculture. If any such cotton-seed meal shall be condemned, as provided by law, it shall be the duty of the Department to have an analysis made of the same; cause printed tags or labels expressing the proper grade to be put upon each bag, barrel, or package, and shall fix the commercial value at which it may be sold; and it shall be unlawful for any person to sell, offer for sale, or remove any such cotton-seed meal, or for any agent of any railroad or other transportation company to deliver any such cotton-seed meal in violation of this section.

Penalties for unlawful or fraudulent sales.

One-half penalty to informer.

Condemned meal.

"SEC. 5. That any person or persons, firm, or corporation who shall sell or offer for sale any cotton-seed meal contrary to the provisions above set forth shall be guilty of a misdemeanor, and all cotton-seed meal so sold or offered for sale shall be subject to seizure, condemnation, and sale by the Commissioner of Agriculture. Such seizure and sale shall be made under the direction of the Commissioner of Agriculture by an officer or agent of the Department; the sale to be made at the courthouse door in the county in which the seizure is made, after thirty days advertisement in some newspaper published in said county, or if no newspaper is published in said county, then by like advertisement in a newspaper published in the nearest county thereto having a newspaper. The advertisement shall state the grade of the meal, the quantity, why seized and offered for sale. The Commissioner, however, shall have the discretion to release the meal so seized and condemned upon compliance with the law as set forth above and the payment of all costs and expenses incurred by the Department in any proceedings connected therewith. The net proceeds from such sale shall be placed in the general fund of the Department and accounted for upon its books.

Sale or offer for sale misdemeanor.

Seizure and sale.

Advertisement.

Release.

Proceeds.

"SEC. 6. The Department of Agriculture shall have power at all times and at all places to have collected by its inspector samples of any cotton-seed meal offered for sale in the State and have the same analyzed; and such samples shall be taken from at least ten per centum of the lot from which they may be selected, and from not less than ten bags. The sample must be drawn in the pres-

Collection of samples.

Proviso: witnesses.

Samples taken by purchaser or consumer.

Proviso: representative of seller.

Rules made by department.

Assessment for deficiency.

Assessment for fraud.

Publication.

ence of either the agent or seller or dealer or some other representative of the manufacturer, wherever practicable: *Provided*, that when the agent or seller or dealer or local representative of the manufacturer or manufacturers is not present or refuses to act, two disinterested parties may act as witnesses. The purchaser or consumer, or the agent of either, may take samples under the following rules and regulations: When any purchaser or consumer or the agent of either desires to take a sample of any cotton-seed meal, he shall notify the manufacturer or the party whose name appears upon the analysis tag by registered mail, if the said representative be within the county, that he desires to take a sample of the said cotton-seed meal within five days of the time of notice; and if without the county, that within ten days of the time of notice; and if the manufacturer or party whose name appears upon the analysis tag or sack fails or refuses to witness and assist in the drawing of the sample, or appoint some one to represent him, two disinterested parties may do so: *Provided*, a manufacturer who has no representative within the county shall, at the request of the purchaser at the time of sale, name in writing a representative who shall accept notice of the taking of samples and represent the manufacturer or appoint some one else to do so. The Department of Agriculture shall make rules and regulations under which and by which the purchaser or the consumer, or the agent of either, may take a sample or samples of cotton-seed meal as herein provided, and forward the same to the Department for analysis, under the provisions of this act. The Department of Agriculture shall not analyze any samples unless drawn as provided herein.

"Sec. 7. Whenever the Commissioner of Agriculture shall be satisfied that any cotton-seed meal is five per cent below the guaranteed analysis, it shall be his duty to assess twice the value of said deficiency against the manufacturer, and if said cotton-seed meal shall fall as much as ten per cent below the guaranteed analysis it shall be his duty to assess three times the value of said meal and require that his findings of said deficiency be made good to all persons who, in the opinion of the Commissioner, have purchased the said meal; and the Commissioner may seize any meal belonging to said company, to the value of the deficiency, if the deficiency shall not be paid within thirty days after notice to the company. If the Commissioner shall be satisfied that the deficiency in analysis was due to intention or fraud of the manufacturer, then the Commissioner shall assess and collect from the manufacturer twice the amount above provided for and pay over the same to parties who purchased said meal. That if any manufacturer shall resist such collection or payment, the Commissioner shall immediately publish the analysis and the facts in the bulletin and in such newspapers in the State as he may deem necessary.

"SEC. 8. It shall be unlawful for any manufacturer to adulterate cotton-seed meal in the process of manufacture or otherwise. <sup>Adulteration forbidden.</sup>

"SEC. 9. That all laws in conflict with the provisions of this act are hereby repealed. <sup>Repealing clause.</sup>

"SEC. 10. That this act shall be in force from and after the date of its ratification."

Ratified this the 7th day of March, A. D. 1917.

## CHAPTER 243

### AN ACT RELATIVE TO PAYMENT OF DEPOSITS IN TWO NAMES.

*The General Assembly of North Carolina do enact:*

SECTION 1. When a deposit has been made, or shall hereafter be made, in any bank, trust company, banking and trust company, or any other institution transacting business in this State in the names of two persons, payable to either, or payable to either or the survivor, such deposit, or any part thereof, or any interest or dividend thereon, may be paid to either of said persons, whether the other be living or not; and the receipt or acquittance of the people so paid shall be a valid and sufficient release and discharge to the bank for any payment so made. <sup>Payment authorized.</sup> <sup>Valid release.</sup>

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

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

Ratified this the 7th day of March A. D. 1917.

## CHAPTER 244

### AN ACT TO PROVIDE FOR THE PHYSICAL EXAMINATION OF THE SCHOOL CHILDREN OF THE STATE AT REGULAR INTERVALS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be the duty of the State Board of Health and the State Superintendent of Public Instruction to prepare and distribute to the teachers in all of the public schools of North Carolina instructions and rules and regulations for the physical examination of pupils attending the public schools. The State Board of Health shall have these instructions, rules and <sup>Instructions for examinations.</sup> <sup>Explanation of instructions.</sup>



regulations explained to the teachers in every county in the State by some competent physician.

Teachers to make examinations.

SEC. 2. Upon receipt of such instructions, rules and regulations, and after they shall have been explained by a physician, it shall be the duty of every teacher in the public schools to make a physical examination of every child attending the school and enter on cards furnished by the State Board of Health a record of such examination. The examination shall be made at the time directed by the State Board of Health and the State Superintendent of Public Instruction, but every child shall be examined at least once every three years. The State Board of Health and the State Superintendent of Public Instruction shall so arrange the work as to cover the entire State once in every three years.

Time set for examination.

Arrangement of work.

Transmission of record cards.

SEC. 3. The teacher shall transmit the record cards made by him to a physician in the county designated by the county board of education, and if any teacher shall fail to make such examinations or transmit such records he may, upon complaint of the State Board of Health and the State Superintendent of Public Instruction, have his teacher's certificate revoked.

Revocation of teacher's certificate.

Physician designated by board of health.

SEC. 4. The State Board of Health shall designate in each county of the State a physician to whom the record cards made out by the teacher shall be sent, provided that in counties having a whole-time health officer such officers shall be designated. Upon receipt of the record cards the physician shall carefully study the same and shall notify the parent or guardian of every child whose cards show a serious physical defect, as defined by the State Board of Health, to bring such child before him on some Saturday named by the physician between the hours of nine a. m. and five p. m. for the purpose of having said child thoroughly examined, and if upon receipt of such notice any parent or guardian shall fail or refuse to bring said child to the physician without good cause shown, he shall be guilty of a misdemeanor, and shall be fined not more than fifty dollars or imprisoned not more than thirty days.

Examination by physician.

Misdemeanor.  
Punishment.

Compensation of physician.

SEC. 5. The physician designated to make such examinations shall receive as compensation for his services the sum of sixty cents for each child examined, the same to be paid by the county commissioners of the county: *Provided*, that under no circumstances shall the total amount paid the physician for such examinations be more than seven dollars and fifty cents per hundred children enrolled in the public schools of the county; and *Provided further*, that whole-time county health officers shall receive no additional compensation for making such examinations.

Proviso: limitation.

Proviso: whole-time health officers.  
Notice and advice to parents.

SEC. 6. After such examinations the physician shall notify the parent or guardian of each child of any defect discovered by him, and shall advise such parent or guardian of the treatment that ought to be given the child.

SEC. 7. The State Board of Health and the State Superintendent of Public Instruction are authorized to make arrangements with the physicians and dentists of each county to treat the school children found upon such examinations to have physical defects upon a reduced schedule of fees; if a satisfactory arrangement can be made, then the State Board of Health is authorized to pay twenty per cent of such reduced cost of treatment, provided the county commissioners will pay twenty per cent of such cost of treatment.

Treatment  
arranged for.

Contributions  
to expense.

SEC. 8. For the purpose of aiding in the treatment of children found to be defective under the provisions of this act, a special appropriation of ten thousand dollars per annum, or so much thereof as may be necessary, is made to the State Board of Health. No part of this appropriation shall be used for any purpose other than aiding in the treatment of school children under the provisions of this act.

Special appro-  
priation.

SEC. 9. This act shall be in effect from and after its ratification. Ratified this the 7th day of March, A. D. 1917.

## CHAPTER 245

AN ACT TO AMEND CHAPTER 196 OF THE PUBLIC LAWS OF 1913, ENTITLED "AN ACT TO PROVIDE FOR THE DIVISION OF THE STATE INTO JUDICIAL DISTRICTS AND FOR HOLDING THE COURTS THEREIN," RELATING TO CLEVELAND COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter one hundred and ninety-six of the Public Laws of one thousand nine hundred and thirteen, entitled "An act to provide for the division of the State into judicial districts and for holding the courts therein," be amended by striking out the words "eighth Monday before the first Monday in March" after the word "Cleveland County" in line thirty-five and before the word "third" in line thirty-six of page three hundred and thirty of the public Laws of one thousand nine hundred and thirteen.

Term abolished.

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

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

Ratified this the 7th day of March, A. D. 1917.

## CHAPTER 246

AN ACT TO ENABLE THE STATE BOARD OF EDUCATION  
TO PROTECT ITS INTEREST IN LANDS SOLD FOR TAXES  
OR OTHERWISE.*The General Assembly of North Carolina do enact:*Power to buy  
in land.

SECTION 1. That whenever any lands in which the State Board of Education has an interest, either by way of mortgage or otherwise, are advertised to be sold for any taxes, special assessment, or under any lien, the State Board of Education is authorized, if in its judgment it is necessary to protect the interest of the State Board, to appear at any sale of such lands and to buy the same as any other person would, and for the purpose of paying therefor use any funds which the State Board of Education may have on hand, or, if necessary, borrow the money with which to make such purchase and to execute its note or notes therefor, and may use any funds coming to the State Board of Education from the sale of any property or otherwise pay such note or notes.

Use of funds.

SEC. 2. This act shall be in force from and after its ratification. Ratified this the 7th day of March, A. D. 1917.

## CHAPTER 247

AN ACT RELATING TO THE COMPENSATION OF COUNSEL  
APPOINTED BY THE JUDGE TO DEFEND PERSONS  
CHARGED WITH CAPITAL CRIMES.*The General Assembly of North Carolina do enact:*Fees allowed by  
judge.

SECTION 1. That whenever an attorney is appointed by the judge to defend a person charged with a capital crime he shall receive such fee for performing this service as the judge may allow, but in no case to exceed twenty-five dollars (\$25).

Limit of amount.

Defendant not  
able to employ  
counsel.

SEC. 2. That no judge shall allow any fee as provided in section one of this act until he is satisfied that the defendant charged with the capital crime is not able to employ counsel.

Fee paid by  
county.

SEC. 3. That fees thus allowed by the judge shall be paid by the county in which the indictment was found.

Repealing clause.

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

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

Ratified this the 7th day of March, A. D. 1917.

## CHAPTER 248

AN ACT TO AMEND SECTION 4026, REVISAL OF 1905,  
RELATING TO DRAINAGE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section four thousand twenty-six, Revisal of Apportionment. one thousand nine hundred and five, be and the same is hereby amended by striking out the words "contributed to digging and" between the word "who" in line six of said section and the word "is" in line seven of said section.

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

Ratified this the 7th day of March, A. D. 1917.

## CHAPTER 249

AN ACT TO AMEND CHAPTER 278 OF THE PUBLIC LAWS OF  
1915, RELATIVE TO THE SALE OF ARTIFICIALLY  
BLEACHED FLOUR.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter two hundred and seventy-eight (278) of the Public Laws of one thousand nine hundred and fifteen (1915) be amended by repealing section one and inserting in lieu thereof the following:

"SECTION 1. That for the purpose of regulating the labeling and <sup>Inspection.</sup> sale of artificially bleached flour, the Board of Agriculture shall cause inspection to be made from time to time, and samples of flour offered for sale in the State obtained, and shall cause same to be analyzed or examined by the State Food Chemist or other <sup>Analysis and examination.</sup> experts of the Department of Agriculture for the purpose of determining if same has been artificially bleached or sold in violation of this act. The Board of Agriculture is hereby authorized <sup>Publication.</sup> to make such publication of the results of the examination, analysis, and so forth as they may deem proper."

SEC. 2. That section six of chapter two hundred and seventy-eight (278) of the Public Laws of one thousand nine hundred and fifteen (1915) be amended by repealing said section and inserting in lieu thereof the following:

"SEC. 6. For the purpose of defraying expenses incurred in the <sup>Inspection fee.</sup> enforcing of the provisions of this act for each and every separate brand of artificially bleached flour registered and before being offered for sale in the State, the manufacturer, dealer, or agent registering same shall pay to the Commissioner of Agriculture an inspection fee of fifteen dollars (\$15) during the

month of July, one thousand nine hundred and fifteen, and during the month of January in each succeeding year, or before such flour is offered for sale in the State, said fees to be used by the board and Commissioner of Agriculture for executing the provisions of this act."

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

When act effective. SEC. 4. This act shall be in force after January the first, one thousand nine hundred and eighteen.

Ratified this the 7th day of March, A. D. 1917.

## CHAPTER 250

### AN ACT TO AUTHORIZE THE CONSTRUCTION AND MAINTENANCE OF THE TENNESSEE-NORTH CAROLINA-GEORGIA SCENIC HIGHWAY—A PROPOSED LINK OF THE DIXIE HIGHWAY.

*The General Assembly of North Carolina do enact:*

Public state  
highway.

Route.

Selection of  
route.

Report.

Designation.

Appropriation by  
counties.

Appropriation by  
municipalities.

Expenditures.

SECTION 1. That there shall be established in the manner hereinafter provided a public State Highway extending from the Tennessee line to the Georgia line through the counties of Swain and Macon, forming a portion of the Tennessee-North Carolina-Georgia Highway, a proposed link in the Dixie Highway; that this portion of said highway in Swain and Macon counties shall be laid out, and the State Highway Commission is hereby authorized and directed to select and designate the route of said State Highway, utilizing as far as practicable roads already existing, and shall report the route so selected and the roads so designated to the board of trustees hereinafter provided for; and shall also report to the board of commissioners of the two counties through which the said highway shall pass the route or line of road designated through such county.

SEC. 2. That this highway, when located by the State Highway Commission, shall be designated a State Highway, and the boards of county commissioners of the two counties through which the said highway shall pass are hereby authorized and empowered, in their discretion, to appropriate out of the general county funds a sum not to exceed fifty dollars (\$50) annually for each and every mile of said highway in such county, and each city or town through which the said highway will pass is likewise empowered to appropriate out of their general funds a sum not to exceed one hundred dollars (\$100) annually; the moneys thus appropriated to be used either in construction or maintenance of said highway; that all funds appropriated by either county shall be spent within said county and under the authority of the com-



mission or board having charge of the road work of said county: *Provided*, this section shall not apply to Macon County.

Proviso: Macon county.

SEC. 3. The commission or board having charge of the road work in either of these counties is herewith authorized and empowered to use such funds or labor, convict or hired, or supplies at their disposal for the construction of said highway to such an extent as in the opinion of the board or commission may be just and practicable. The said board or commission is also authorized to solicit subscriptions of moneys, labor, and supplies to assist in the construction of said highway.

Funds and labor.

Subscriptions.

SEC. 4. That there is hereby created a board of trustees of the Tennessee-North Carolina-Georgia Scenic Highway, to be composed of three members from Swain County and the highway commissioners of Cowee, Smiths Bridge, and Franklin townships in Macon County, who shall serve for a period of two years from the first Monday in May, nineteen hundred and seventeen, and until their successors have been appointed and qualified; that within thirty days the county commissioners of Swain County shall appoint three citizens of Swain County who are interested in the good roads movement in obtaining the construction and maintenance of the highway authorized by this act, to serve as such trustees; that said trustees shall be notified of their appointment by the chairman of the board of county commissioners of said county, and said trustees shall meet with the several members of the highway commissions of the said townships of Cowee, Franklin, and Smiths Bridge in the town of Franklin, Macon County, on the twenty-fifth day of April, nineteen hundred and seventeen, for the purpose of organization; that the clerk of the Superior Court of Macon County shall act as temporary chairman, calling together the trustees of Swain County and the highway commissioners of the various townships of Macon County above mentioned, and shall serve as such until a permanent chairman is elected. At the first meeting the trustees of Swain County and the highway commissioners aforesaid shall elect a chairman and secretary-treasurer. The board of county commissioners of Swain County shall fill all vacancies occurring on the board of trustees, and the highway commissioners for Macon County shall be appointed under existing laws. The members of the board of trustees shall be selected by the county commissioners of Swain County on the first Monday in April, nineteen hundred and seventeen, and biennially thereafter. The highway commissions of each of the said townships of Cowee, Franklin, and Smiths Bridge are hereby authorized and empowered, in their discretion, to appropriate out of the road funds for each township for the year nineteen hundred and seventeen, and each succeeding year thereafter, an amount of money, not to exceed the sum of fifty dollars per mile, to be spent by and under the direction of the said highway commissioners of each of said townships in grading, con-

Board of trustees.

Term of office.

Appointment.

Notification.

Meeting for organization.

Temporary chairman.

Organization.

Vacancies.

Election of trustees.

Appropriation from townships.

Towns in Macon county.	structing, and keeping up the Tennessee-North Carolina-Georgia Highway. That any town in Macon County through which the said highway will pass may supplement the amount above mentioned by an amount of money not to exceed the sum of fifty dollars per mile, should the governing body of such town desire to do so, and for such number of miles as said town may designate.
Trustees incorporated.	SEC. 5. That the said board of trustees, when they have been organized by the election of a chairman, secretary, and treasurer, and their successors in office shall constitute a body corporate and shall have power to solicit and accept gifts of money, machinery, road materials, labor or other things of value to be used and expended by the said board of trustees in establishing, maintaining, and improving said highway as a public thoroughfare; and it shall have power to use all gifts and donations in improving the said highway without regard to the county or locality. It shall also encourage and stimulate public interest in the maintenance of said highway, and may send representatives before any board or commission or other governing body of any county, city, or town, to ask for appropriations of money to be used in each county, and also to advise and recommend the holding of elections to vote special taxes to be used in the maintenance of said highway; that the said board of trustees is authorized to cooperate with the counties of Tennessee and Georgia in the interest of the construction of the links of this highway in those counties.
Corporate powers.	
Procurement of appropriations.	
Special taxes.	
Coöperation.	
Trustees not officers.	SEC. 6. The members of the said board of trustees shall not be considered to be public officers, shall not be required to take oath of office, and shall receive no compensation for the service out of any funds arising under this act; but any county, city, or town is herewith authorized to provide for the payment of the necessary expenses of its members of said board of trustees.
To receive no compensation.	
Payment of expenses.	SEC. 7. That this act shall be in force from and after its ratification.

Ratified this the 7th day of March, A. D. 1917.

## CHAPTER 251

### AN ACT TO REQUIRE FORDS ACROSS BOUNDARY STREAMS TO BE WORKED.

*The General Assembly of North Carolina do enact:*

Obligation of work.	SECTION 1. That where a river or stream across which there is a ford is the dividing line between any counties, townships, road districts or road sections, it shall be the duty of the board of county commissioners, road and highway commissioners, or supervisors, superintendents, and overseers having in charge the construction, maintenance, or working of a road or highway leading
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to such river or stream, to work and keep in good condition the part of such ford from such road or highway to the middle of the ford. Any person or persons failing to comply with the provisions of this act shall be guilty of a misdemeanor and punished by a fine not exceeding fifty dollars (\$50), or imprisonment not exceeding thirty days.

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

Ratified this the 7th day of March, A. D. 1917.

## CHAPTER 252

### AN ACT TO PROVIDE FOR THE COMPILING, COLLATING AND REVISING OF THE PUBLIC STATUTES OF NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

SECTION 1. That there be and is hereby created a joint legislative committee, consisting of two members of the Senate and three members of the House of Representatives, to be appointed by the President of the Senate and the Speaker of the House of Representatives, whose duty it shall be within sixty days after the ratification of this act, to meet in the city of Raleigh and provide for the compiling, collating, and revising of the public statutes of the State of North Carolina. Such commission is hereby authorized and empowered to make such arrangements as it may deem necessary for the actual preparation of this work, in order that it may be printed for consideration at the next session of the General Assembly. Said commission is authorized, in its discretion, to select one or more persons, who shall be known as the revision commissioners, or the revision commissioner, whose duty it shall be to compile, collate, and revise all of the public statute laws of this State now in force, including those which may be enacted during the present session of the General Assembly. The commissioners or commissioner so selected shall, under the supervision of the commission herein created, collect, revise, and reduce into one act the different statutes and parts of statutes which, from similarity of subjects, ought, in their opinion, to be so arranged, distributing them under such titles, divisions, and subjects as may to them seem proper, with marginal notes of such statutes or parts of statutes as may be compiled, collected, and revised in each title, division, or section. They shall also prepare accurate and full alphabetical indexes of the subjects contained in such compilation, collation, and revision. They are authorized to rearrange chapters; to renumber and transpose sections; to provide other and different

headnotes; to omit all repeated sections or provisions in existing statutes, and, in every other respect to complete said revision in such manner as to them shall seem most proper and needful to render said statutes plainer and easier to be understood.

Suggestions by  
commissioners.

SEC. 3. The commissioners shall designate such statutes or parts of statutes, if any, as in their opinion should be repealed, amended, or modified; and they may also suggest the enactment of such additional statutes or parts of statutes as shall seem to them necessary to improve and perfect the whole.

Constitution of  
United States  
and of State.  
Acts of congress.

SEC. 4. The commissioners shall include in their revision the Constitution of the United States, the Constitution of this State, and the acts of the Congress of the United States prescribing the mode in which the record and judicial proceedings in other States shall be authenticated, with proper indexes thereof.

Work submitted  
to general assem-  
bly.  
Printing.

SEC. 5. The commissioners shall prepare the said compilation, collation, and revision so that the same may be ready for submission to the next General Assembly; and to that end shall cause to be printed at the cost of the State in convenient form and with sufficient marginal spaces five hundred copies thereof, which shall be by the fifteenth day of November, one thousand nine hundred and eighteen, deposited with the Secretary of State, who shall forthwith furnish to the Governor, the Secretary of State, the Treasurer, the Auditor, the Attorney-General, the Superintendent of Public Instruction, the Commissioner of Insurance, the Chairman of the Corporation Commission, and the Commissioner of Agriculture, the Judges of the Supreme and Superior Courts, and the members-elect of the General Assembly each one copy thereof.

Deposit and dis-  
tribution.

Terms of service.

SEC. 6. That the term of service of the commissioners herein provided for shall begin on the first day of May, one thousand nine hundred and seventeen, and shall continue for not longer than two years thereafter.

Appropriation.

SEC. 7. That for the purpose of defraying the expenses of the legislative revision commission herein provided for, and for paying for compiling, collating, and revising the public statutes of North Carolina, and for such clerical assistance as may be necessary, there is hereby appropriated the sum of ten thousand dollars, or so much thereof as may be required, which shall be expended under the direction of said legislative commission in carrying out the purpose of this act. The compensation of the revision commissioners or commissioner shall be fixed by the said commission: *Provided*, that such compensation and expenses for clerical assistance and otherwise shall not exceed the amount herein appropriated. The legislative revision commission herein provided for shall be paid four dollars per day and their actual expenses during the time their services are required in the performance of the duties herein set out. All expenditures under the provisions of this act shall be made upon order of the chairman of the revision commission, who shall be elected by the commis-

Compensation of  
commissioners.

Pay of legisla-  
tive committee.

Warrants for  
payments.



sion, upon the State Auditor, who shall draw his warrant upon the State Treasurer for the same.

SEC. 8. That it shall be the duty of the Secretary of State to supply said revision commissioners or commissioner with paper and such other additional office equipment as may be necessary to carry into effect the provisions of this act. <sup>Stationery and office equipment.</sup>

SEC. 9. That should any vacancy occur in said legislative revision commission, the Governor is authorized to fill such vacancy by appointment. <sup>Vacancies.</sup>

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

Ratified this the 7th day of March, A. D. 1917.

## CHAPTER 253

### AN ACT TO PROHIBIT OBSTRUCTION TO PUBLIC ROADS IN NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

SECTION 1. That it shall be unlawful for any person or persons to obstruct any drains alongside or leading from any public road in the State of North Carolina. <sup>Obstructing drains forbidden.</sup>

SEC. 2. That any one violating section one of this act, upon conviction, shall pay a fine of not less than ten dollars nor more than one hundred dollars, in the discretion of the court. <sup>Punishment.</sup>

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

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

Ratified this the 7th day of March, A. D. 1917.

## CHAPTER 254

### AN ACT TO AMEND CHAPTER 141, EXTRA SESSION, LAWS OF 1908, IN REGARD TO COMPULSORY EDUCATION OF THE BLIND.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter one hundred and forty-one, pertaining to the compulsory education of the blind, be so amended that after section "five" (5) the following be inserted: "The sheriffs of the various counties of the State of North Carolina shall be required to enforce the provisions of this act in all cases of blind children reported to them by the superintendent of the law. <sup>Sheriffs to enforce law.</sup>



Free transportation.

said State School for the Blind and the Deaf; that said sheriffs shall have authority to reimburse themselves for such services and expenses as are entailed upon them in executing the provisions of this act." And further, in order to aid the superintendent of the said School for the Blind and the Deaf in securing the attendance of blind children upon the said school, that the various railroads operating in the State of North Carolina may grant him transportation without charge.

SEC. 2. That this paragraph shall be numbered section "six" (6) in said chapter one hundred and forty-one, and section "six" (6) of the said chapeer shall be numbered "seven" (7).

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

Ratified this the 7th day of March, A. D. 1917.

CHAPTER 255

AN ACT TO ESTABLISH A STATE HOME AND INDUSTRIAL SCHOOL FOR GIRLS AND WOMEN.

*The General Assembly of North Carolina do enact:*

Corporation created.  
Corporate name.  
Corporate powers.

SECTION 1. That a corporation to be known and designated as the State Home and Industrial School for Girls and Women be and the same is hereby created, and as such corporation it is authorized and empowered to accept and use donations and appropriations and to do all other things necessary and requisite to be done in furtherance of the purpose of its organization and existence as hereinafter set forth.

Board of managers.  
Appointment and terms of office.

SEC. 2. That said institution shall be under the control and management of a board of five (5) managers, three of whom shall be women and two shall be men. All of said managers shall be appointed by the Governor of the State, who in the first appointment shall appoint one of the said managers for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, and one for a term of five years; and at the end of the term of any manager the Governor shall appoint the successor for a term of five years. All vacancies on the board, occurring for any cause, shall be filled by the Governor. Each member of the board shall be entitled to receive necessary expenses for each and every day engaged in the business of the institution.

Vacancies.  
Pay of members.

Location and buildings.

SEC. 3. The board of managers is authorized to secure by gift or purchase suitable real estate within the State, not less than fifty acres, at such place as the board may deem best, and with the money or other property which the corporation may have received for that purpose, either by donations from individuals or

by appropriation from the State, the board shall proceed to erect on said real estate buildings suitable for carrying out the purposes for which the corporation is created.

SEC. 4. The board of managers shall have the general superintendence, management, and control of the institution; of the grounds and buildings, officers and employees thereof; of the inmates therein and all matters relating to the government, discipline, contracts, and fiscal concerns thereof; and may make such rules and regulations as may seem to them necessary for carrying out the purposes of the institution. And the board shall have the right to keep, restrain, and control the inmates of the institution until such time as the board may deem proper for their discharge under such proper and humane rules and regulations as the board may adopt. The board shall endeavor as far as possible to classify the inmates and keep the different classes in separate wards or divisions, so as to produce the best results in the reformatory work. The board of managers shall constitute a board of parole of the institution and shall have power to parole and discharge the inmates under such rules and regulations as the board may prescribe.

Superintendence, management, and control.

Rules and regulations.

Keeping, restraint, and control of inmates.

Classification of inmates.

Board of parole.

SEC. 5. The board of managers shall appoint from among its members a president, a secretary, and a treasurer, who shall hold office for one year from the date of appointment; and if the board deem it proper to do so, the office of secretary and treasurer may be combined in one. The board shall also appoint a superintendent, who shall be a woman of experience and training. The board shall fix the compensation of the superintendent and all officers and employees of the institution, and shall prescribe the duties of each. The board shall further adopt such by-laws as, in the judgment of the board, may be necessary, fixing the time and place of the meetings of the board and making such other provisions as may be necessary for the proper management of the institution.

Organization.

Superintendent.

Pay and duties of officers and employees.

By-laws.

SEC. 6. Any girl or woman who may come before or who may be brought before any court of the State, and may either have confessed herself guilty or have been convicted of being a habitual drunkard, or being a prostitute, or of frequenting disorderly houses or houses of prostitution, or of vagrancy, or of any other misdemeanor, may be committed by such court for confinement in the institution aforesaid: *Provided*, such person is not insane or mentally or physically incapable of being substantially benefited by discipline of such institution; and *Provided further*, that before sentencing such person to confinement in said institution the court shall ascertain whether the institution is in position to care for such person; and it shall be at all times within the discretion of the board of directors as to whether the board will receive any person in the institution. No commitment shall be for any definite term, but any person so committed may be paroled

Persons committed to institution.

Proviso: lunatics and incapables.

Proviso: discretion of court and directors.

Indefinite commitment.

Limit of detention.	or discharged at any time after her commitment by the board of managers, but no inmate shall in any case be detained longer than three years. When any such person shall come before any
Private hearings.	court for the purpose of confessing guilt or for trial, the court shall, as far as feasible and as far as consistent with public policy, give a private hearing, and in all respects avoid unnecessary publicity in connection with the proceedings before the court.
Voluntary confinement.	SEC. 7. In addition to caring for such persons as may be committed to said institution by order of court, the board of managers may, in the discretion of the board, receive into the institution any such person who may have in writing confessed herself guilty of any offense or any wayward conduct and may in writing express her desire to become an inmate of such institution; but the board shall not admit any such person unless upon examination of such person, freely and voluntarily held under the direction of the board, the board shall conclude that confinement in said institution will probably aid in the reformation of such person. Any person becoming an inmate of the institution under the provisions of this section shall be subject to the same rules and regulations as those who have been committed by order of court, and shall be detained for such time as the board, in its judgment, may deem best, not exceeding, however, the term of three years. And it shall further be the duty of the board of managers to make suitable provision for the care and maintenance of children born in the institution, and also of the infant children that any woman may have when she is committed to the institution.
Detention.	
Care of children.	
Juvenile delinquents.	SEC. 8. That the provisions of chapter two hundred and twenty-two of the Public Laws of one thousand nine hundred and fifteen, pertaining to the reclamation and training of juvenile delinquents, shall apply to young girls, and any court before whom a young girl is brought pursuant to the provisions of said chapter may be by order of court placed in the institution herein established, and shall be subject to all the provisions of law relating thereto: <i>Provided</i> , however, that no girl shall be admitted to the institution under this provision without the previous consent of the board of managers.
Proviso: consent of managers.	
Paroles.	SEC. 9. The board of managers may conditionally discharge any person at any time, and, if any such person shall violate any condition of her parole or shall violate any condition upon which she has been discharged, or if any inmate escape from the institution, the board of managers may cause any such person to be re-arrested and returned to the institution and be detained therein for the unexpired portion of her term, dating from the time of her parole, conditional discharge, or escape. The board of managers is empowered to issue to any person designated by the board a commitment signed by the president and attested by the secretary, and having attached thereto the common seal of the corpora-
Breach of parole and escapes.	
Arrests by order of directors	

tion, by the terms of which commitment such person may be authorized and empowered to apprehend any such person who may have violated her parole or any condition of her discharge or that may have escaped, and carry such person back to said institution. Such commitment shall briefly state the reason for the issuance of the same, and the person designated to execute the same may execute it in any county of the State.

SEC. 10. The board of managers of the institution is authorized and empowered to establish and maintain within said institution an industrial school, and shall provide for the safe keeping and employment of the inmates for the purpose of teaching each of them a useful trade or profession and improving her mental and moral condition. If the board of managers sees fit, the board may pay each inmate reasonable compensation for labor performed, after deducting such sum as the board may deem reasonable for necessary expenses of her maintenance and discipline. To secure the safe keeping, obedience, and good order of the inmates, the superintendent shall have the same power as to such inmates as keepers of jails and other penal institutions possess as to persons committed to their custody. Industrial school.  
Pay of inmates.  
Powers of superintendent.

SEC. 11. That the sum of ten thousand dollars (\$10,000) per annum is hereby appropriated, which said sum, together with such donations as the corporation may receive from other sources, shall be used in defraying the expenses of said institution: *Provided* that the bond issue for the building of this home becomes a law. Appropriation.  
Proviso: bond issue for building.

SEC. 12. That nothing in this act shall authorize any judge of any court to commit to said home and school any woman unless it shall appear to the judge that said woman is not a virtuous woman. Virtuous woman not committed.

SEC. 13. This act shall be in force from and after the date of its ratification.

Ratified this the 7th day of March, A. D. 1917.

## CHAPTER 256

### AN ACT TO CHANGE A TERM OF SUPERIOR COURT IN VANCE COUNTY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the term of Superior Court of Vance County heretofore held the eleventh Monday after the first Monday in March shall hereafter be held the fifteenth Monday after the first Monday in March. Vance county.

SEC. 2. That the term of Superior Court of Warren County heretofore held the fifteenth Monday after the first Monday in Warren county.



March shall hereafter be held the eleventh Monday after the first Monday in March.

Certified copy  
furnished.

SEC. 3. That the Secretary of State is hereby authorized and directed to furnish the clerks of the Superior Courts of Vance and Warren counties a certified copy of this act within ten days after its ratification.

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

Ratified this the 7th day of March, A. D. 1917.

## CHAPTER 257

AN ACT TO PREVENT BLINDNESS IN INFANCY, DESIGNATING CERTAIN POWERS AND DUTIES AND OTHERWISE PROVIDING FOR THE ENFORCEMENT OF THIS ACT.

*The General Assembly of North Carolina do enact:*

Ophthalmia neonatorum.

SECTION 1. Any inflammation, swelling, or unusual redness in either one or both eyes of any infant, either apart from or together with any unnatural discharge from the eye or eyes of such infant, independent of the nature of the infection, if any, occurring any time within two weeks after the birth of such infant shall be known as "inflammation of the eyes of the new-born" (ophthalmia neonatorum).

Report to local  
health officer.

SEC. 2. It shall be the duty of any physician, surgeon, obstetrician, midwife, nurse, maternity home or hospital of any nature, parent, relative, and any persons attendant on or assisting in any way whatsoever any infant, or the mother of any infant at childbirth or any time within two weeks after childbirth, knowing the condition, hereinabove defined, to exist, immediately to report such fact, as the State Board of Health shall direct, to the local health officer of the county, city, town, village, or whatever other political division there may be within which the infant or the mother of any such infant may reside. For such services the attending physician, surgeon, obstetrician, midwife, nurse, maternity home or hospital shall receive from the State Treasurer a fee of fifty cents. In the event of there being no health officer in the city, village, or town in which the infant resides, midwives shall immediately report the condition to some qualified practitioner of medicine, and thereupon withdraw from the case, except as she may act under a physician's instructions. On receipt of such report, the health officer, or the physician notified by a midwife where no health officer exists, shall immediately give to the parents or person having charge of such infant a warning of the dangers to the eye or eyes of said infant, and

Fee for report.

Report to physicians.

Withdrawal from  
case.

Warning to  
parents.



shall for indigent cases provide the necessary treatment at the expense of the said county, city, village, or town. Treatment of indigent cases.

SEC. 3. It shall be unlawful for any physician or midwife practicing midwifery in the State of North Carolina to neglect or otherwise fail to instil or have instilled, immediately upon its birth, in the eyes of the new-born babe two drops of a solution prescribed or furnished by the North Carolina State Board of Health. Treatment at birth.

SEC. 4. It shall be the duty of the local health officer:

Duty of local health officer.

1. To investigate or to have investigated each case as filed with him in pursuance with the law, and any other such cases as may come to his attention.

2. To report all cases of inflammation of the eyes of the new-born and the result of all such investigation as the State Board of Health shall direct.

3. To conform to such other rules and regulations as the State Board of Health shall promulgate for his further guidance.

SEC. 5. It shall be the duty of the North Carolina State Board of Health: Duty of state board of health.

1. To enforce the provisions of this act.

2. To promulgate such rules and regulations as shall, under this act, be necessary for the purpose of this act, and such as the State Board of Health may deem necessary for the further and proper guidance of local health officers.

3. To provide for the gratuitous distribution of the scientific prophylactic for inflammation of the eyes of the new-born, as designated in section three, together with proper directions for the use and administration thereof, to all physicians and midwives as may be engaged in the practice of obstetrics or assisting at childbirth.

4. To publish and promulgate such further advice and information concerning the dangers of inflammation of the eyes of the new-born, and the necessity for prompt and effective treatment.

5. To furnish copies of this law to all physicians and midwives as may be engaged in the practice of obstetrics or assisting at childbirth.

6 To keep a proper record of any and all cases of inflammation of the eyes of the new-born as shall be filed in the office of the State Board of Health in pursuance with this law and as may come to their attention in any way, and to constitute such records a part of the biennial report to the Governor and the Legislature.

SEC. 6. It shall be the duty of physicians, midwives, or other persons in attendance upon a case of childbirth in a maternity home, hospital, public or charitable institution, in every infant's eyes, within two hours after birth, to use the prophylactic against inflammation of the eyes of the new-born specified in section three, and to make record of the prophylactic used. It shall also Treatment in hospitals and institutions. Records.

be the duty of such institution to maintain such records of cases of inflammation of the eyes of the new-born as the State Board of Health shall direct.

Violation of act  
misdemeanor.

SEC. 7. Whoever being a physician, surgeon, midwife, obstetrician, nurse, manager, or person in charge of a maternity home or hospital, parent, relative, or person attendant upon or assisting at the birth of any infant, violates any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof be fined in a sum not less than ten dollars nor more than fifty dollars; and, if possessed of the required amount of property, subject to suit by the parent or guardian of the child for damages resulting to the child; and if such a suit shall be brought the establishment of the fact that the physician or midwife did not place the drops in the child's eyes within two hours of its birth shall be accepted as prima facie evidence of the physician's or midwife's responsibility for the injury of the disease to the eye or eyes of the child. It shall be the duty of the prosecuting attorney to prosecute all violations of this act.

Punishment.

Suit for damages.

Prima facie  
evidence.

Prosecution.

Registration of  
midwives.

SEC. 8. All midwives who now practice midwifery in North Carolina, other than regularly registered physicians, shall register, without fee, their names and addresses with the Secretary of the North Carolina State Board of Health on or before the first day of July, one thousand nine hundred and seventeen, in order that the prophylactic solution and necessary instructions may be furnished them. After the aforesaid date no person, physician or midwife, shall practice midwifery in North Carolina until at least ten days have elapsed following the registration of the name and address of the person who intends to engage in the practice of midwifery, and in this period of ten days elapsing between the registration and beginning of the practice of midwifery by the registered person the State Board of Health shall furnish the necessary directions and solution to the physician or midwife for compliance with this act.

Ten days of  
registration be-  
fore practice.

Failure to register  
misdemeanor.

SEC. 9. Any physician or midwife failing to register their names and addresses with the North Carolina State Board of Health as required in section eight of this act shall be guilty of a misdemeanor and subject to a fine of from ten dollars (\$10) to fifty dollars (\$50).

Punishment.

Appropriation.

SEC. 10. The sum of three thousand dollars (\$3,000) shall be annually appropriated for the use of the State Board of Health in enforcing and carrying out the provisions of this act. Any and all necessary and legitimate expenses that may be incurred in prosecuting a case under this act shall, on proper showing, be met by the State Board of Health out of this appropriation. In addition thereto, all fines and penalties recovered hereunder shall be paid into the State Treasury and shall constitute a special fund for the use and purposes of the State Board of Health as herein enacted.

Expense of prose-  
cution.

Fines and penal-  
ties to use of  
state board of  
health.

SEC. 11. Every health officer shall furnish a copy of this act to each person who is known to him to act as midwife or nurse in the county, city, or town for which such health officer is appointed, and the Secretary of State shall cause a sufficient number of copies of this act to be printed and supply the same to the health officer of the county, city, or town, and the State Board of Health, on application. Distribution of act.

SEC. 12. That this act shall be in force from and after its ratification. When act effective.

SEC. 13. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Ratified this the 7th day of March, A. D. 1917.

## CHAPTER 258

### AN ACT TO AMEND SECTION 1798 OF THE REVISAL OF 1905.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section one thousand seven hundred and ninety-eight of the Revisal of one thousand nine hundred and five be amended so as to read as follows:

"SEC. 1798. *By Special proceeding; approved by judge.* On application of the guardian by petition, verified upon oath, to the Superior Court, showing that the interest of the ward would be materially promoted by the sale or mortgage of any part of his estate, real or personal, the proceeding shall be conducted as in other cases of special proceedings; and the truth of the matter alleged in the petition being ascertained by satisfactory proof, a decree may thereupon be made that a sale or mortgage be had by such person, in such way and on such terms as may be most advantageous to the interest of the ward; but no sale or mortgage shall be made until approved by the judge of the court, nor shall the same be valid, nor any conveyance of the title made, unless confirmed and directed by the judge, and the proceeds of the sale or mortgage shall be exclusively applied and secured to such purposes and on such trusts as the judge shall specify: Sale or mortgage of estate.  
*Provided*, that said guardian may not mortgage the property of his ward for a term of years exceeding the minority of the ward: Decree.  
*Provided*, that the word 'mortgage' wherever used herein shall be construed to include deeds in trust." Approval of judge.  
Application of proceeds.  
Proviso: term of mortgage.  
Proviso: deeds of trust.

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

Ratified this the 7th day of March, A. D. 1917.

## CHAPTER 259

AN ACT RELATING TO DESERTION AND NON-SUPPORT OF WIFE BY HUSBAND, OR OF CHILDREN BY EITHER FATHER OR MOTHER, AND PROVIDING PUNISHMENT THEREFOR; AND TO PROVIDE PAYMENT TO DEPENDENT ONES THERETO.

*The General Assembly of North Carolina do enact:*

Order for support.

SECTION 1. Upon any conviction for abandonment, any judge or any recorder having jurisdiction thereof may in his discretion make such order or orders as in his judgment will best provide for the support, as far as may be necessary, of the deserted wife or children or both, from the property or labor of the defendant.

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

Ratified this the 7th day of March, A. D. 1917.

## CHAPTER 260

AN ACT TO REGULATE FEES OF JUSTICES OF THE PEACE.

*The General Assembly of North Carolina do enact:*

Schedule of fees.

SECTION 1. That justices of the peace shall receive the following fees, and none other: For attachment with one defendant, twenty-five cents, and if more than one defendant, ten cents for each additional defendant; transcript of judgment, ten cents; summons, twenty cents, if more than one defendant in the same case, for each additional defendant, ten cents; subpoena for each witness, ten cents; trial when issues are joined, seventy-five cents, and if no issues are joined, then a fee of forty cents for trial and judgment; taking an affidavit bond or undertaking, or for an order of publication, or an order to seize property, twenty-five cents; for jury trial and entering verdict, seventy-five cents; execution, twenty-five cents; removal of execution, ten cents; return to an appeal, thirty cents; order of arrest in civil actions, twenty-five cents; warrant of arrest in criminal and bastardy cases, including affidavit or complaint, fifty cents; warrant of commitment, twenty-five cents; taking depositions on order or commission, per one hundred words, ten cents; garnishment for taxes, and making necessary return and certificate of same, twenty-five cents; for hearing petition for widow's year's allowance, issuing notice to commissioners and allotting the same, one dollar; for filing and docketing laborers' liens, fifty cents; probate of a deed or other writing proved by a witness, including the certificate, twenty-five cents; probate of a deed or other writing exe-

cuted by a married woman, proper acknowledgment and private examination, with the certificate thereof, twenty-five cents; probate of a deed or other writing acknowledged by the signee or makers, including all except married women who acknowledge at the same time, with the certificate thereof, twenty-five cents; probating chattel mortgage, including the certificate, ten cents; for issuing all papers and copies thereof in an action for claim and delivery, and the trial of the same, if issues are joined, when there is one defendant, one dollar and fifty cents, and if more than one defendant in action, fifty cents for each additional defendant, and ten cents for each subpoena issued in said cause, and twenty-five cents for taking the replevy bond, when one is given: *Provided*, that when the trial of such a cause shall have been removed from before the justice of the peace issuing the said papers, the justice of the peace sitting in trial of such cause shall receive fifty cents of the above costs for such trial and judgment.

*Proviso: fee for trial and judgment.*

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

SEC. 3. This act shall be in force from and after the first day of May, one thousand nine hundred and seventeen. *When act effective.*

Ratified this the 7th day of March, A. D. 1917.

## CHAPTER 261

AN ACT TO AMEND CHAPTER 146 OF THE PUBLIC LAWS OF 1913, AND CHAPTER 202 OF THE PUBLIC LAWS OF 1915, WHICH FIX THE APPROPRIATIONS FOR THE NORTH CAROLINA HISTORICAL COMMISSION AND THE NORTH CAROLINA LEGISLATIVE REFERENCE LIBRARY.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter one hundred and forty-six of the Public Laws of nineteen hundred and thirteen be and the same is hereby amended as follows: In section one, lines four and five, strike out the words "six thousand dollars" and insert in lieu thereof the words "seven thousand dollars." *Historical commission.*

SEC. 2. That chapter two hundred and two of the Public Laws of nineteen hundred and fifteen be and the same is hereby amended as follows: In section four, line two, strike out the words "five thousand dollars" and insert the words "six thousand dollars." *Legislative reference librarian.*

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.

Ratified this the 7th day of March, A. D. 1917.



## CHAPTER 262

AN ACT TO PREVENT THE CONVICTS OR PRISONERS OF  
NORTH CAROLINA FROM CONTRACTING TUBERCULOSIS.

*The General Assembly of North Carolina do enact:*

Prisoners to be  
sent to state  
farm.

Proviso: consent  
of prisoner.

Evidence and  
record of consent.

Proviso: term of  
detention.

Provision for  
care of prisoners.

Plans approved  
by state board of  
health.

Examination of  
prisoners.

Report of diag-  
nosis.

SECTION 1. No prisoner suffering with tuberculosis shall be kept in any county convict camp, or on any public or private works, or in any jail (except, in the latter case, when said prisoner is awaiting trial), but such prisoner suffering with tuberculosis shall be sent to the State farm within forty-eight hours after the physician in charge shall have made a diagnosis of tuberculosis, the county in which said prisoner is confined bearing the expense of transfer, and it shall be the duty of the sheriff to make such transfer: *Provided*, that no such prisoner shall be sent to the State farm unless he or she shall have first consented thereto in writing in the presence of the sheriff of the county where the prisoner may be under sentence, which sheriff shall subscribe his name as a witness thereto and who shall take and file the same with the clerk of the Superior Court of said county, who shall enter same in a book to be kept for that purpose: *Provided further*, that no such prisoner shall be kept at the State farm or Central Prison for a longer term than the length of his original sentence.

SEC. 2. The board of directors of the Central Prison and State farm and the superintendent of the said Central Prison and State farm shall without delay make such provision for the care of such prisoners suffering with tuberculosis as will prevent their communicating the disease to the other prisoners, and to the end that such prisoners suffering with tuberculosis may be restored to health, if such be possible.

SEC. 3. It shall be the duty of the prison management to submit the plans for carrying into effect sections one and two of this act to the State Board of Health for its approval, and they are required to make their plans, both for buildings and care of patients, conform to the recommendations of the State Board of Health.

SEC. 4. It shall be the duty of every county physician or city physician, or county health officer or city health officer, or other physician having in charge the medical care of prisoners in any city or county in this State, or on any public or private works where prisoners or convicts are employed, to make a thorough physical examination of every prisoner committed to the county or city jail or to the county or city chain-gang or road force, or any public or private works within forty-eight hours after the admission of such prisoner; and when he shall have found a prisoner suffering with tuberculosis, he shall make a written report of same to the State Board of Health, stating in detail the

conditions found and the stage of the disease, within twenty-four hours after making such diagnosis, and he shall also report same to the superintendent of the chain-gang or the jailer or the superintendent of the public or private works, and to the sheriff of the county, in writing, within twenty-four hours after having made such diagnosis of tuberculosis.

SEC. 5. Each and every superintendent of convicts, or superintendent of public or private works where convicts are employed, and the superintendent of the Central Prison and State farm, and each and every jailer, shall make such reports as to the existence of cases of tuberculosis or suspected cases of tuberculosis, or other disease or diseases, and loss of time on account of sickness, and the disease or diseases causing such loss of time and such other things that may have a bearing on the health of the prisoners and the sanitation of the camp, prison, or jail, to the State Board of Health at such stated periods and on such stated forms as may be requested by the State Board of Health. And each and every health officer or other physician having charge of prisoners in county convict camps, on county or city roads or streets or public or private works, or in jails or prisons, State, city, or county, shall likewise make such reports to the State Board of Health as to the physical condition and transfer of prisoners and as to the sanitary condition of camps, jails, or prisons, as may be requested by the State Board of Health.

SEC. 6. The superintendent of the Central Prison or State farm, convict camp, or of any public or private works where convicts are used, and the jailers of the county jails and the sheriff of the county, and the medical officer connected with any of the above mentioned places where convicts are kept or worked, shall make such reports to the State Board of Health as to transference of prisoners suffering with tuberculosis, giving name of prisoner, length of time said prisoner had been under his jurisdiction, the stage of the disease, point or place to which he was transferred, name and address and official title of the person to whom he was transferred, and such other information as may be requested by the State Board of Health.

SEC. 7. In order that section two of this act may be the more effective, it shall be the duty of the superintendent of the Central Prison and State farm and such other officers as may have jurisdiction under him to provide such additional food for prisoners suffering with tuberculosis as may be prescribed or requested by the physician in charge. And such prisoners suffering with tuberculosis shall only do such work as may be prescribed by the prison physician.

SEC. 8. That any person violating any of the provisions of this act shall be guilty of a misdemeanor, and fined or imprisoned, in the discretion of the court.

Reports of officers.

Forms.

Further reports.

Reports of transfers.

Food for prisoners.

Work prescribed.

Violation of act  
misdemeanor.  
Punishment.

Repealing clause.

SEC. 9. All laws and clauses of laws in conflict with any of the provisions of this act are hereby repealed.

SEC. 10. This act shall be in force from and after the date of its ratification.

Ratified this the 7th day of March, A. D. 1917.

## CHAPTER 263

### AN ACT TO PREVENT AND CONTROL THE OCCURRENCE OF CERTAIN INFECTIOUS DISEASES IN NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

County quarantine officers to qualify.

SECTION 1. On the second Tuesday of July, one thousand nine hundred and seventeen, all county quarantine officers and all county health officers to whom the duties of county quarantine officer have been assigned, as provided for in chapter sixty-two, laws of one thousand nine hundred and eleven, as amended by chapter one hundred and eighty-one, laws of one thousand nine hundred and thirteen, shall appear before the clerk of the Superior Court in their respective counties and make official oath or affirmation to faithfully enforce this act and its provisions: *Provided*, that in those counties where a county board of health fails or neglects to elect a county quarantine officer on or before the second Tuesday of July, one thousand nine hundred and seventeen, the secretary of the North Carolina State Board of Health shall appoint a quarantine officer for the said county: *Provided further*, that on refusal or neglect of any quarantine officer, or county health officer acting as quarantine officer to make, within a period of ten days of the time named in this section of this act, the aforesaid official oath or affirmation to enforce this act and its provisions, the secretary of the North Carolina State Board of Health is hereby empowered to remove said quarantine or county health officer and to appoint a quarantine officer to enforce this act and its provisions, and on the said appointee all the powers, privileges, and compensation provided for herein for the county quarantine officer are hereby conferred.

Proviso: appointment by state board of health.

Proviso: removal for failure to qualify.

Term of office.

SEC. 2. The official term of service of a county quarantine officer, including those now serving, except in those counties where there is a county health officer, shall expire on the first Monday in January of the fourth year from the year of their appointment or election. In those counties having a county health officer who makes official oath or affirmation to enforce this act and its provisions, the office of county quarantine officer shall be coterminous with the office of the said county health officer. The county board of health shall elect a successor to the county quarantine officer, or the county health officer acting as county quar-

Election of successor.

antine officer, on or before the expiration of the term of service of said officer as herein defined: *Provided*, that in case of disqualification for continuance in office of the county quarantine officer, or the county health officer acting as county quarantine officer, by resignation, death, or other disqualification, the county board of health shall, within five days thereafter, elect a county health officer or county quarantine officer to fill out the unexpired term of service: *Provided further*, that in case of the failure of the county board of health to so elect a successor to complete an unexpired term of service of a quarantine officer, or a county health officer acting as county quarantine officer, who has become disqualified for continuance in office, the secretary of the North Carolina State Board of Health shall immediately appoint a county quarantine officer who shall make official oath or affirmation to enforce this act and its provisions.

Proviso: vacancies.

Proviso: appointment by state board of health.

SEC. 3. The county board of health in electing a county quarantine officer shall promptly notify, in writing, the secretary of the North Carolina State Board of Health of such action, and failure to so notify the said secretary shall nullify the election of the county quarantine officer. The county quarantine officer, or the county health officer acting as quarantine officer, shall promptly notify the secretary of the North Carolina State Board of Health, in writing, inclosing certified copy of the oath or affirmation of office taken, of his having taken the oath or affirmation of office, and failure to do so shall be construed as failure to have taken the official oath or affirmation of office.

Notification of election.

Nullification.

Report of qualification.

SEC. 4. Any county quarantine officer, or county health officer acting as county quarantine officer, who fails or refuses to enforce this act or its provisions in his county shall be guilty of a misdemeanor, and on conviction fined not exceeding fifty dollars (\$50), and may, if the secretary of the North Carolina State Board of Health so decide, be disqualified for continuance in office.

Failure to enforce act misdemeanor.

Punishment.

SEC. 5. This act shall not apply to incorporated towns and cities of this State having a population, according to the last decennial census, of ten thousand or over; and this act shall not apply to those counties the sanitary administration of which is directed by a joint board of health presiding over both the county and a town or city having a population, according to the last Federal decennial census, of ten thousand or more: *Provided, however*, that the system of quarantine in force in those cities and counties named in this section shall be approved by the North Carolina State Board of Health, and reports of the occurrence of contagious diseases in such cities and counties shall be made to the North Carolina State Board of Health as from all other cities and counties in North Carolina.

Exceptions.

Proviso: system approved by state board of health.

Reports of contagious diseases.

SEC. 6. For his services, the county quarantine officer shall be paid monthly, on certification from the secretary of the North Carolina State Board of Health that the said officer has per-

Payment of quarantine officer.



formed the duties of his office in a satisfactory manner, out of the county funds by the county treasurer, or in those counties that have no county treasurer by that official who performs the usual duties of the treasurer's office. Monthly payments shall be made on a population basis, according to the last decennial Federal census, as follows:

	Per month.
Graduated salary.	Counties with a population less than 10,000.....\$ 15.00
	Counties with a population of from 10,000 to 15,000.. 17.50
	Counties with a population of from 15,000 to 25,000.. 25.00
	Counties with a population of from 25,000 to 40,000.. 35.00
	Counties with a population of from 40,000 to 50,000.. 45.00
	Counties with a population over 50,000..... 50.00

Expenses.

In addition to the monthly salary paid the quarantine officer, the county treasurer, or the person acting as county treasurer, shall pay to the quarantine officer all financial statements with receipted bills attached for sums paid out for postage, registration of letters, and disinfectants, the total sum not to exceed ten dollars (\$10) in any month nor one hundred dollars (\$100) in any one year: *Provided, however,* that the secretary of the North Carolina State Board of Health shall supply the county quarantine officer, and without cost to the county, with all forms, placards, and literature necessary for carrying out the provisions of this act: *Provided further,* that county authorities may revise their understandings with those county physicians who are acting as both physicians to county charges and as quarantine officer and whose terms of office as quarantine officer shall expire in January, one thousand nine hundred and twenty-one, unless discontinued by death, resignation, or other disqualification, on a basis of compensation adequate to the new duties herein required; but in no case shall the compensation allowed for the services required by this act of quarantine officers be less than that herein named.

Proviso: forms, placards, and literature.

Proviso: pay of county physicians as quarantine officers.

Reports of contagious or infectious diseases.

SEC. 7. It shall be the duty of every physician to notify the county quarantine officer of the name, address, including the name of the school district, of any person living or residing, permanently or temporarily, in the county about whom such physician is consulted professionally and whom he has reason to suspect of being afflicted with whooping cough, measles, diphtheria, scarlet fever, smallpox, infantile paralysis, typhoid fever, typhus fever, Asiatic cholera, bubonic plague, yellow fever, or other disease declared by the North Carolina State Board of Health to be infectious and contagious, within twenty-four hours after obtaining reasonable evidence for believing that such person is suffering from one of the aforesaid diseases: *Provided, however,* that if the afflicted person is a minor, the physician consulted professionally about such person shall notify the county quarantine officer of the name and address of the parent or guardian of such minor in addition to the name, address, and school

Proviso: reports in cases of minors.



district of the person about whom he is professionally consulted and whom he believes to be afflicted with one of the aforesaid diseases.

SEC. 8. It shall be the duty of every parent, guardian, or householder, in the order named, to notify the county quarantine officer of the name, address, including the name of the school district, of any person in their family or household about whom no physician has been consulted but whom they have reason to suspect of being afflicted with whooping cough, measles, diphtheria, scarlet fever, smallpox, infantile paralysis, typhoid fever, Asiatic cholera, typhus fever, bubonic plague, yellow fever, or other disease declared by the North Carolina State Board of Health to be infectious or contagious.

Reports by  
parents, guard-  
ians, and house-  
holders.

SEC. 9. It shall be the duty of the county quarantine officer to report all cases of whooping cough, measles, diphtheria, scarlet fever, smallpox, infantile paralysis, typhoid fever, Asiatic cholera, typhus fever, bubonic plague, yellow fever, or other disease declared by the North Carolina State Board of Health to be infectious or contagious, reported to him by physicians and parents, guardians, or householders, within twenty-four hours of the receipt of such report to the secretary of the North Carolina State Board of Health at Raleigh, and to make this report to the said secretary on forms supplied him by the said secretary and in accordance with the rules and regulations adopted by the North Carolina State Board of Health.

Reports to state  
board of health.

Forms.

SEC. 10. The North Carolina State Board of Health shall meet some time preceding the date named herein for this act to take effect, and shall adopt what in their judgment seems to be the necessary rules and regulations governing the management, supervision, or control of the diseases coming within the meaning of this act, and shall cause the said rules and regulations to be published in the North Carolina State Board of Health Bulletin and to be supplied in suitable quantities to all concerned with the execution of this act, and the North Carolina State Board of Health shall revise the aforesaid rules and regulations from time to time to adjust their requirements to new discoveries and improved methods for dealing with the sources and modes of infection of the diseases mentioned in this act: *Provided, however,* that the rules and regulations adopted by the North Carolina State Board of Health, as provided for in this section, shall be regarded as the minimum requirements, and that the authorities of any county, town, or city may adopt such additional rules and regulations for the control of the diseases mentioned in sections seven, eight, and nine of this act, and pay such additional fees and salaries as in the judgment of the authorities of such counties, towns, and cities seem necessary.

Rules and regu-  
lations to be  
adopted and pub-  
lished.

Revision of rules  
and regulations.

Proviso: mini-  
mum require-  
ments.

SEC. 11. Any person willfully violating any of the provisions of this act and any person violating any of the rules and regulations adopted by the North Carolina State Board of Health for the con-

Acts declared  
misdemeanors.

Punishment.	trol of the diseases mentioned in this act, and as provided for in the preceding section, shall be guilty of a misdemeanor and fined not exceeding fifty dollars (\$50), or imprisoned not less nor more than thirty days, at the discretion of the court. In case the offender be stricken with the disease for which he is quarantinable, he shall be subject to the penalty on recovery, unless in the opinion of the secretary of the North Carolina State Board of Health the penalty should be omitted.
Bureau and office created.	SEC. 12. For the purpose of seeing that this act and the rules and regulations adopted by the North Carolina State Board of Health, provided for in this act, are faithfully executed, a bureau of epidemiology and the office of State Epidemiologist is hereby created, and an appropriation of four thousand dollars (\$4,000) for the fiscal year of one thousand nine hundred and seventeen, and thereafter an annual appropriation of six thousand dollars (\$6,000) is hereby appropriated. The aforesaid bureau and the State Epidemiologist shall be under the control and supervision of the North Carolina State Board of Health.
Appropriation.	
Control of bureau and officer.	
Repealing clause.	SEC. 13. All laws and clauses of laws in conflict with this act are hereby repealed.
When act effective.	SEC. 14. This act shall be in force from and after June first, one thousand nine hundred and seventeen.
	Ratified this the 7th day of March, A. D. 1917.

## CHAPTER 264

### AN ACT TO ESTABLISH REFORMATORIES OR HOMES FOR FALLEN WOMEN.

*The General Assembly of North Carolina do enact:*

Establishment of reformatories by cities and counties.	SECTION 1. That in all cities that have a population of over twenty thousand people, the governing body of said city and the board of county commissioners of the county in which said city is situated shall have the right and power, and the same is hereby given said city and said county, to jointly establish a reformatory or house for fallen women. That said city and said county shall have the right, and the power is hereby given them jointly to purchase a tract of land not exceeding one hundred acres for the use of said reformatory or home, and the title to same shall be taken in said city and county jointly, and said reformatory shall be controlled and managed jointly by said city and county.
Purchase of land.	
Title to land.	
Management of reformatory.	
Buildings.	The said city and county jointly shall have the right, and the power is hereby given said city and county, to build such buildings and improvements on the land purchased for said reformatory or home for fallen women and keep and maintain said reformatory or home and make all necessary appropriations for
Maintenance.	
Appropriations.	

buildings and keeping and caring for the inmates thereof: *Provided*, however, the cost of said building or buildings shall not exceed the sum of one thousand five hundred dollars; and the maintenance and upkeep and operating expense per annum shall not exceed the sum of five thousand dollars. That the governing body of the city, at its annual election of officers for the city in May, shall elect, for the term of two years, two men as directors for the said institution, and the board of county commissioners shall elect, at its meeting in May the same year the governing body of the city elects, two men as directors for said institution, to serve two years. That the mayor of the city and chairman of the board of commissioners of such county shall be *ex officio* members of said board with equal right to vote, and the said six directors shall have entire management and control of the reformatory for fallen women. That the board shall elect one of their number president, and also elect a treasurer and secretary, and they shall have and execute the usual powers incident to such officers. They shall make such rules and regulations as they see fit for the government and management of said institution. The said directors shall have the right, and power is hereby given them, to appoint as an advisory board not more than twenty-five nor less than twelve discreet women to actually supervise and attend to the actual running of said institution. That said advisory board of women shall be appointed for such term not exceeding four years as the directors may in their discretion think best. The directors shall take an oath to faithfully perform their service and shall continue as directors until their successors are duly elected and qualified.

*Proviso: limit of expense.*

*Election of directors.*

*Ex officio members.*

*Organization.*

*Powers.*

*Rules and regulations.*

*Advisory board.*

*Term of appointment.*

*Directors to qualify.*

SEC. 2. That to assist in carrying out the provisions of this act the county commissioners and governing body of the city shall each levy annually a tax not exceeding two cents on each one hundred dollars valuation of real and personal property in such city and county respectively. The said tax shall be levied and collected in the same manner as the other county and city taxes are collected. This fund shall be used exclusively for the purposes contemplated and set forth in this act, and shall be kept separate from all other funds.

*Special tax.*

*Levy and collection.*

*Specific appropriation. Funds kept separate.*

SEC. 3. That the reformatory or home shall be conducted for the correction of fallen women, and for the moral and industrial training of criminally delinquent women and girls, by teaching them useful trades and domestic science, etc.; and the directors may, in their discretion, receive into said institution such women or girls as shall be committed thereto by the judge or other presiding officer of any Superior or recorder's court held anywhere in the State of North Carolina within that judicial district in which county the reformatory is now or may hereafter be situated, as hereinafter provided: *Provided*, that the reasonable cost of maintaining any woman or girl committed to such insti-

*Purpose of institution.*

*Commitments.*

*Proviso: inmates from other counties.*

tution from any county other than that in which such reformatory shall be located shall be borne by the county from which such person shall have been committed.

Keeping, restraint,  
and control of  
inmates.

SEC. 4. The board of directors shall have the sole right to keep, restrain, and control the persons committed or otherwise received into said institution as hereinafter provided, during the term of their commitment thereto, under such proper and humane rules and regulations as may be adopted by said directors.

Superintendent  
and assistants.

SEC. 5. The board of directors shall have the management and control of said institution and shall have authority to employ superintendents and such other assistants as they may deem necessary; to fix their salaries, to define their duties and to discharge any employee; and to make any and all rules and regulations as they may deem necessary for the management and conducting of said institution under the provisions of this act and not inconsistent therewith.

Powers in enforcing  
obedience.

SEC. 6. The superintendent of the said institution employed by the board of directors shall have the right and are hereby authorized to require obedience from all the inmates of the said institution, and to use such lawful measures as may be necessary to enforce the same to the same extent as the superintendent of any other penal institution in this State is empowered in like case.

Notification to  
court officers.

SEC. 7. When said institution is ready to receive and care for inmates, the board of directors shall notify the clerks of the courts hereinbefore specified thereof; and the judges or other presiding officers of the Superior, recorders', county, or other courts having like criminal jurisdiction in that judicial district in which the reformatory is now or may hereafter be situated and established and shall have authority to sentence to the said reformatory for fallen women for a term of not less than thirty days nor more than one year all those women who are convicted in their several courts of drunkenness or the drug habit, where it appears that they are habitual drunkards or drug fiends; and the said judges or other presiding officers of said courts shall have authority to sentence to the said "Reformatory for Women" for a term of not less than thirty days nor more than three years all female persons convicted in the said courts of any violation of the criminal laws of this State prohibiting and punishing fornication and adultery, keeping a house of ill-fame, or a bawdy-house, or disorderly house, or violating the criminal laws of this State as to chastity: *Provided*, that such judge or other presiding officer as aforesaid shall be of the opinion that it would be best for such persons and the community in which such persons may be convicted hereunder; and the order of commitment of such judge or other presiding officer as hereinbefore provided shall be full, sufficient, and competent authority to the officers and agents of said institution for the detention and keeping therein of the persons so committed: *Provided*, that nothing herein shall authorize

Sentences.

Proviso: discretion  
of court.

Proviso: sentences  
by justices of the  
peace.



a justice of the peace to impose a sentence of longer than thirty days: *Provided further*, that judges and recorders holding courts in counties other than that in which said reformatory shall be located shall have power to commit such persons to same institution on the conditions set forth in section three hereof: *Provided*, nothing herein shall be construed to give any judge of any court the right to commit to such reformatory or home for fallen women any virtuous female.

Proviso: commitments from other counties.

Proviso: virtuous females.

SEC. 8. Any person fulfilling the requirements as to sex and age as hereinbefore provided may, upon written application to the directors, setting forth that the applicant wishes to reform, and the term for which said applicant wishes to be detained, may be admitted to said institutions, in the discretion of the board of directors; and any inmate so admitted shall be subject to the same restraint, control, and treatment as persons committed thereto, and such applications signed by said applicants shall be full and sufficient authority for the detention and control of said applicants in said institution for and during the full term as set out in the said application: *Provided*, that the directors may, in their discretion, discharge any inmate so admitted at any time.

Voluntary inmates.

Applications.

Proviso: discharge of inmates.

SEC. 9. The board of directors shall at least once a year file with the city and the board of county commissioners of the county in which the institution is situated a full detailed report of said institution, together with the superintendent's reports thereon, and it shall be the duty of the grand jury to personally visit and inspect said two institutions once every six months, and report to the court the conditions prevailing therein.

Reports.

Visits of grand jury.

SEC. 10. That in the event that it shall appear to the said board of directors that any inmate of the said institution is or becomes ungovernable, or is exerting an unwholesome influence over any other inmate of said institution, it shall be their duty to certify the same to the Governor of this State, and he thereupon may order such inmate to the State's Prison or to the county jail or the workhouse in the county in which said inmate was convicted and sentenced, where such person shall serve out her unexpired term of imprisonment.

Transfer of ungovernable inmates.

SEC. 11. That the officers of the said institution shall take into the reformatory or home all persons committed thereto by competent authority and shall cause all such persons to be instructed in such rudimentary branches of useful knowledge as may be suited to their various ages and capacities, and said person shall be taught such useful trades and occupations as the board may direct; and such persons shall perform such labor as the principal and other superintending officers may order, subject to the direction of said board of directors. All inmates of said institution shall, if possible, be taught the precepts of the Holy Bible, good moral conduct, how to work and be industrious.

Instruction.

Labor.

Religious instruction.



- Work on lands. SEC. 12. That there shall be established and conducted on such lands as may be owned in connection with the institution such useful pursuits as said board of directors may deem expedient, so as to keep regularly at work all able-bodied inmates thereof, and as far as may be practicable said board of directors shall assist said inmates, when paroled or discharged, in procuring suitable homes and honorable and respectable employment.
- Assistance to discharged inmates.
- Paroles. SEC. 13. That said board of directors of said institution may detain therein, under the rules and regulations adopted by them, any person legally committed thereto, according to the terms of sentence and commitment; and with the approval and concurrence of the Governor of this State first had and obtained, may conditionally parole or discharge such person at any time prior to the expiration of term of commitment. If, however, any inmate shall escape or be conditionally paroled, or be conditionally discharged from said institution as aforesaid, and violate and break the condition of her parole or conditional discharge, the said board of directors may, by and through their superintendent, cause her to be arrested and returned to said institution, to be detained therein for the unexpired portion of the commitment, dating from the time of the escape or parole or conditional discharge. The superintendent of said institution, or any employee of said institution under his control and direction, may rearrest, without a warrant, any inmate of said institution who may have escaped therefrom, in any county of this State, and shall forthwith convey her back to said institution from which she escaped; and a justice of the peace or any judicial officer may cause an escaped inmate from said institution to be rearrested and held in custody until she can be removed back to said institution as in case of the first commitment thereto. Any person conditionally paroled or conditionally discharged from said institution may be also rearrested and returned thereto upon a warrant issued by the chairman of said board of directors, said warrant specifying briefly and stating the reason for such rearrest and return, and such warrant of rearrest shall be directed and delivered to a person employed by said board of directors, and may be executed by said person in any county of this State where said paroled or conditionally discharged inmate may be found.
- Breach of parole.
- Rearrest without warrant.
- Rearrest on breach of parole.
- Physician. SEC. 4. That for the purpose of treating the inmates of said institution for the whiskey, drug, or other habit or disease, the directors shall employ a competent physician or physicians to attend and treat said inmates.
- Commitments by clerk of superior court. SEC. 15. That the clerk of the Superior Court shall have power and authority to commit to said institution for treatment any female person found by such clerk to be a habitual drunkard or habitually addicted to the drug habit, as such clerk is now authorized by chapter ninety-seven of Revisal one thousand nine hundred and eight to commit to the hospital for the insane, pri-

vate hospital, persons adjudged to be of unsound mind, and to that end such clerk of the court shall have all the power and authority conferred upon him by said chapter with reference to insane persons.

SEC. 16. That nothing in this act shall prevent the General Assembly from altering, changing, and modifying the laws and regulations governing said institutions, and their officers and directors, in such manner and at such time as it may deem best. Control of general assembly.

SEC. 17. That all laws and clauses of laws repugnant to or inconsistent with the provisions of this act be and the same are hereby repealed. Repealing clause.

SEC. 18. That the act shall take effect and be in force from and after its ratification.

Ratified this the 7th day of March, A. D. 1917.

## CHAPTER 265

### AN ACT TO PROVIDE FOR THE ISSUE OF \$25,000 OF BONDS FOR THE PURPOSE OF PURCHASING LAND AND ERECTING BUILDINGS FOR A STATE HOME AND TRAINING SCHOOL FOR GIRLS AND WOMEN.

*The General Assembly of North Carolina do enact:*

SECTION 1. That for the purpose of purchasing land and erecting buildings for a State Home and Training School for Girls and Women, the State Treasurer is hereby authorized and directed to issue bonds of the State of North Carolina, payable ten years after the first day of July, one thousand nine hundred and seventeen, to an amount not to exceed the sum of twenty-five thousand dollars. Purpose of issue.  
Authority for issue.  
Maturity of bonds.

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 seventeen, until paid, which said interest shall be payable semiannually 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. Interest.

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 (\$500) and one thousand dollars (\$1,000) each, as may be determined by said State Treasurer, and shall be signed by the Governor and State Treasurer and sealed with the Great Seal of the State. The coupons thereon may be signed by the State Treasurer alone or may have a facsimile of his signature printed, engraved, or lithographed thereon, and the said bonds shall in all other respects be in such form as the said State Denominations.  
Authentication.

Coupons receivable for debts to state.

Sale of bonds.

Preference of sale.

Exemption from taxation.

Investment of trust funds.

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 authorize the sale and invite sealed bids in such manner as in his judgment may seem to be 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.

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 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.

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

Ratified this the 7th day of March, A. D. 1917.

## CHAPTER 266

### AN ACT TO AMEND SECTION 4992, CHAPTER 105 OF THE REVISAL OF 1905, RELATING TO PENSIONS OF CONFEDERATE SOLDIERS.

*The General Assembly of North Carolina do enact:*

Paralysis and disablement.

SECTION 1. That section four thousand nine hundred and ninety-two, chapter one hundred and five, of the Revisal of one thousand nine hundred and five be and the same is hereby amended by inserting after the word "soldiers" and before the word "examined" in the third line of said section the following words, "and soldiers who have become paralyzed and are totally disabled by reason thereof," and by inserting after the word "person" and before the word "named" in the seventh line of said section, the following words, "and each person paralyzed and disabled by reason thereof."

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

Ratified this the 7th day of March, A. D. 1917.

## CHAPTER 267

## AN ACT TO PROVIDE FOR ASSISTING RURAL COMMUNITIES IN THE UTILIZATION OF SMALL WATER POWERS AND THE INSTALLATION OF TELEPHONE LINES.

*The General Assembly of North Carolina do enact:*

SECTION 1. That in order to assist in providing for better and more comfortable living conditions in the rural sections throughout the State, by means of the utilization of the many small water powers that abound in many parts of the State, and by the installation of water systems in rural homes, and by the construction of rural telephone lines; the State Highway Commission is herewith authorized to advise and assist in providing a water supply and electric power and electric lights for rural communities and individuals outside of incorporated towns, by investigating water powers and preparing plans for their development and the installation of such apparatus as may be needed to utilize such water power in developing electric power and for supplying a water system and electric light system, and to furnish plans and specifications for the installation of rural telephone lines and to advise and assist in the formation of rural mutual telephone systems.

Assistance by  
state highway  
commission.

SEC. 2. That for the purpose of carrying out the provisions of this act there is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated the sum of five thousand dollars (\$5,000) annually, the sum to be drawn upon as directed by the State Highway Commission.

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

Ratified this the 7th day of March, A. D. 1917.

## CHAPTER 268

## AN ACT TO AMEND CHAPTER 42, PUBLIC LAWS OF 1913, SO AS TO EXTEND PRIVILEGES FOR THE CONSTRUCTION AND MAINTENANCE OF PUBLIC HOSPITALS TO TOWNSHIPS AND TOWNS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the word "county" wherever it occurs in chapter forty-two, Public Laws of one thousand nine hundred and thirteen, shall be followed by the words "township and town," and wherever the word "counties" appears it shall be followed by the words "townships and towns," and wherever the words "board of county commissioners" appear they shall be stricken out and the words "governing body" shall be inserted in lieu thereof.

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

Ratified this the 7th day of March, A. D. 1917.



## CHAPTER 269

## AN ACT TO PROVIDE FOR THE ISSUE OF \$75,000 OF BONDS FOR PERMANENT IMPROVEMENTS FOR THE CASWELL TRAINING SCHOOL AT KINSTON, NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

Purpose of issue.	SECTION 1. That for the purpose of making permanent improvements to the Caswell Training School at Kinston, North Carolina, the State Treasurer is hereby authorized and directed to issue bonds of the State of North Carolina, payable ten years after the first day of July, one thousand nine hundred and seventeen, to an amount not to exceed the sum of seventy-five thousand dollars (\$75,000).
Authority for issue.	
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 seventeen, until paid, which said interest shall be payable semiannually on the first day of January and July of each and every year so long as any portion of the said bonds shall remain due and unpaid.
Denominations.	SEC. 3. That the bonds authorized and directed to be issued by the preceding section 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 they shall be signed by the Governor and State Treasurer and sealed with the Great Seal of the State. The coupons thereon may be signed by the State Treasurer alone, or may have a facsimile of his signature printed, engraved, or lithographed thereon, and the said bonds shall in all 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 most effectual to secure the best price. He is authorized to accept bids for the entire issue or any portion thereof, and when 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.
Authentication.	
Coupons receivable for debts to state.	
Sale.	
Preference of purchase.	
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 purpose 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, <sup>Investment of trust funds.</sup> guardians, and fiduciaries generally to invest in said bonds.

SEC. 6. That the appropriation herein made shall not interfere <sup>Treasurer to borrow money.</sup> with other appropriations made by this General Assembly: *Provided*, that if the income of the State be insufficient to meet all appropriations, the Treasurer of the State is hereby authorized and directed to borrow sufficient funds to meet the appropriation provided in section one of this act.

SEC. 7. That all expenditures of the proceeds of these bonds <sup>Superintendence of expenditures</sup> shall be under the Building Commission provided for under Senate bill number one thousand four hundred and six, under the same terms and provisions.

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

Ratified this the 7th day of March, A. D. 1917.

## CHAPTER 270

### AN ACT TO MAKE THE STATE TREASURER CUSTODIAN OF THE STATE'S SHARE OF THE SMITH-HUGHES CONGRESSIONAL VOCATIONAL EDUCATION FUND.

*The General Assembly of North Carolina do enact:*

SECTION 1. That the State Treasurer is hereby designated cus- <sup>Custodian.</sup> todian for the State's share of the apportionment of the Smith-Hughes congressional vocational education fund, and he is <sup>Custody and dis-</sup> hereby authorized to receive and provide for the proper custody <sup>bursement.</sup> and disbursement of all money paid to the State from said appropriation.

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

Ratified this the 7th day of March, A. D. 1917.

## CHAPTER 271

### AN ACT TO PREVENT AND PUNISH THE DESECRATION, MUTILATION, OR IMPROPER USE OF THE FLAG OF THE UNITED STATES OF AMERICA.

*The General Assembly of North Carolina do enact:*

SECTION 1. Any person who in any manner, for exhibition or <sup>Use of flags for</sup> display, shall after this act takes effect place or cause to be placed <sup>advertisement or</sup> any word, figure, mark, picture, design, drawing, or any adver- <sup>as trade-mark</sup> tisement of any nature upon any flag, standard, color, or ensign <sup>forbidden.</sup> of the United States or State flag of this State or ensign, or shall expose or cause to be exposed to public view any such flag, standard, color, or ensign upon which, after this act takes effect,

Mutilation and indignities to flags forbidden.	shall have been printed, painted, or otherwise placed, or to which shall be attached, appended, affixed, or annexed any word, figure, mark, picture, design or drawing or any advertisement of any nature, or who shall, after this act takes effect, expose to public view, manufacture, sell, expose for sale, give away, or have in possession for sale, or to give away, or for use for any purpose, any article or substance being an article of merchandise, or a receptacle of merchandise or article or thing for carrying or transporting merchandise, upon which after this act takes effect, shall have been printed, painted, attached, or otherwise placed a representation of any such flag, standard, color, or ensign, to advertise, call attention to, decorate, mark, or distinguish the article or substance on which so placed, or who shall publicly mutilate, deface, defile, or defy, trample upon or cast contempt either by words or act, upon any such flag, standard, color, or ensign, shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding fifty dollars or by imprisonment for not more than thirty days and shall also forfeit a penalty of fifty dollars for each such offense, to be recovered with costs in a civil action or suit in any court having jurisdiction, and such action or suit may be brought by and in the name of any citizen of this State, and such penalty, when collected, less the costs and expenses of action or suit, shall be paid one-half to the person suing and one-half to the school fund of the county in which suit was brought; and two or more penalties may be sued for and recovered in the same action or suit. The words, flag, standard, color, or ensign, as used in this subdivision or section, shall include any flag, standard, color, ensign, or any picture or representation of either thereof, made of any substance or represented on any substance, and of any size, evidently purporting to be either of said flag, standard, color, or ensign of the United States of America, or a picture or a representation of either thereof, upon which shall be shown the colors, the stars and the stripes, in any number of either thereof, or by which the person seeing the same, without deliberation, may believe the same to represent the flag, colors, standard, or ensign of the United States of America. The possession, after this act takes effect, by any person other than a public officer, as such, of any such flag, standard, color, or ensign on which shall be anything made unlawful at any time by this section, or any article or substance or thing on which shall be anything made unlawful at any time by this section, shall be presumptive evidence that the same is in violation of this section, and was made, done, or created after this act takes effect, and that such flag, standard, color, ensign, or article, substance or thing did not exist when this act takes effect.
Misdemeanor.	
Punishment.	
Penalty.	
Suits for penalties.	
Definition.	
Possession presumptive evidence.	
When act effective.	SEC. 2. This act shall take effect from and after the first day of July, one thousand nine hundred and seventeen.
	Ratified this the 7th day of March, A. D. 1917.

## CHAPTER 272

## AN ACT TO EQUALIZE THE SALARY OF THE STENOGRAPHER-CLERK OF THE REPORTER OF THE SUPREME COURT WITH OTHER LIKE EMPLOYEES OF THE STATE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter fifty-nine, section one, of the Public Salary. Laws of one thousand nine hundred and thirteen be amended by striking out the words "four hundred" and inserting in lieu thereof the words "six hundred."

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

Ratified this the 7th day of March, A. D. 1917.

## CHAPTER 273

## AN ACT TO PROMOTE THE DRAINAGE OF SWAMP AND LOWLANDS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That whenever a majority of the landowners or the persons owning three-fifths of all the lands in any well defined swamp or lowlands shall by a written agreement agree to give a part of the land situated in said swamp or lowlands as compensation to any person, firm, or corporation who may propose to cut or dig any main drainway through said swamp or lowlands, then the person, firm, or corporation so proposing to cut or dig said main drainway shall file with the clerk of the Superior Court of the county, or, if there be two or more counties, with the clerk of the Superior Court of either county in or through which the proposed canal or drainway is to pass, the names of the landowners, with the approximate number of acres owned by each to be affected by the said proposed drainway who have entered into the written agreement with the said person, firm, or corporation, together with a brief outline of the proposed improvement, and in addition thereto shall file with the said clerk the names and addresses, as far as can be ascertained, of the landowners, with the number of acres owned by each of them to be affected by the proposed drainway, who have not made any agreement with the person, firm, or corporation proposing to do the improvement. Upon the filing of the said names, it shall be the duty of the clerk to forthwith issue a notice which shall be served by the sheriff to all landowners who have not made any agreement to appear before him at a certain date, which date shall be not less than ten

Agreement for  
drainway.

Lists of signers  
filed.

Lists of persons  
affected.

Notice to non-  
signers.

and not more than twenty days from the service of said notice, or, in lieu of the personal service hereinabove required, it shall be sufficient for the said clerk to publish in a newspaper published in the said county once a week for four weeks a notice to all landowners who have not made any agreement to appear before him at a certain date, which date shall be not less than thirty days and not more than forty days from the first publication of said notice, at which time and place the said landowners shall state their objections to the proposed improvement, and in addition thereto make an estimate of the amount of damage that might be done to the land owned by each of them on account of said proposed drainway. Upon the said hearing it shall be the duty of the clerk of the Superior Court to forthwith appoint three disinterested persons, none of whom shall own land to be affected by said drainway, if requested by the person, firm, or corporation proposing to do the improvement, whose duty it shall be to familiarize themselves with the proposed improvement, view the premises of the landowners, estimating damages, and make an estimate themselves of the amount of damages that might accrue to the lands of each landowner filing objections on account of the proposed improvement, and report the same to the said clerk of the Superior Court within fifteen days from the date of their appointment. Immediately upon the filing of said reports the clerk of the Superior Court shall forthwith notify the person, firm, or corporation proposing to dig the said drainway or canal of the estimated damages contained in said reports, and the said person, firm, or corporation shall execute and deliver a bond in a surety company authorized to do business in the State of North Carolina in twice the sum total of the estimated amount of damages, which said bond shall be payable to the clerk of the Superior Court and conditioned upon the payment to the landowners of the amount of damages that may be assessed in the manner hereinafter provided. Upon the execution and delivery to the clerk of the said bond, the person, firm, or corporation so proposing to cut or dig said main drainway shall be and they are hereby authorized to proceed with the cutting or digging of the said drainway through any lands in its proposed course, whether the owners of the said land may have consented thereto or not, and the said person, firm, or corporation so proposing to cut or dig said drainway shall have the proper and necessary right of way for that purpose and for all things incident thereto through any lands or timbers situated in said swamp or lowlands.

SEC. 2. That after the said drainway herein provided for shall be completed the person, firm, or corporation cutting or digging the same shall be entitled to recover of the landowners owning that part of the land with reference to which no contract for compensating those cutting or digging the drainway may have

Estimate of damages.

Jury of view.

Report.

Notice to contractor.

Bond for damages.

Construction authorized.

Right of way.

Recovery of benefits and payment of damages.



been made, an amount equal to the benefits to accrue to said lands by reason of the said drainway, and shall be required by the clerk of the Superior Court to pay to any landowner the amount of damages in excess of benefits which may be done to said land, to be determined in the manner hereinafter provided:

*Provided*, that the recovery from any owner of the said land shall be limited to the benefits to accrue to that land owned by such person, and situated in said swamp or lowlands, or adjacent thereto; and *Provided further*, that the amount to be so recovered as herein provided for until fully paid shall be and constitute a lien upon said land, said lien to be in force regardless of who may own said land at the time the amount to be recovered as compensation for digging or cutting said drainway shall be determined.

Proviso: limit of benefits.

Proviso: lien on land.

SEC. 3. That after the completion of the said main drainway, upon the application of the person, firm, or corporation, or their heirs or assigns, digging or cutting the said main drainway, the clerk of the Superior Court of the county in which any land through which said drainway may pass is situated shall issue a notice to be served by the sheriff upon any person who may have failed to agree with the person, firm, or corporation digging or cutting said drainway, upon a compensation to be paid by the landowner for the digging or cutting of said drainway, notifying said landowner that on a certain day, which shall be named in said notice and not less than twenty days from the date of the issuing of the said notice, said clerk of the Superior Court will appoint three competent and disinterested persons, one of whom may be a surveyor, and none of whom shall own land to be affected by said drainway, to view the land so drained and for which no compensation for the drainage may have been agreed upon as aforesaid, and report to the said clerk of the Superior Court what amount shall be paid therefor by the various landowners who may have failed to arrange for and agree upon the compensation for the said drainage as aforesaid, and the amount of damages in cases where the damages have exceeded the benefits, which shall be paid to the said landowners by the person, firm, or corporation cutting or digging said canal or drainway. In making the appointment of the said viewers the clerk of the Superior Court shall hear any objections which may be advanced by those interested to any of the persons the clerk may consider to be appointed as viewers, but the clerk shall name those whom he considers best qualified.

Notice to land-owners.

Jury of view.

Assessment of benefits and damages.

Challenge of viewers.

SEC. 4. A report signed by two of the said persons appointed as viewers shall be entered by the clerk as report of the said viewers, and from the said report any landowner affected thereby and the person, firm, or corporation digging or cutting said drainway shall have the right of appeal and the right to have

Report entered.

Right of appeal.



Exceptions to report.

Hearing on appeal.

Confirmation of report.

Judgment.

Payment in installments.

Payment of benefits.

Repealing clause.

any issue arising upon said report tried by a jury, provided exceptions shall be filed to said report within twenty days after the filing of said report with the clerk in which exceptions so filed may be a demand for a jury trial. If a jury trial be demanded, the clerk shall transfer the proceedings to the civil-issue docket and it shall be heard as other civil actions. If no jury trial be demanded, the clerk shall hear the parties upon the exceptions filed, and appeal may be had as in special proceedings, but no jury trial shall be had unless demanded as herein provided for.

SEC. 5. That unless an appeal shall be taken by any person affected by said report, or by the person, firm, or corporation cutting or digging said drainway and a jury trial demanded within twenty days after the said report shall be filed with the clerk, in all of which appeals exceptions shall be filed, the clerk of the Superior Court shall confirm the report of the jury; if exceptions shall be filed and no demand for a jury trial shall be made, the clerk shall hear the exceptions as in other cases of special proceedings and judgment entered accordingly. If the report of the viewers be confirmed by the clerk because no exceptions or demand for a jury trial were filed within twenty days, the judgment of confirmation shall be the judgment of the court, and any judgment herein entered against the person, firm, or corporation cutting or digging the drainway shall be a judgment against the said person, firm, or corporation and the surety on its bond given as hereinabove provided.

SEC. 6. That the amount to be recovered from any person as compensation for digging or cutting the said drainway after said amount shall be definitely determined as herein provided for shall be payable in five equal annual installments, the first payable one year from the filing of the report of the viewers with the clerk of the Superior Court, and one payment on the same day of each year thereafter until the full amount be paid. That the amount to be recovered from the person, firm or corporation cutting, or digging the said drainway on account of any damages in excess of benefits to the lands of any landowner shall be payable in one installment, which shall be due and payable one year from the filing of the report of the viewers with the clerk of the Superior Court.

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 and effect from and after its ratification.

Ratified this the 7th day of March, A. D. 1917.

## CHAPTER 274

AN ACT SUPPLEMENTARY TO AND AMENDATORY OF HOUSE BILL 1026, SENATE BILL 1005, ENTITLED "AN ACT TO ENCOURAGE ROAD BUILDING IN NORTH CAROLINA BY STATE'S AID," RATIFIED ON THE 21ST DAY OF FEBRUARY, 1917.

Whereas, in section ten of "An act to encourage road building in North Carolina by State's aid," ratified on the twenty-first day of February, one thousand nine hundred and seventeen, the date for the election required to be held is fixed for the second Tuesday in April, and whereas for the year one thousand nine hundred and seventeen the time between the enactment of the law and the date fixed for such election is not sufficiently long to permit a full compliance with the requirements of said act previous to such election: Now, therefore,

Preamble: date  
for election.

Preamble: time  
insufficient.

*The General Assembly of North Carolina do enact:*

SECTION 1. That House bill one thousand and twenty-six, Senate bill one thousand and five, entitled "An act to encourage road building in North Carolina by State's aid," be and the same is hereby amended as follows: In section ten, after the words "second Tuesday in April," insert: "Provided, that for the year one thousand nine hundred and seventeen only, said election shall be held on the second Tuesday in May."

Date for election  
in 1917.

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

Ratified this the 7th day of March, A. D. 1917.

## CHAPTER 275

AN ACT TO AMEND CHAPTER 152 OF THE PUBLIC LAWS OF 1915 RELATING TO THE MANUFACTURE AND SALE OF ANTI-HOG-CHOLERA SERUM.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter one hundred and fifty-two of the Public Laws of one thousand nine hundred and fifteen, relating to the manufacture and sale of anti-hog-cholera serum, be amended as follows: Strike out section one and insert in lieu thereof the following:

"SECTION 1. That the Department of Agriculture shall fix the Price. price of anti-hog-cholera serum at one dollar per hundred cubic centimeters to the citizens of the State."

SEC. 2. This act shall be in force from and after its ratification. Ratified this the 7th day of March, A. D. 1917.

## CHAPTER 276

AN ACT FOR THE CO-OPERATIVE AND EFFECTIVE  
DEVELOPEMENT OF RURAL SANITATION.*The General Assembly of North Carolina do enact:*

Appropriation.

SECTION 1. In order that the North Carolina State Board of Health may take advantage of funds appropriated by various agencies (including the International Health Board, the Federal Government, corporations, counties, and other agencies) and based upon supplemental appropriations from the State, the sum of fifteen thousand dollars (\$15,000) is hereby annually appropriated, to be paid by the State Treasurer on warrants issued by the State Auditor on requisitions signed by the secretary and the president of the North Carolina State Board of Health: *Provided, however,* that this fund, or any part thereof, shall not be used in any form of rural sanitary improvement or rural health work except to supplement funds from other sources, which funds from other sources shall amount to at least three dollars (\$3) or more for every dollar appropriated from this fund.

Proviso: use of  
fund.

SEC. 2. This act shall be in force from and after its ratification. Ratified this the 7th day of March, A. D. 1917.

## CHAPTER 277

AN ACT WHEREBY THE HISTORICAL PLACES OF INTER-  
EST IN THE STATE OF NORTH CAROLINA MAY BE COM-  
MEMORATED BY APPROPRIATE MARKERS.

Preamble: his-  
torical incidents  
and places un-  
marked.

Whereas the State of North Carolina, being one of the thirteen original colonies, is rich in historical incidents and places which are unmarked by suitable memorials: Therefore,

*The General Assembly of North Carolina do enact:*

Appropriation.

SECTION 1. That for the purpose of carrying out the objects of this act the sum of two thousand five hundred dollars a year for the succeeding two years from the ratification of this act is hereby appropriated out of the funds in the hands of the State Treasurer not otherwise appropriated.

Order on auditor.

SEC. 2. That upon order of the North Carolina Historical Commission, the State Auditor is hereby empowered and directed to draw his warrant for said sum upon the State Treasurer: *Provided*, that a sum not to exceed one hundred dollars be spent for any one marker, and that so far as possible the money hereby appropriated shall be equitably distributed in the various counties of the State; and *Provided further*, that no sum shall be spent by the said Historical Commission for the purpose of carrying out

Proviso: limit  
of cost.

Distribution as  
to counties.

Proviso: dona-  
tions from other  
sources.

this act unless and until it be notified that the county commissioners or private citizens of any county applying for a sum have donated an equal sum. The sites to be marked are to be selected or approved by the said commission: *Provided*, that five hundred dollars of the amount herein appropriated may be used for the purpose of marking the birthplace of President Andrew Jackson in Union County, when a like amount shall have been raised by private subscription or otherwise.

Selection of sites.  
 Proviso: birthplace of Andrew Jackson.

SEC. 3. That the boards of county commissioners of the various counties of the State are hereby authorized to donate such sums as are required to assist in the work provided for herein.

Donations by counties.

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

Ratified this the 7th day of March, A. D. 1917.

## CHAPTER 278

### AN ACT TO ESTABLISH AN ADVISORY BOARD OF PAROLE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That there be and is hereby established a board to be known and designated as an "Advisory Board of Parole," consisting of the Attorney-General, chairman, the chairman of the board of directors of the State's Prison, and the chairman of the Board of State Charities, whose duties and powers shall be to act in an advisory capacity to the Governor with respect to the parole or conditional pardon of prisoners in the State's Prison. The chairman of the board of directors of the State's Prison and the chairman of the Board of State Charities shall be paid for their services as members of said board the same per diem and expenses as are now or may be allowed by law to the chairman of the board of directors of the State's Prison, to be paid by said board.

Board established.  
 Title.  
 Constituents.  
 Duties and powers.  
 Payment of members.

SEC. 2. That it shall be the duty of the superintendent of the State's Prison and superintendents of county chain-gangs or road forces, under rules and regulations to be made and promulgated by the board of parole, to keep a record of the conduct and demeanor of all prisoners held in the State's Prison and on county chain-gangs.

Record of conduct and demeanor.

SEC. 3. That the Advisory Board of Parole shall meet once each month in the office of the Attorney-General at such time as may be agreed upon by said board and carefully consider the record, and all other facts and circumstances which may be produced, to ascertain whether or not any prisoner, the consideration of whose privilege of parole may come before the board, should be recommended to the Governor as a proper person to be paroled on a conditional pardon.

Meetings of board.

Matters for consideration.

Cases brought  
before board.

Proviso: action  
initiated by  
board.

Basis of recom-  
mendation.

Judgment of  
board.

Report to gov-  
ernor.

Conditional  
pardon.

Allowance to  
prisoner on dis-  
charge.

Term of parole.

Monthly reports.

SEC. 4. After any prisoner has been confined in the State's Prison as long as the minimum punishment prescribed by statute for the offense of which such prisoner was convicted, provided such minimum punishment is not less than one-fourth the term for which such prisoner was sentenced by the court, and at the next monthly meeting of the board of parole, the superintendent of the State's Prison shall lay before the board of parole the case of such prisoner to determine whether or not, in the opinion of the board, such prisoner should be discharged on parole: *Provided*, that this shall not be understood as depriving the board of parole of the discretion of taking up the case of any prisoner at any time prior to that above stated. The said board shall ascertain from the record of such prisoner for the time during which he has been held, or for the last nine months, whether he has been of good demeanor and of meritorious conduct, as shown by obedience to the rules and regulations, and from any other facts and circumstances which may be produced with respect to his past life and conduct, whether such prisoner is a proper subject to recommend to the Governor for parole under a conditional pardon.

SEC. 5. After said board has ascertained the facts mentioned above, they shall have discretion and power to determine whether or not, in their judgment, such prisoner is a proper subject for parole under a conditional pardon. And if they determine that such parole should be granted, they shall make a brief report in writing to the Governor, with their findings of fact as to his record while in the State's Prison, as to his previous life and conduct, and as to indications of his purpose to reform; and if the Governor approve the granting of a parole in such case, he may grant a conditional pardon under his constitutional power to grant reprieves, commutations, and pardons, and according to the practice and procedure heretofore observed and followed in the granting of conditional pardons by the Executive. On the discharge of any prisoner from the State's Prison on parole, he shall be provided, at the expense of the State, with a suit of clothes, transportation to the county in which he has secured employment or in which it is his purpose to reside, and with five dollars in cash, all to be paid by order of the superintendent of the State's Prison from the funds belonging to said prison. Such parole shall be for such time as will fill out the term of imprisonment to which the prisoner was sentenced.

SEC. 6. Any person discharged on parole under this act shall, during the said parole, report on the second Monday in each and every month to the clerk of the Superior Court of the county in which he resides, and show to the satisfaction of such clerk of the Superior Court that, by his industry and good conduct, he has satisfied the condition of his parole.



SEC. 7. If the Governor shall order the reimprisonment of any person discharged on parole, he may issue his order directly to the sheriff of the county in which such prisoner was due to report to the clerk of the Superior Court, or to the sheriff of any county in the State, directing the arrest of such person and his return by such officer to the State's Prison, the expense of which shall be paid by the State Treasurer upon a warrant issued by the State Auditor on an order made by the superintendent of the State's Prison.

Order for reimprisonment.

Expense of return.

SEC. 8. If any such person be reimprisoned by order of the Governor for failure to report monthly to the clerk, or for violation of the conditions of his parole, the time such person has been out on parole shall not be deducted from the term of imprisonment to which he was originally sentenced by the court, but the time of his imprisonment shall be understood as continuing from the time he was discharged on his parole.

Time not deducted from original sentence.

SEC. 9. This act is not to be taken as in any way attempting to interfere with or regulate the power of the Governor to grant reprieves, commutations, and pardons upon his own initiative and executive responsibility in as full and ample a manner as it has heretofore been understood and exercised.

Powers of governor not impaired.

SEC. 10. That this act shall go into effect from and after its ratification, except that the first meeting of the board of parole shall be held on the first Monday in April, one thousand nine hundred and seventeen.

When act effective.

Ratified this the 7th day of March, A. D. 1917.

## CHAPTER 279

### AN ACT TO AMEND CHAPTER 122, PUBLIC LAWS OF 1913.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter one hundred and twenty-two of the Public Laws of one thousand nine hundred and thirteen be and the same is hereby amended by adding the following sections:

SEC. 12. That if at any election held in any township under this act the purposes of the act shall be ratified by a majority of the qualified voters of such township, then it shall be the duty of the board of county commissioners at their next meeting to appoint a board of township road commissioners, to be known as the Township Road Commission of.....Township. This township road commission shall consist of three freeholders of the township. The appointment of this township road commission shall be agreed upon and approved by the State Highway Commission. The term of office of the members of the township road commission shall be for one, two, and three years respect-

Appointment of township road commissioners.

Entitlement.

Number.

Approval of state highway commission.

Term of office.

ively for the first three years, and thereafter one member shall be appointed as above each year for a term or period of three years.

Incorporation.

SEC. 13. That the said township road commission and its successors in office be and it is hereby constituted a body corporate under and by virtue of the laws of North Carolina and by this act, under the name and style of Township Road Commission, and shall have all powers and authority granted to corporations of like nature by the laws of North Carolina, and by that name may sue and be sued, make contracts, acquire real and personal property by gift or devise, hold, exchange, and sell the same, and exercise such other rights and privileges as are incident to other municipal corporations of like nature, such as the condemnation of land for the construction, widening, or changing of any roads in the county, and such other powers as are necessary to carry out any and all the provisions of this act. The said township road commission shall use the funds derived from the sale of bonds or by levy of special tax, or whatever way derived, as authorized by this act, to locate, construct, reconstruct, surface, repair, improve, and maintain the public highways and bridges in the township under their jurisdiction; shall purchase such materials and purchase and hold or contract for the use of such tools, machinery, implements, and teams as they may deem necessary for carrying on the road work of said township, and perform such other duties as are hereinafter provided for by this act.

Corporate name.

Corporate powers.

Use of funds.

Duties of road commission.

Powers and rights vested.

SEC. 14. That it shall be the duty of the said township road commission to take charge of laying out, opening, altering, maintaining, or discontinuing of any and all roads of said township that are now maintained or may be maintained by the township as public roads, and it is hereby vested with all powers and rights and authorities now vested in the board of county commissioners or other commission or board or other road officials of said township for the general supervision of such roads of said township, and for the construction and repair thereof, by contract or otherwise as may be deemed best.

Organization.

Drafts for money.

Pay of commissioners.

SEC. 15. The township road commission shall annually from the date of its organization elect a chairman and a secretary, who shall hold office for one year and until their successors shall be elected and qualified. All moneys expended by said commission shall be by draft upon the bank or banks which are depositaries for the said road fund, and said drafts shall be signed by the secretary and countersigned by the chairman, and shall show upon their face the purpose for which the money is expended. The members of the township road commission shall receive pay only when acting jointly as a road commission, and such compensation at this time shall be the same as paid to the members of the board of county commissioners of said county.

SEC. 16. In the event the State Highway Commission does not approve the appointment made by the board of county commissioners for members of the township road commission, and an agreement cannot be reached by the above commissions, then the Governor of the State shall appoint the necessary number of members to compose or complete the membership of the township road commission. In case of any vacancy caused by death, resignation, or otherwise, of any member of the township road commission, such vacancy shall be filled by the board of county commissioners for the unexpired term as provided above for regular appointments.

SEC. 17. The said township road commission is authorized and directed to employ an expert road engineer, who shall be approved by the State Highway Commission, at such compensation as may be fixed by said township road commission; or, if in the opinion of the State Highway Commission a whole-time engineer is not required for the work to be done by the township, then, if practicable, arrangements may be made for the employment of an engineer for such portion of his time as may be deemed necessary by the State Highway Commission: *Provided*, that in case an engineer is not employed continuously by the township, then in the absence of the engineer a superintendent shall be appointed by the engineer, with the approval of the township road commission and the State Highway Commission, who shall have charge of the road work and act for the engineer in his absence. This compensation may be paid in part by the State Highway Commission when arrangements for such payment is made by the township road commission with the State Highway Commission: *Provided*, that when the State furnishes to the township engineering assistance and supervision of road work, that the acceptance by the township road commission of the State road engineer shall be considered as fulfilling the requirements of this act. The road engineer, whether appointed by the township road commission or furnished by the State Highway Commission, shall have general supervision and direction of all the road work of the township, supervise the plans and specifications of all road work, and see to their execution. He shall appoint and discharge, by and with the approval of the township road commission, all superintendents, foremen, supervisors, overseers, and other assistants needed in conducting the road work of the township in a satisfactory and economical manner. The township road engineer, however appointed, may request, at any time, the advice of the State Highway Engineer in solving any problem that may arise, either technical, economical, or otherwise, that may be deemed by him to be of benefit to the township, and such advice shall be without any expense to the township. It shall be the duty of the engineer of the township coming under the provisions of this act to keep or have kept the necessary books and account showing in

Appointment by  
governor.

Vacancies.

Employment of  
engineer.

Compensation.

Partial employ-  
ment.

Proviso: appoint-  
ment of superin-  
tendent.

Payment of  
compensation.

Proviso: engineer-  
ing assistance  
from state.

Supervision and  
direction of work.

Appointment and  
discharge of em-  
ployees.

Advice of state  
highway engineer.

Books and  
accounts.

Cost accounting system.	detail the expenditures for all work done through money derived by bonds issued or special road tax levied for road work in such township. The engineer shall keep or have kept in suitable way a cost accounting system showing the unit cost of various items entering into the construction of the roads, showing when and where the various elements of cost entering into the said work were used, giving the name of the road and the nearest station number to culverts, bridges, etc. It shall be his duty to keep approximate yardage, costs, and approximate classification of the materials moved in all excavations made for the purpose of building such roads.
Yardage costs.	
Entry on lands.	SEC. 18. In opening new highways, widening and straightening old roads and repairing same, the township road commission through its agents is hereby authorized to enter upon any land and locate and build such highways. If the township road commission and the owner or owners of said land cannot agreed as to the damages, if any, the said township road commission shall, after sixty days after said highway is completed, cause to be summoned three disinterested freeholders of said township who shall go upon the land and assess the damages and benefits under the general law as it now exists: <i>Provided, however</i> , that before entering upon lands as authorized by this section it shall be the duty of the township road commission to serve notice upon the owner or owners of said land, notifying them that the highway is to be located upon said land under authority of this act; and
Assessment of damage.	<i>Provided further</i> , that in assessing the damages sustained by any landowner, the jury shall take into consideration the special benefits, if any, accruing to the landowner, and in determining such benefits consideration shall be given to the benefits the landowner has derived from the fact that any old road right of way has reverted back to said landowner by reason of the re-
Proviso: notice to landowners.	location and construction of the new road, and if such benefits shall exceed the damages, then the amount of such excess of benefits shall be assessed against the landowner and shall constitute
Proviso: special benefits.	a lien upon the land adjoining the road, and shall be collected by the sheriff in the same way as public taxes; and it is <i>Further provided</i> , that no suit shall be instituted by the landowner for damages on account of location of the road under this act until
Excess of benefits a lien on lands.	after sixty days after the completion of the road across the lands of such landowner, and no suit shall be brought by any landowner unless the same is commenced within six months after the completion of the road by or across the lands of the claimant: and
Collection.	<i>Provided further</i> , that either party may appeal to the Superior Court for the assessment of damages and benefits, where the matter shall be heard by the court and jury de novo. No cost shall be awarded against any township upon appeal when net damages awarded through such appeal are not greater than
Proviso: time for institution of suit.	given by the referees.
Proviso: right of appeal.	
Costs on appeal.	



SEC. 19. The township road commission through their officers and agents are hereby authorized to enter upon any land near or adjoining any public road of said township, to cut and carry away any timber except trees or groves on improved land planted or left for shade or ornament, dig or cause to be dug and carry away any gravel, sand, clay, dirt, or stone which may be necessary for the proper repair and construction of roads in said township, and make or cause to be made such drains or ditches upon any land adjoining or lying near any road in said township that the township road commission may deem necessary for the better condition of the road; and the drains and ditches so made shall not be obstructed by the occupants of such lands or any other person; and that any person obstructing such drains or ditches shall be guilty of a misdemeanor: *Provided, however*, that before entering upon land as authorized by this section, it shall be the duty of the township road commission, through its representatives, to serve notice upon the owner or owners of said land, notifying them that certain material authorized to be taken by this section is required for the road work.

Entry on land for material.

Drains or ditches.

Obstructing drains or ditches misdemeanor.

Proviso: notice to landowners.

SEC. 20. The owner of any land from which any timber or other material has been removed may present to the township road commission his claim therefor in writing, and upon such presentment it shall be the duty of the township road commission to set a day not earlier than sixty days after the removal of such timber or material for the purpose of hearing his claim. Upon the hearing thereof the claimant may appeal to the Superior Court of the county in which said township is located, to have his cause tried as in other civil cases.

Presentation of claims.

Hearing on claims.

Right of appeal.

SEC. 21. All moneys derived from the sale of bonds authorized and sold under the provisions of this act shall be deposited by the board of county commissioners in such solvent bank or banks, if any, of said township, or if there is no bank in said township, then in any solvent bank in a neighboring township or county as will pay the highest rate of interest on daily balances as may be determined by the board of county commissioners; said moneys to be deposited in said bank or banks to the credit of the township road commission, and to be drawn upon by said commission as hereinbefore directed.

Deposits of proceeds of bonds.

SEC. 22. Any other moneys, in whatever way collected or appropriated, which are designed to be used for the construction or maintenance of roads in any township in which bonds for road work within such township have been issued and sold shall be deposited in the same bank or banks in which the moneys obtained from the bond issue or special road tax are deposited, and that these moneys shall be deposited to the credit of the township road commission, and shall be drawn upon by said commission.

Deposits of other road funds.



Monthly statements.

SEC. 23. That the bank or banks in which the said road moneys designated in this act are deposited shall prepare monthly statements showing the amounts paid, to whom paid, and for what purposes, and submit same to the said township road commission, and the said road commission shall have said monthly statement posted at the courthouse door of the county in which said township is located.

Repealing clause.

Proviso: local road laws not affected.

SEC. 24. That all laws and clauses of laws in conflict with these amendments shall be and same are hereby repealed: *Provided*, nothing in this act shall be construed to repeal any local road laws of any county and shall not in any way affect them.

SEC. 25. That this act shall be in force from and after its ratification.

Ratified this the 7th day of March, A. D. 1917.

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## CHAPTER 280

AN ACT TO AMEND SECTION 519, SUBSECTION 5, OF THE REVISAL OF 1905, SO AS TO RESTORE THE FORMER PRACTICE AS TO TRIAL OF ISSUES BEFORE A JURY AFTER A COMPULSORY REFERENCE.

*The General Assembly of North Carolina do enact:*

Limitation rescinded.

SECTION 1. That section five hundred and nineteen, subsection five, Revisal of one thousand nine hundred and five, be and the same is hereby amended by striking out all of said subsection after the word "jury" in line eight thereof.

When act effective.

Prior trials and references.

SEC. 2. That this act shall take effect from and after its ratification, but shall not apply to trials on references made prior to its ratification.

Ratified this the 7th day of March, A. D. 1917.

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## CHAPTER 281

AN ACT TO AMEND CHAPTER 33 OF THE PUBLIC LAWS OF 1913, AS AMENDED BY CHAPTER 236 OF THE PUBLIC LAWS OF 1915, RELATING TO THE APPORTIONMENT OF THE STATE EQUALIZING FUND.

*The General Assembly of North Carolina do enact:*

SECTION 1. That chapter thirty-three of the Public Laws of one thousand nine hundred and thirteen, as amended by chapter two hundred and thirty-six of the Public Laws of one thousand nine hundred and fifteen, be and the same is hereby amended as follows:

(a) Strike out all of section four and insert in lieu thereof the following:

"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 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 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 this act, as follows: It shall first apportion to each county whose funds are insufficient, after having levied the maximum tax required under this act, to provide a four months term in every school district, a sufficient sum to bring the term in each school district in said county to four months. It shall then apportion the remainder of said equalizing fund among all the counties of the State that have complied with all the provisions of this act, so as to provide for the payment of the salaries of all teachers in each county for an equal number of days. 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, and shall in no event exceed the salaries actually paid from the county fund, if less than these amounts. The State Board of Education shall apportion this fund only for the salaries of 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, and each county receiving an apportionment from this fund shall maintain, in addition to the term provided by the county funds, an extended term of not less than the number of days for which the apportionment from this fund is made and designated by the State Board of Education."

Sworn statements  
by county boards.

Provision for  
four-months  
school term.

Certificate of  
amount of fund.

Apportionment  
of fund.

Apportionment  
to counties in  
deficit.

Apportionment  
to all counties.

Salaries of  
teachers.

Apportionment  
for salaries only.

Terms to be main-  
tained.

Counties entitled  
to participation.

(b) Amend section six by striking out all of that part of said section following the word "teachers" in line eight thereof, and inserting in lieu thereof the following: "sufficient to bring the term in every district to four months, and shall then be entitled to participate with the other counties of the State in the apportionment of the remainder of said fund under the provisions of this act."

Repealing clause.

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

SEC. 3. This act shall be in force from and after its ratification. Ratified this the 7th day of March A. D. 1917.

## CHAPTER 282

### AN ACT TO AMEND SECTION 2686 OF THE REVISAL OF 1905, RELATING TO CARTWAYS.

*The General Assembly of North Carolina do enact:*

Improvement  
and repair.

SECTION 1. That section two thousand six hundred eighty-six of the Revisal of one thousand nine hundred and five be amended by inserting after the word "wagons" in line twenty thereof, and before the word "provided" in line twenty-one thereof, the following: "And the petitioner and others who use said road may from time to time grade or repair said road as they may desire without doing any injury to the adjoining lands."

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

Ratified this the 7th day of March, A. D. 1917.

## CHAPTER 283

### AN ACT TO AMEND SECTION 3509 OF THE REVISAL OF 1905, RELATING TO THE TEMPORARY USE OF A HORSE.

*The General Assembly of North Carolina do enact:*

Fine or imprison-  
ment.

SECTION 1. That section three thousand five hundred and nine of the Revisal of one thousand nine hundred and five be and the same is hereby amended by striking out the word "and" in line nine and inserting in lieu thereof the word "or."

SEC. 2. That all acts amendatory of said section three thousand five hundred and nine, in so far as they are in conflict with the purpose and intent of this act, are hereby repealed.

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

Ratified this the 7th day of March, A. D. 1917.

## CHAPTER 284

AN ACT TO PROVIDE FOR THE ISSUING OF BONDS FOR ROAD IMPROVEMENT, FOR PROVIDING FOR COUNTY HIGHWAY COMMISSIONS, AND FOR PROVIDING FOR THE IMPROVEMENT OF THE PUBLIC ROADS OF THE SEVERAL COUNTIES OF THE STATE.

*The General Assembly of North Carolina do enact:*

SECTION 1. That bonds may and shall be issued by the Board of County Commissioners of any county for the purpose of laying out and opening, altering, or improving the public roads and bridges of said county under the conditions and provisions herein-after provided. The board of county commissioners of any county, upon the petition of one hundred (100) freeholders of said county petitioning for an election for a bond issue, shall make an order providing for holding an election at the next election of county officers, or at any time not less than thirty (30) days from the date of such order, which shall be designated therein, to open the polls and take the sense of the qualified voters of the county on the question of whether the board of county commissioners of such county shall issue bonds for such purpose: *Provided*, that there is included in the petition the amount of bonds it is proposed to issue and the approximate number of miles of road that it is proposed to improve by such bond issue; but no election shall be held until the board of county commissioners has been notified by the State Highway Commission in writing that the amount of bonds proposed to be issued will be sufficient to construct or reconstruct, alter or improve approximately the number of miles of road proposed to be improved, reconstructed, or altered, as set out in the petition: *Provided further*, that the maximum amount of bonds issued under this act in such county, together with all the bonds previously issued and remaining unpaid by such county, shall in no case exceed an amount equal to ten per cent (10%) of the total assessed valuation of the county.

Authority for bond issues by counties.

Petition for election.

Order for election.

Proviso: amount of bond issue and estimate of work.

Endorsement by state highway commission.

Proviso: limit of bond issues.

SEC. 2. *Provided*, that whenever it is stated in the petition to the board of county commissioners praying for a bond issue for road work, as is authorized in section one of this act, that the bonds thus authorized shall be issued and sold by the county road commission hereinafter created by this act, or the existing road commission of the county in which the petition for road bonds is made, then the said county road commission or other road commission or board having charge of the road work in said county is hereby vested with all the power, rights, and authority now vested in the board of county commissioners of said county for issuing and selling the road bonds, as authorized in the petition, and said county road commission or other commission or board

Proviso: powers to be vested in road commissions.

Issue and sale of bonds.

having charge of the road work in the county shall proceed to issue and sell bonds called for in the petition as hereinafter provided.

Apportionment to townships.

SEC. 3. Whenever it is stated in the petition of the board of county commissioners praying for a bond issue for road work, as authorized in section one of this act, that the funds derived from the sale of such bonds shall be expended by the county road commission or other commission or board having charge of the road work of said county in the various townships composing the county, in proportion to the assessed tax valuation of each township, then whenever bonds are issued by the board of county commissioners or county road commission, as provided in sections one and two of this act, the county road commission shall apportion the funds arising from the sale of said bonds and use same in the several townships of the county issuing said bonds, as nearly as may be in proportion to the assessed tax valuation of said township, the intention being that each township shall receive and have expended on roads within its borders, or on roads built for its benefit, a fair and equitable proportion of the money arising from the bond issue authorized by this act: *Provided*, the purchasers of said bonds shall not be required to see to the application of such funds.

Proviso: obligation of purchasers relieved.

Petition for special road tax.

Order for election.

Proviso: maximum rate.

Constitutional equation.

Proviso: estimate of work.

Endorsement of state highway commission.

SEC. 4. That the board of county commissioners of any county, upon the petition of one hundred (100) freeholders of said county petitioning the board of county commissioners to levy a special road tax for carrying on the road work of said county, shall make an order requiring an election to be held at the time of election of county officers, or at any other time not less than thirty days from the date of such order, which shall be designated therein, to open the polls and take the sense of the qualified voters of the county on the question whether the board of county commissioners shall levy a tax for such purpose: *Provided, however*, that the petition for such election must state the maximum rate for which such special road tax is to be levied, which rate shall not exceed fifty cents on the hundred dollars (\$100) worth of property according to the last tax list, and one dollar and fifty cents on the poll, observing at all times the constitutional equation; and *Provided*, the petition also states approximately the number of miles of road to be improved by such special road tax and the length of time for which such special road tax shall be levied. The board of county commissioners, before calling such election, must be notified by the State Highway Commission in writing that the amount of money to be raised annually by the special road tax proposed will be sufficient to maintain and operate with economy a construction force suitable for the work proposed or will be sufficient to secure for the county reasonable contract prices for the work to be done, and that within the time named and for the amount thus to be raised the approximate number of miles of road can be built that is named in the petition.



## PROVIDING FOR ROAD IMPROVEMENT IN TOWNSHIPS

SEC. 5. At the end of three months after the passage of this act, in any county that has not taken advantage of the provision of this act and issued bonds as provided in section one, or levied a special tax as provided in section four of this act, then any township within such county may proceed to take advantage of the provisions of this act as hereinafter provided.

SEC. 6. The board of county commissioners of any county, upon the petition of twenty-five (25) freeholders of said township of said county for a bond issue for the construction or reconstruction of the public roads and bridges of said township, shall make an order providing for holding an election at the next election of county officers, or at any other time not less than thirty (30) days from the date of such order, which shall be designated therein, to open the polls and take the sense of the qualified voters of the township on the question of whether the board of county commissioners of such county shall issue bonds for such township for the purpose stated in the petition: *Provided*, that it is stated in the petition the amount of bonds it is proposed to issue and the approximate number of miles of road that it is proposed to improve by such bond issue; but no election shall be held until the board of county commissioners has been notified by the State Highway Commission in writing that the amount of bonds proposed to be issued will be sufficient to construct or reconstruct, alter or improve, approximately the number of miles of road proposed to be constructed, reconstructed, or altered as set out in the petition; and *Provided further*, that the maximum amount of bonds issued under this act in such township, together with all other bonds previously issued, including any county bonds for which the township valuation is liable and remaining unpaid for such township, shall not in any case exceed an amount equal to ten per cent of the total assessed valuation of the township.

Bond issues by townships.

Petition from township.

Order for election.

Proviso: amount of bond issue.

Estimate of work.

Endorsement of state highway commission.

Proviso: maximum amount of bonds.

## CONSTRUCTION OF TOWNSHIP ROADS BY SPECIAL ROAD TAX

SEC. 7. That the board of county commissioners of any county, upon the petition of twenty-five (25) freeholders of any township of any county petitioning the board of county commissioners to levy a special road tax for carrying on the road work of said township, shall make an order requiring an election to be held at the next election of county officers or at any other time not less than thirty (30) days from the date of such order, which shall be designated therein, to open the polls and take the sense of the qualified voters of the township on the question whether the board of county commissioners shall levy a tax for such purpose: *Provided, however*, that the petition for such election must state the maximum rate for which such special road tax is to be

Special road tax for townships.

Order for election.

Proviso: maximum rate.

levied, which rate shall not exceed fifty cents (50c) on the one hundred dollars (\$100) worth of property, according to the last tax list, and one dollar and fifty cents on the poll, observing at all times the constitutional equation. The petition must also state approximately the number of miles of road to be improved by said special road tax and the length of time for which such special road tax shall be levied. The board of county commissioners, before calling such election, must be notified by the State Highway Commission, in writing, that the amount of money to be raised annually by the special road tax proposed will be sufficient to maintain and operate with economy a construction force suitable for the work proposed, or will be sufficient to secure for the county reasonable contract prices for the work to be done, and that within the time named, and for the amount thus to be raised, the approximate number of miles of road can be built that is named in this petition.

#### CHANGING FROM TOWNSHIP TO COUNTY UNIT

**Petition in counties having township bond issues.** SEC. 8. The board of county commissioners of any county in which township bonds have been issued and sold for the construction of roads shall, upon petition of one hundred freeholders of said county petitioning for an election for a bond issue for road construction, make an order providing for holding an election at the next election of county officers or at any other time not less than thirty days from the date of such order, which shall be designated therein, to open the polls and take the sense of the qualified voters of the county on the question of whether the board of county commissioners of such county shall issue bonds for the purpose of providing funds for taking over the township bonds already issued for road purposes and of providing an additional amount with which to construct additional roads in such county: *Provided*, that there is included in the petition the amount of bonds which it is proposed to issue in excess of the amount required to cover the township bond issue; and *Provided further*, that the approximate number of miles that it is proposed to improve by such bond issue is also stated in the petition; but no election shall be held until the board of county commissioners has been notified by the State Highway Commission in writing that the amount of bonds proposed to be issued for road construction work will be sufficient to construct, reconstruct, or alter approximately the number of miles of road proposed to be improved by said bond issue; and *Provided further*, that the maximum amount of bonds issued under this act in such county, together with all the bonds previously issued and remaining unpaid by such county, shall in no case exceed an amount equal to ten per cent (10%) of the total assessed valuation of the county.

**Order for election.** The township in which the bonds have been issued and which are

**Proviso: amount of bonds.**

**Proviso: estimate of work.**

**Endorsement by state highway commission.**

**Proviso: maximum amount.**

**Liability of townships.**

taken over by the county shall not be subject to any additional tax on account of the county bonds issued to refund or buy in said township bonds, but shall be liable for its pro rata portion of the county bonds.

SEC. 9. Wherever there has been established in any county or counties of this State a road district, composed of one or more townships in one or more counties, or parts of one or more townships in one or more counties, such road district is herewith granted the same rights and privileges in regard to the issuing of bonds or levying of special road tax as is given to townships under the provisions of this act. Bonds by road districts.

#### PETITION FOR COUNTY ROAD COMMISSION

SEC. 10. Upon the petition of one hundred (100) freeholders of any county petitioning for the creation of a county road commission, the board of county commissioners of said county shall make an order providing for holding an election at the next election of county officers or at any other time not less than thirty (30) days from the date of said order, which shall be designated therein, to open the polls and take the sense of the qualified voters of the county on the question of whether there shall be created in said county a county road commission. In the event that the majority of votes cast shall be for the creation of a county road commission at any election herein provided for, after the result has been declared and recorded as herein provided for there shall be and there is herewith created in said county a county road commission as provided hereinafter in this act. Petition for county road commission.  
Order for election.  
Effect of election.

SEC. 11. The qualified voters at any special election held under the provisions of this act, until otherwise provided by general law, shall be those qualified to vote at the preceding regular November election and those who may have become of age and qualified since the preceding regular said November election, except those who by committing of crimes or by the removal from the district or county or for other legal causes have disqualified themselves to vote. That any election held under the provisions of this act shall be conducted in the same manner as is now or may hereafter be prescribed by law for holding elections for the members of the General Assembly, except as herein provided: *Provided, however*, that the said board of county commissioners shall appoint the registrars of election, the judges or inspectors, and any other election officers, and that registration and challenge of voters shall be conducted in the same manner as is now or may hereafter be provided for the election of members of the General Assembly; and said county commissioners may or may not order a new registration for any or all of said elections. That at any special election or elections held under the provisions of this act for a bond issue, the ballots tendered and cast by the voters shall Qualified voters defined.  
Law governing elections.  
Proviso: election officers.  
Registration and challenges.  
Ballots.

have written or printed upon them "For Road Bond Issue" or "Against Road Bond Issue," and all electors who favor the issuing of said bonds shall vote a ballot written or printed thereon "For Road Bond Issue," and those opposed to the issuing of the bonds shall vote a ballot written or printed thereon "Against Road Bond Issue"; and at any special election or elections held under the provisions of this act, providing for a special road tax, the ballots tendered and cast by the voters shall have written or printed upon them "For Special Road Tax" or "Against Special Road Tax," and all electors who favor the levying of said special road tax shall vote a ballot written or printed thereon "For Special Road Tax" and those opposed to levying the special road tax shall vote a ballot written or printed thereon "Against Special Road Tax"; and at any special election or elections held under the provisions of this act, providing for the creation of a county road commission, the ballots tendered and cast by the voters shall have written or printed upon them "For County Road Commission" or "Against County Road Commission"; and all electors who favor the creating of a county road commission shall vote a ballot written or printed thereon "For County Road Commission," and those opposed to creating a county road commission shall vote a ballot written or printed thereon "Against County Road Commission."

Count and return of votes.

Canvass of returns.

Record of returns.

County commissioners to issue bonds.

County commissioners to levy tax.

County road commissions.

The vote shall be counted at the close of the polls and returned to the said board of county commissioners or clerk of the board on the Thursday next following the election, and said board shall tabulate and declare the result of the election not later than its next regular meeting following the return of the vote of said election, all of which shall be recorded in the minutes of said board of county commissioners, and no other recording and declaring of the result of the election shall be necessary. The result of the vote shall be counted, declared, and reported to the board of county commissioners as prescribed by law in the election of the members of the General Assembly.

SEC. 12. In the event that the majority of the votes cast shall be "For Road Bond Issue" at any election herein provided for, after the result has been declared and recorded as aforesaid, the board of county commissioners or county road commission, as authorized, of the county at its next regular meeting shall proceed to carry out the wishes of the voters as expressed at such election, as hereinafter provided in this act.

SEC. 13. In the event that the majority of the votes cast shall be "For Special Road Tax" at any election herein provided for, after the result has been declared and recorded as aforesaid, the board of county commissioners of the county at its next regular meeting shall proceed to carry out the wishes of the voters as expressed at such election as hereinafter provided for in this act.

SEC. 14. In the event that the majority of the votes cast shall be "For County Road Commission" at any election herein pro-



vided for, after the result has been declared and recorded as aforesaid the board of county commissioners at its next regular meeting shall proceed to carry out the wishes of the voters as expressed at such election as hereinafter provided for in this act.

#### ISSUING OF BONDS

SEC. 15. The board of county commissioners, or county road commission, or other commission of any county which is authorized to issue county, township, or road district bonds under the provisions of this act, shall then proceed with the least possible delay to issue such bonds in such denominations and of such class and for such term as may be deemed best by said board of county commissioners or other said commission. In making sale of the bonds authorized by this act, advertisement of same shall be made is a recognized financial paper of the county, or a newspaper of State-wide circulation, as well as in a local paper, for at least thirty (30) days prior to receiving of bids by the board of county commissioners or county road commission. This advertisement shall state the date, the time and the place for the opening of bids, and the advertisement shall also state that all bids must be accompanied by certified check properly vouched for by a local bank, if any, of the county in which sale is to be consummated and for which bonds are issued; but if there is no bank in said county, then by any solvent bank in a neighboring county, and the amount of said check to be determined by the board of county commissioners or county road commission of the county proposing to issue the bonds. The State Highway Commission must be notified by the board of county commissioners or county road commission of the date, place, and time of sale of bonds authorized to be sold under this act, in order that the State Highway Commission, if it so desires, may have a representative present who shall act in an advisory capacity with the board of county commissioners in the sale of the bonds. The noncompliance with the conditions herein required shall not be construed to invalidate the bonds issued which may have passed into the hands of innocent purchasers for value and without notice. No bonds shall be sold for less than their par value.

Issuance of bonds.

Advertisement for sale of bonds.

Specifications of advertisement.

Notice to state highway commission.

Bonds not invalidated.

Sale below par forbidden.

SEC. 16. If any act shall be passed at this or any subsequent session of the General Assembly authorizing the State to loan money to the counties to aid in the building or improving of public roads, taking county bonds as collateral for said loan, if any provisions shall be made for the Federal Government to loan money to the county for the purpose as stated above, then the board of county commissioners or county road commission is hereby authorized and empowered to avail themselves of the privileges and benefits of any such act.

State or federal aid.



No fees allowed officers.

SEC. 17. In selling the bonds and in handling the funds derived from the sale of the bonds, and in turning same over to the bank or banks of the county hereinafter authorized to be the depository of such funds, the board of county commissioners, the county road commission, or the treasurer of the county shall not be allowed any fees for handling such funds.

#### LEVY OF TAX FOR INTEREST ON BONDS

Special tax for bonds.

SEC. 18. When any bonds are issued under the provisions of this act, the board of county commissioners shall levy annually the first Monday in May, or at such time as county taxes are levied, a special tax for the county, township, or road district, of such an amount on the one hundred dollars of property and on the polls as will provide a sufficient sum with which to pay the interest due on the bonds issued and pay whatever part of the principal of the bond issue may become due that year, and also to set aside the amount necessary to provide an adequate sinking fund with which to redeem or buy in the bonds. The taxes so levied shall be collected as other taxes and shall be kept as a separate fund, to be applied for the purposes as stated above, and it shall be a misdemeanor for the members of the board of county commissioners to use such fund for any other purpose.

Collection of tax.

Specific appropriation.

Diversion of fund misdemeanor.

#### LEVYING SPECIAL ROAD TAX

Levy of special road tax.

SEC. 19. The board of county commissioners of any county which is authorized to levy a "special road tax" for county, township, or road district road work under the provisions of this act shall, beginning with the first Monday in May after the election authorizing such levy, proceed to levy each year, on the first Monday in May or at such time as county taxes are levied, the "special road tax" authorized by the election and for the number of years stated in the petition calling for the election.

#### EMERGENCY FUND

Special appropriations and temporary loans.

SEC. 20. Wherever in any county, township, or road district a condition exists in connection with the location, construction, reconstruction, maintenance, or repair of the roads of said county or township or road district that in the judgment of the county road commission or any other similar road commission or board having charge of the roads and bridges of the county, township, or road district, the fund available for such condition is insufficient for the work demanded, then, on application of the county road commission or any other similar road commission or board of the county, township, or road district, the board of county commissioners shall appropriate from the general fund of the county, or shall issue short-time notes or bonds in sufficient amount for

the work required: *Provided*, that the amounts of such fund or bonds issued shall not in any one year exceed one per cent (1%) of the taxable valuation, both real and personal, of the county, township, or road district. Proviso: limit of amount.

#### FUND FOR MAINTENANCE OF ROADS

SEC. 21. Whenever the board of county commissioners or county road commission of any county has issued and sold bonds under the provisions of this act, or has levied a special road tax under the provisions of this act, it shall levy an additional special maintenance tax sufficient to raise an amount equal to not less than one nor more than four per cent of the par value of said bonds issued for the road work of the county, township, or road district, or the amount that has been raised by the said special road tax, to be used for the purpose of maintaining the roads built through the expenditure of the funds raised from such bond issue or from such special road tax. The money thus raised shall be deposited by the sheriff to the credit of the county road commission hereinafter provided for in said bank or banks authorized to receive funds under the provisions of this act. This money shall be deposited as a maintenance fund, to be expended only for the maintenance of the roads constructed under the authority of this act. Special maintenance tax.  
Amount.  
Deposit of funds.  
Specific appropriation.

#### DEPOSITORY FOR ROAD FUNDS

SEC. 22. All moneys derived from the sale of bonds authorized and sold under the provisions of this act, or from the levy of the "special road tax" authorized under the provisions of this act, shall be deposited by the board of county commissioners in such solvent bank or banks, if any, of said county, or if there is no bank in said county, then in any solvent bank in a neighboring county as will pay the highest rate of interest on daily balances as may be determined by the board of county commissioners; said moneys to be deposited in said bank or banks to the credit of the county road commission hereinafter provided for, and to be drawn upon by said commission as hereinafter directed. Depositories of funds.

SEC. 23. Any other moneys, in whatever way collected or appropriated, which are designed to be used for the construction or maintenance of the roads of any county, township, or road district in which bonds for road work within such county, township, or road district have been issued and sold or in which special road tax for road improvement has been levied under the provisions of this act, shall be deposited in the same bank or banks as heretofore provided in which the moneys obtained from the bond issue or special road tax are deposited, and that these moneys shall be deposited to the credit of the county road commission hereinafter provided for, and shall be drawn upon by said commission as hereinafter directed. Other funds deposited.

Monthly statements by depositories.

SEC. 24. That the bank or banks in which the said road moneys designated in this act are deposited shall prepare monthly statements showing the amounts paid, to whom paid, and for what purposes, and submit same to the said county road commission, and the said road commission shall have said monthly statement posted at the courthouse door of such county.

#### APPOINTMENT OF A COUNTY ROAD COMMISSION

Road commission created.

SEC. 25. Whenever a bond issue or a levy of a special road tax or the appointment of a county road commission is authorized as hereinbefore provided in this act, there shall be and there is herewith created in such county, except as hereinafter provided, a county road commission to be composed of three members, one of whom shall be at all times a member of the minority political party of the county, and who shall be appointed by the board of county commissioners. In making the first appointments one member shall be appointed for two years, one for four years, and one for six years; and thereafter the appointment shall be for six years. There shall be nothing in this law to be so construed as to prevent the reappointment of a member of this commission at the expiration of his term. Each member of the county road commission shall take and subscribe an oath before the clerk of the court of his county for the faithful performance of his duties as a member of the said commission: *Provided, however,* that when in any petition authorized by this act it is stated that the board of county commissioners or road commission or board already existing in such county shall have charge of the road work of such county, township, or road district, then the board of county commissioners shall not appoint a new county road commission as set forth in this section, but the said commission or board mentioned in the said petition shall become the county road commission for carrying out the purpose of this act.

Number of commissioners.  
Political affiliation.  
Appointment.  
Terms of office.

Reappointments.

Commissioners to qualify.

Proviso: present road management continued.

Extension of jurisdiction.

SEC. 26. Wherever a township or road district has taken advantage of the provisions of this act, so that a county road commission has been created and appointed and has charge of the road work of such township or road district, and there should be in the same county in which said township or road district is located another or other townships which avail themselves of the privileges of this act, there shall be no additional county road commission appointed by the board of county commissioners as provided for herein, but the county road commission already appointed shall have charge of the road work in the additional township or townships or road district or districts of said county that may come under the provisions of this act.

Road commissions incorporated.

SEC. 27. That the said county road commission and its successors in office be and they are hereby constituted a body corporate under and by virtue of the laws of North Carolina and by this act,

Corporate name.

under the name and style of County Road Commission, and shall have all powers and authority granted to corporations of like nature by the laws of North Carolina, and by that name may sue and be sued, make contracts, acquire real and personal property by gift or devise, hold, exchange, and sell the same, and exercise such other rights and privileges as are incident to other municipal corporations of like nature, such as the condemnation of land for the construction, widening, or changing of any roads in the county, and such other powers as are necessary to carry out any and all the provisions of this act. The said county road commission shall use the funds derived from the sale of bonds or by levy of special tax, or whatever way derived, as authorized by this act, to locate, construct, reconstruct, surface, repair, improve, and maintain the public highways and bridges in the county, township, or road district under their jurisdiction; shall purchase such materials and purchase and hold, or contract for the use of such tools, machinery, implements, and teams as they may deem necessary for carrying on the road work of said county or township, and perform such other duties as are hereinafter provided for by this act.

Corporate powers.

Use of road funds.

SEC. 28. That it shall be the duty of the said county road commission to take charge of laying out, opening, altering, maintaining, or discontinuing of any and all roads of said county, or of such roads as may be stated in the petition, authorizing the issuing of bonds or of levying special road tax or the formation of a county road commission, that are now maintained or may be maintained by the county as public roads; and it is hereby vested with all powers, rights, and authority now vested in the board of county commissioners and other commissions or boards or other road officials of said county for the general supervision of such roads of said county, and for the construction and repair thereof, by contract or otherwise, as may be deemed best: *Provided*, that if the bonds issued or the special road tax levied under the provisions of this act applies only to a township or road district, then the duties of the county road commission shall only apply to said township or road district.

Location, maintenance, and changes of roads.

Powers and rights vested.

Proviso: bonds of townships and road districts.

SEC. 29. The county road commission shall biennially from the date of its organization elect a chairman and a secretary, who shall hold office for two years and until their successors shall be elected and qualified. All moneys expended by said commission shall be by draft upon the bank or banks which are depositories for the said road fund, and said drafts shall be signed by the secretary and countersigned by the chairman, and shall show upon their face the purpose for which the money is expended. The members of the said county road commission shall receive pay only when acting jointly as a road commission, and such compensation shall be the same as paid to the members of the board of county commissioners of said county.

Organization.

Drafts for expenditures.

Pay of commissioners.



## Vacancies.

SEC. 30. In case of any vacancy caused by death, resignation, or otherwise, of any member of the county road commission, such vacancy shall be filled by the board of county commissioners for the unexpired term, as provided above for regular appointments.

## Continuation of existing road management.

SEC. 31. Those counties or townships or road districts, coming under the provisions of this act, which already have a road commission, or other commission or board which has charge of the road work, or in which the board of county commissioners have charge of the road work, and desire to retain such commission or board to have charge of the road work of said county, township, or road district, then such desire shall be stated in the petition praying for a bond election or special road tax; and if the bond election or special road tax is passed, then said board of county commissioners, or other board of commissions stated in the petition, shall become the county road commission for all the purposes of this act, and shall be required to perform the duties that the county road commission created by this act is authorized to perform; if, however, no desire is stated in the petition praying for a bond election or special road tax that an existing road commission or board or the board of county commissioners shall retain charge of or have charge of the road work in such county, township, or road district, then in that event the county road commission authorized by this act shall be appointed by the board of county commissioners, and such appointment shall abolish the said county, township, or district road commission or board; but all the rights and authority conferred upon such commission or board herewith abolished are hereby conferred upon the county road commission herein enacted.

## Appointment by county commissioners.

## Rights and authorities conferred.

## Road engineer.

## Advice of state highway engineer.

## Books and accounts.

## Cost accounting system.

## Yardage costs.

SEC. 32. The said county road commission is authorized to employ an expert road engineer at such compensation as may be fixed by said county road commission. The county road engineer, however appointed, may request, at any time, the advice of the State Highway Engineer in solving any problem that may arise, either technical, economical, or otherwise, that may be deemed by him to be of benefit to the county, and such advice shall be without any expense to the county or township. It shall be the duty of the engineer of the county, township, or road district coming under the provisions of this act to keep or have kept the necessary books and accounts showing in detail the expenditures for all work done through money derived by bonds issued or special road tax levied for road work in such county, township, or road district. The engineer shall keep or have kept in suitable way a cost accounting system showing the unit cost of various items entering into the construction of the roads, showing when and where the various elements of cost entering into the said work were used, giving the name of the road and the nearest station number to culverts, bridges, etc. It shall be his duty to keep ap-



proximate yardage, costs, and approximate classification of the materials moved in all excavations made for the purpose of building such roads.

Classification of material.

#### RIGHTS OF WAY

SEC. 33. In opening new highways, widening and straightening old roads and repairing same, the county road commission created by this act, or any other road commission or board, or the board of county commissioners, having charge of the road work in any county, township, or road district, or the State Highway Commission, is hereby authorized through its agents to enter upon any land and locate and build such highways. If the said commission or board and the owner or owners of said land cannot agree as to the damages, if any, the said commission or board shall, after sixty days after said highway is completed, cause to be summoned three disinterested freeholders of said county who shall go upon the land and assess the damages and benefits under the general law as it now exists. *Provided, however*, that before entering upon lands as authorized by this section it shall be the duty of the said commission or board to serve notice upon the owner or owners of said land, notifying them that the highway is to be located upon said land under authority of this act; and *Provided further*, that in assessing the damages sustained by any landowner, the jury shall take into consideration the special benefits, if any, accruing to the landowner, and in determining such benefits consideration shall be given to the benefits the landowner has derived from the fact that any old road right of way has reverted back to said landowner by reason of the relocation and construction of the new road; and if such benefits shall exceed the damages, then the amount of such excess of benefits shall be assessed against the landowner and shall constitute a lien upon the land adjoining the road, and shall be collected by the sheriff in the same way as public taxes; and it is *Provided further*, that no suit shall be instituted by the landowner for damages on account of location of the road under this act or the taking of timber or material until after sixty days after the completion of the road across the lands of such landowner, and no suit shall be brought by any landowner unless the same is commenced within six months after the completion of the road by or across the lands of the claimant; and *Provided further*, that either party may appeal to the Superior Court for the assessment of damages and benefits, where the matter shall be heard by the court and jury *de novo*. No cost shall be awarded against any county or township upon appeals when the recovery awarded through such appeal is not more favorable to appellant than the award of the referees.

Entry on land for location and construction.

Procedure for assessment of damages.

Proviso: notice to landowners.

Proviso: special benefits.

Excess of benefits a lien on lands.

Proviso: time for bringing suit.

Proviso: right of appeal.

Costs on appeals.

SEC. 34. The county road commission created by this act, or any other road commission or board, or the board of county commissioners, having charge of the road work in any county, town-

Entry on land for material.

	ship, or road district, or the State Highway Commission, is hereby authorized through its agents to enter upon any land in said county, to cut and carry away any timber except trees or groves on improved land planted or left for shade or ornament, dig or cause to be dug and carry away any gravel, sand, clay, dirt, or stone which may be necessary for the proper repair and construction of roads in said county, and make or cause to be made such drains or ditches upon any land adjoining or lying near any road in said county that the said commission or board may deem necessary for the better condition of the road; and the drains and ditches so made shall not be obstructed by the occupants of such lands or any other person; and that any person obstructing such drains or ditches shall be guilty of a misdemeanor: <i>Provided, however</i> , that before entering upon land as authorized by this section, it shall be the duty of the said commission or board, through its representative, to serve notice upon the owner or owners of said land, notifying them that certain material authorized to be taken by this section is required for the road work.
Drains or ditches.	
Obstructing drains or ditches misdemeanor. Proviso: notice to landowner.	
Timber shading roads.	SEC. 35. That the county road commission or other commission or board having charge of the road work in any county, township, or road district, or the State Highway Commission, through its agents is hereby authorized to enter upon any land adjoining or bordering on any county road and cut the trees on such land for a distance in width of not over thirty (30) feet from the edge of the right of way of said road: <i>Provided</i> , that this is necessary for the maintenance of said road; and <i>Provided further</i> , that they shall not cut trees or groves on improved land planted or left for shade or ornament: <i>Provided</i> , due compensation shall be made for any damage sustained by the landowner, to be ascertained under the same rules and regulations provided in section thirty-three of this act.
Proviso: necessity. Proviso: trees for shade or ornament. Proviso: compensation.	
Presentation of claims.	SEC. 36. The owner of any land from which any timber or other material has been removed may present to the authorities his claim therefor in writing, and upon such presentment it shall be the duty of the said authorities to set a day not later than thirty days thereafter for the purpose of hearing and determining such claim. Upon the hearing and determinations thereof, the claimant may appeal to the Superior Court of said county to have his cause tried as in other civil cases.
Hearing.	
Right of appeal.	
Width of highways.	SEC. 37. The highways in any county, township, or road district constructed or improved under this act shall have a right of way of not less than forty feet, except where the road authorities or State Highway Commission deem it impracticable to acquire such width, and in such cases the width shall be as determined by said authorities. The alignment of the road shall be as straight as practicable and with no grade over four and one-half per cent, except as such grade is considered impracticable by the road engineer.
Alignment.	
Grade.	

SEC. 38. That any moneys on hand in any county treasury or in the hands of any county treasurer or in any township or road district treasury, or in the hands of any township treasurer to the credit of the road funds of such county or township or road district at the time the location, construction, repair, and maintenance of the public roads in said county, township, or road district comes under the provisions of this act, shall be turned over to the bank or banks designated as the depository for the road fund of said county or township or road district by the board of county commissioners, or other authorities having charge of such funds, and shall become part of said road fund and shall be expended for the construction of the roads in said county, township, or road district as provided in this act. That whenever the construction of the roads of any county or township or road district come under the provisions of this act, any teams, material, machinery, tools, supplies, or any property whatsoever belonging to the county or township or road district shall be turned over to the county road commission herein provided for, to be used by them for and in whatever way they deem best in constructing or improving the roads of said county or township or road district: *Provided*, that when the bonds issued or special road tax levied only applies to a township or road district then only such teams, materials, machinery, tools, supplies, or other property as belong to said township or road district shall be turned over to the county road commission.

Deposit of money  
on hand.

Transfer of  
equipment and  
supplies.

Proviso: town-  
ships and road  
districts.

#### COUNTY-LINE ROADS

SEC. 39. When the proper location of any public road is such as to cause it to run along the dividing line between two counties or to traverse first a part of one county and then a part of the other county, thus making the road a "county-line road," then a representative or representation of the county road commission of each county, or, in case the county has no road commission, then of the board of county commissioners, shall, together with representation of the State Highway Commission, meet on the first Wednesday in March or as soon thereafter as practicable of each year and determine the amount necessary to maintain for the succeeding year the said "county-line road" in a proper manner, and also determine the best method of expending such sum in the most economical manner to accomplish the desired result; and each county commission shall then provide from the road funds at its disposal an amount equal to one-half of that previously determined as necessary to maintain said road in a proper manner, and shall use such sum in the maintenance of said road in such manner as may have been determined by the representatives of said commissions. In case the county commission desires and requests in writing that the State Highway Commission supervise

County line  
roads.

Joint action.

Apportionment  
of expense.

Supervision by  
state highway  
commission.

and take charge of the maintenance of said "county-line road," then the said sum provided for the maintenance of said road by the said county commissions shall be placed by the said commissions at the disposal of the State Highway Commission, to be used for the maintenance of said road.

Construction by  
one county of  
county line roads.

SEC. 40. When the survey for the location of a road is completed and it is found that the road when constructed will follow the dividing line between two counties or traverse first a part of one county and then a part of the other county, and thus making such a road a "county-line road," and satisfactory arrangements cannot be made between the road officials of the two interested counties for the construction of said "county-line road," then the road officials of the county desiring the construction of said road are hereby authorized to build said road, including that portion wholly within the other county, and pay for same out of the road funds of their county, and the road thus constructed shall become a public road of both counties and shall be maintained as provided in section thirty-nine for "county-line roads."

Maintenance.

Extension of  
work to adjoining  
counties.

SEC. 41. When the county road commission or any other commission or board that has charge of the road work of any county have built a road to a county line of an adjoining county, which does not contain any connecting road, or if such connecting road is one that is in poor condition, and thus there is a gap between the said county line to a good road in the adjoining county, and satisfactory arrangements cannot be made between the road officials of the two interested counties for the construction of a road connecting the two roads mentioned above, then the county road commission or other commission or board having charge of the road work of the county desiring the construction of said road to make said connection, and when necessary the board of county commissioners, are herewith authorized to build said connecting road in the adjoining county and pay the cost of such construction out of the road or other funds of the county desiring the construction of said road, and the road thus constructed shall become a public road of the county in which it is located, and shall be maintained by said county in which it is located in a manner to be approved by the State Highway Commission.

Maintenance.

Work in municipi-  
palities.

SEC. 42. That county road commission provided for in this act, and any other commission or board having in charge the road work in any county or township of said county, or in any road district, is herewith authorized to expend a portion of the funds available for road work in said county, township, or road district upon the public roads of any incorporated town within said county, township, or road district having a population, as shown by the latest available Federal census, of less than twenty-five hundred (2,500), and that portion of any street or road in an incorporated city or town having a population of twenty-five hundred (2,500) or more, along which the houses average more than



two hundred (200) feet apart, whenever in their judgment the construction of such road within said incorporated city or town is to the interest of the county, township, or road district: *Provided*, that the board of aldermen or other governing body of said city or town agrees to the county road commission or other commission or board having charge of the road work for the county, township, or road district, to have full charge of the road work in said city or town as authorized by this section.

Proviso: charge of work.

#### LABOR TAX

SEC. 43. In those counties where the able-bodied men are required to work a certain number of days on the public roads of the county or township of such county, the labor of such men shall be under the jurisdiction and supervision of the county road commission, and the men shall be worked at such time and in such manner as said road commission may direct, in conformity with the county or township law governing such labor, except in so far as the following provision amends such laws: *Provided*, that all able-bodied men of any county or township that are subject to work on the public roads of said county or township may be called out by the county road commission to work on such roads any time during the year for three consecutive days until the required number of days are worked out, and the work-year shall begin with the first day of January: *Provided, however*, that no man shall be called upon for more days work than is prescribed in the act authorizing such labor in said county or township; and *Provided further*, that any able-bodied man required to work on the roads may, in lieu thereof, pay to the chairman of the county road commission a sum equal to seventy-five cents (75c) per day for the number of days he may be required to work; and in such case he shall be relieved from all labor on the roads: *Provided, however*, that such sum is paid to the county road commission prior to the time he is called upon to work the roads. Any able-bodied man subject to work on the road who fails to report for work at the time called upon by the county road commission, or refuses to work as required by the county road commission, and has not paid to the county road commission the required sum in lieu of such labor, unless prevented from reporting for such duty by illness or other cause beyond his control, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five dollars (\$5) or more than twenty-five dollars (\$25), or imprisoned not less than five (5) or more than ten (10) days.

Supervision of free labor.

Proviso: road duty.

Work year.

Proviso: limit of work.

Proviso: commutation.

Proviso: time of payment.

Failure to attend and work misdemeanor.

Punishment.

#### PRISONERS ON ROADS

SEC. 44. Any person in any county that has a county road commission appointed under the provisions of this act, who shall be

Convicts assigned to road work.



Selection of work.	convicted in any of the courts of said county, Superior, justice's, or mayor's courts, and sentenced to work on the public roads, shall be assigned into the custody and control of the county road commission by the board of county commissioners, when said board is so requested by the county road commission. Said prisoners while in the custody and under the control of the said county road commission shall be employed on such road work as may be deemed best by the county road commission, and the expense of maintaining and guarding said convicts while so employed may be paid by the board of county commissioners out of the general fund of the county upon vouchers approved by the chairman and secretary of the county road commission. The county road commission shall have direct supervision of the care, feeding, and clothing of said prisoners, and shall provide the necessary sleeping quarters and camps necessary for the proper care of said prisoners. All prisoners' camps shall be maintained in a sanitary manner approved by the State Board of Health. The county road commission is also authorized, in their care and working of convicts, to divide the prisoners into classes or groups according to the character of the prisoner, and work any and all such prisoners as they deem best without guards and without stripes. Prisoners worked in this manner, without guards and stripes, shall be known as "Honor Prisoners," and shall be entitled to receive a reduction of at least twenty-five per cent (25%) and not more than fifty per cent (50%) of the time they are sentenced for satisfactory work and good behavior.
Maintenance and safe-keeping.	
Supervision of convict force.	
Sleeping quarters and camps.	
Approval of state board of health.	
Classification of prisoners.	
Honor prisoners.	
Reduction of sentence.	

#### ROAD STATISTICS

Reports to State highway commission.

SEC. 45. As it is necessary for the State Highway Commission to know as accurately as possible the number of miles and type of construction of the roads in each county in order to enable the State Highway Commission to supply the Secretary of Agriculture of the United States with the information he desires in connection with the operation of the Federal Aid Road Act, and to enable the State Highway Commission to carry on its work most efficiently and effectively, the chairman of the county road commission, or the chairman of whatever board or commission that has charge of the road work in such county or township of each and all the counties and townships of the State, is herewith authorized and directed to furnish to the State Highway Commission, upon blanks to be provided by said State Highway Commission, the number of miles of each type of road constructed, number of bonds issued, and amount of tax levied, and such other information and statistics regarding the road work of the county or township under his jurisdiction as the State Highway Commission may deem necessary.

## GUARD RAILS

SEC. 46. That the county road commission of any county, or whatever board has charge of the roads and road work of any county or township or road district in said county, are herewith authorized and directed to provide suitable means to insure the safety of the public traveling over the roads of such county, township, or road district, by erecting, whenever it is considered necessary, substantial railings, walls, or other suitable structures for this purpose. If road officials of said county or township or road district fail to provide such satisfactory measures of insuring the safety of those traveling the roads of such county, township, or road district, then upon petition of twenty (20) freeholders of the county, township, or road district who are frequent patrons of the road in question, the said county road commission, or whatever commission or board has charge of the road work of said county, township, or road district, shall, within ten (10) days after receipt of said petition, begin erecting such satisfactory railing, wall, or other suitable structure for this purpose: *Provided*, that if in the judgment of the county road commission, or whatever commission or board has charge of the road work of said county, such railings, walls, or other suitable structures are not needed, then they shall advise with the State Highway Commission, and if such commission deems such railings, walls, or other suitable structure necessary for the protection of the patrons of the said road, the county road commission or other said commission or board shall erect such railings, walls, or other suitable structures as called for in the petition.

Guard rails.

Petition for guard rails.

Proviso: consultation with state highway commission.

Erection of guard rails.

## ROAD INSTITUTE

SEC. 47. The members of the county road commission of any county, or the members of whatever commission or board who have charge of the road work in any county, township, or road district, are herewith authorized to attend the road institute held annually at the University of North Carolina, and the county road commission of any county, or whatever commission or board has charge of the road work in any county, township, or road district, are herewith authorized to detail any and all persons employed by said county in connection with the road work of said county, township, or road district to attend said institute, when in their judgment such attendance will inure to the benefit of the road work of said county, township, or road district; and the said road commission, or other commission or board, is herewith authorized to pay the expenses of the members of said county road commission or board, and other persons detailed to attend said road institute, out of the funds of the said county, township, or road district.

Commissioners to attend road institute.

Detail of employees.

Payment of expenses.

## TO CREATE A ROAD DISTRICT

Creation of road districts.	<p>SEC. 48. Whenever it is desired to create a road district in any county, and provide funds for the location, construction, reconstruction, or maintenance of roads within such district, such road district may be created in the following manner: Upon petition of twenty-five (25) freeholders living within the area of a proposed road district, which petition shall give the boundaries of the proposed district, together with the amount of bonds it is desired to issue for the district, or the amount of special tax it is desired to issue for the district, or the amount of special tax it is desired to levy upon the proposed district, and when said petition is presented to the board of county commissioners it shall be the duty of the board of county commissioners of any county, upon receipt of such petition, to provide for holding an election at the next election of county officers, or at any other time not less than thirty (30) days from the date of such order, which shall be designated therein, to open the polls and take the sense of the qualified voters living within the boundaries of the proposed road district on the question of whether the board of county commissioners of said county in which the proposed road district is located shall issue the bonds called for in the petition, or levy the special tax called for in the petition provided that there is included in the petition the approximate number of miles of road it is proposed to improve by such bond issue or special tax; but no election shall be held until the board of county commissioners has been notified by the State Highway Commission in writing that the amount of bonds proposed to be issued or special road tax proposed to be levied will be sufficient to construct, alter, or improve approximately the number of miles of road proposed to be improved; and <i>Provided further</i>, that the approximate amount of bonds proposed to be issued as called for in the petition, together with all bonds previously issued and remaining unpaid by said county for which the property of the road district is liable, shall in no case exceed an amount equal to ten per cent (10%) of the total assessed valuation of the area included within the proposed road district. In case the petition for a road district calls for an election, the board of county commissioners shall proceed to call, hold, and report the election as hereinbefore provided for in the election in townships; and in case the result of the election is in favor of road bond issue or special road tax, then the said board of county commissioners shall declare the road district created, and proceed to carry out the wishes of the people of the district in regard to the issuing of bonds or the levying of special tax heretofore provided for townships or road districts.</p>
Petition.	
Details of petition.	
Order for election.	
Proviso: estimate of work.	
Endorsement by state highway commission.	
Proviso: limit of amount of bonds.	
County commissioners to call, hold, and report election.	
Effect of election.	

## SPECIAL ROAD DISTRICT

SEC. 49. A county road commission of any county, or whatever commission or board that has charge of the road work of any county, shall have authority and power as hereinafter provided to cause to be relocated, constructed, reconstructed, or improved any public road of the county, or any part of such road, upon petition signed by the owners of sixty per cent (60%) of the land area in each and every subdivision hereinafter provided for; and the board of county commissioners are authorized and directed as hereinafter provided to levy and cause to be collected an assessment upon all lots, tracts, and parcels of land specially benefited by such improvement, for paying two-thirds of the cost and expense thereof, as hereinafter provided, which assessment shall become a first lien upon all property liable therefor prior and superior to all other liens and encumbrances, and to provide for the payment of such assessment either on the immediate payment plan or by installments, and to issue local road district warrants or bonds for such installments.

Roads in subdivisions.

Petition for road work.

Assessments for expense.

Lien on property.

Payment of assessments.

SEC. 50. The owners of sixty per cent (60%) of the land area in each and every subdivision hereafter provided for adjoining such county road or part thereof sought to be improved in any county in this State may present to the county road commission or whatever commission or board that has charge of the road work of any county, a petition setting forth that the petitioners are such owners, and that they desire such road or part thereof to be improved under the provisions of this act, the particular road or portion thereof sought to be improved, the kind and nature of the improvement desired, and the mode of payment of the assessments to be levied for defraying the cost and expenses of such improvement, and the maximum cost of the proposed improvement.

Petition of land-owners.

Details of petition.

SEC. 51. Upon the presentation of a petition as provided in sections forty-nine and fifty of this act, the county road commission, or whatever commission or board that has charge of the road work of any county, shall forthwith proceed to carry out the wishes of the petitioners: *Provided*, that before the county road commission, or whatever commission or board that has charge of the road work of any county, shall act upon said petition the register of deeds shall certify to the commission that the petition represents at least sixty per cent (60%) of the land area in each and every subdivision hereinafter provided for adjoining the county road proposed to be improved; and *Provided further*, that the county road commission, or whatever commission or board that has charge of the road work of any county, shall, through its engineer, examine and survey and make plans and specifications and estimate of the cost of such construction and improvement as is desired by the petitioners; and if two-thirds of the estimated

Wishes of petitioners carried out.

Proviso: certificate by register of deeds.

Proviso: examination and estimate of cost.

Rejection of petition.



Determination of lands specially benefited.	cost of such improvement is greater than the amount stated in the petition, then the county road commission, or whatever commission or board that has charge of the road work of any county, shall reject such petition, except that they are authorized to do the work petitioned for: <i>Provided</i> , that the total assessment charged against the property owners shall not be greater than the amount named in the petition. The engineer shall examine and determine the lands that will be specially benefited by such improvement and which should be included within the local district to be assessed to defray the cost and expense of such improvement and to prepare the estimate rolls as hereinafter provided; the engineer shall also determine the cost of right of way, if any, for that portion of the road that it is necessary to relocate.
Cost of right of way.	As soon as the engineer has completed his report he shall present same to the county road commission, or whatever commission or board that has charge of the road work of such county, at their next meeting.
Report of engineer.	SEC. 52. Such local road districts shall be constituted and the boundaries thereof fixed as follows: "The road or portion thereof to be improved, coterminous with the improvement, shall be the central line through the district, and the bordering lands on each side, and within a distance of half a mile from the margin of said road and coterminous with the construction work or improvement, shall be included in and constitute the body of the local road district, and shall be subject to assessment to the extent above provided. For the purpose of making an equitable apportionment of the assessment, such local road district shall be divided longitudinally into three parts, as follows: All land on both sides of said road, or portion thereof, to be improved, and within a distance of eight hundred and eighty feet from the margins thereof, shall constitute the first subdivision; all the land outside of the first subdivision and within eight hundred and eighty feet from the exterior margins thereof shall constitute the second subdivision; and all the land outside of said second subdivision and within eight hundred and eighty feet from the exterior margins thereof shall constitute the third subdivision. Each separate tract or parcel of land in said first subdivision shall be assessed and be subject to a charge for a proportional part of forty-five per cent of not over two-thirds of the cost of the construction work or improvement of said road, including said incidental expenses, and it shall be subject to a lien therefor until it shall be paid; each separate tract or parcel of land in said second subdivision shall be assessed and subject to a charge for a proportional part of thirty-five per cent of not over two-thirds of the cost and expense of said construction work or improvement, and be subject to a lien therefor until it shall be paid; each tract or parcel of land in said third subdivision shall be assessed and subject to a charge for a proportional part of twenty
Constitution and boundaries of local districts.	
Apportionment of assessment.	
First subdivision.	
Second subdivision.	
Third subdivision.	
Charge on first subdivision.	
Second subdivision.	
Third subdivision.	



per cent of not over two-thirds of the cost and expense of said construction work or improvement, and be subject to a lien therefor until it shall be paid. The charge upon the several separate tracts or parcels of land in each subdivision shall be assessed ratably according to the front foot plan, that is to say, one foot of longitude measured along the road constituting the center of such improvement district and extending latitudinally across the subdivision shall be taken as the unit by which to determine the proportion of the assessment, so that a unit in each subdivision will be eight hundred and eighty square feet of superficial area. If the areas of said subdivisions are not equal to each other, the rates fixed for each subdivision shall be fixed on the basis that the benefit conferred on eight hundred and eighty square feet of land in subdivisions first, second, and third are related to each other as are the numbers forty-five, thirty-five, and twenty, respectively. This section is to imply that the property on each side of said road shall bear one-third of the cost and the county one-third.

Charges assessed  
ratably.

Apportionment  
of costs.

SEC. 53. The county road commission, or whatever commission or board that has charge of the road work of any county, shall at their next meeting after the completion of the engineer's report relating to local road districts consider such report, and if it shall appear from said report that the whole amount of the cost and expense of said construction or improvement, and, together with any cost for right of way chargeable as a lien against the property specially benefited within such local road district, comes within the amount specified in the petition, the said county road commission, or whatever commission or board that has charge of the road work of any county, shall make and enter upon their records an order that the said improvement be made, and creating such local road district for the payment of said cost and expenses of making said improvement, by special assessment of the property in said district specially benefited, according to said engineer's report, be known and designated "Local Road District, No. ...., in ..... County, North Carolina," and such report shall be kept on file in the office of the county road commission, or whatever commission or board that has charge of the road work of any county.

Consideration of  
report.

Order for im-  
provement and  
for creation of  
road district.

Official designa-  
tion.  
Report kept on  
file.

SEC. 54. After the making of such order and directing the making of such improvement and establishing such local road district, the county road commission, or other commission or board having charge of the road work of said county, shall proceed to do the work under the same provisions and conditions as they are authorized to carry on road work for townships and counties.

Execution of  
work.

SEC. 55. When the final order for said improvement in the local road district shall have been made, the county road commission, or whatever commission or board that has charge of the road work of said county, through its engineer or other representative

Apportionment of  
expense.

Assessment roll.	shall proceed to apportion the estimated cost and expenses of said improvement upon the land embraced in said local road district according to the benefits to be derived therefrom, and not more than thirty (30) days after the beginning of work on said improvement report to and file with the board of county commissioners an assessment roll in duplicate, which shall contain a description of each lot or parcel of land or part thereof to be assessed. The amount to be charged, levied, or assessed against each lot or parcel of land or part thereof, in proportion to the special benefits to be derived by each such lot or parcel or part thereof from such improvement, and the name of the owner of each such lot or parcel of land or part thereof, if known; but in no case shall a mistake in the name of the owner be fatal when the description of the property is correct. As
Notice of hearing.	soon as said assessment roll shall have been so reported and filed, the board of county commissioners shall cause notice to be published for three consecutive weeks, which notice shall be published in a newspaper of the county, or, in case there is no newspaper in the county in which the local road district is located, then in a newspaper of an adjoining county, notifying all persons interested that said assessment roll has been filed, and requiring them to appear at the office of the board of county commissioners, at the county courthouse, at a time not less than fifteen days from the date of the last issue of said publication of said notice, and make objections thereto, if any they have. At
Confirmation.	the time fixed the board of county commissioners shall meet, and, if no objections have been filed to said assessment roll, they shall make and enter an order confirming the same; but if objections in writing have been filed by any of the land owners affected thereby the board of county commissioners shall proceed to hear such objections, and for that purpose shall hear any testimony that shall be offered by any party interested, and either one of the board of county commissioners shall be authorized to administer oaths to witnesses. After such hearing they
Hearing on objections.	shall make such corrections and changes, if any, as to them shall appear just and requisite to apportion the assessment to the benefits to be received from such improvement, and shall then make and enter an order approving and certifying such assessment roll, and levying and assessing the amounts thereof against each and all of the lots and parcels of land, or parts thereof, respectively, included in said roll as approved, and the same shall become a first lien thereon: <i>Provided</i> , that any landowner may
Corrections.	appeal to the Superior Court from the decision of said board, on giving an appeal bond in the sum of one hundred dollars, but such appeal shall not hinder or delay the carrying out of the provisions of this act. The cost and expenses of survey and of all preliminary proceedings and all other expenses included in
Approval of roll.	
Levy of assessments.	
Proviso: right of appeal.	
Payment of expenses.	

organization of the local road district, and for the preparation, issuance, and disposal of the bonds or warrants for the payment of cost and expense of such improvements, and for the cost of the improvements for the construction and reconstruction of the road in said local district shall be paid out of the road fund and the general fund of the county in a ratio one to two; that is, one-third of all cost and expenses mentioned above shall be paid out of the road fund of the county by the county road commission, or whatever commission or board that has charge of the road work of said county, and the other two-thirds out of the general fund of the county; this latter being repaid in the assessments collected from the owners of the land jointly, under this act, in the local road district.

SEC. 56. All roads laid out, constructed, or reconstructed or improved under the provisions of this act shall, after their construction, be maintained by the county road commission, or other commission or board having charge of the public roads of said county. Maintenance of roads.

SEC. 57. There shall be two methods of making payment of the special assessment chargeable against the several tracts and parcels of land included in the local road district authorized under this act, namely, that of "immediate payment" and that of "payment by bonds or warrants"; the method to be adopted and the period not exceeding ten (10) years over which such bonds or warrants shall be made payable shall be that petitioned for as authorized herein. In case the payment of such assessments in local road districts is to be by the method of "immediate payment" the board of county commissioners shall, as soon as such assessment roll has been approved and certified, deliver the same to the sheriff of the county for the collection of such assessments. The sheriff shall give notice by publication for two consecutive weeks in a newspaper in the county, or, in case there is no paper in the county in which the local road district is located, then in a newspaper of an adjoining county, and shall mail a copy of such notice to the owners of the property assessed when the name of such owner and his postoffice address is known; but the failure to mail such notice shall not be fatal when publication thereof is made; which said notice shall state that such assessment roll has been certified to him for collection, and that unless payment is made within thirty days from date of such notice such assessment will become delinquent and shall bear interest at the rate of six per cent per annum; and if not paid before such assessment shall have become delinquent, a penalty of five per cent shall be added, and the sums delinquent shall be added on the annual tax roll for the current year against each lot, tract, and parcel so delinquent, and, with the interest and penalty, collected as other taxes, separate account being Methods of payment. Method adopted by petition. Collection of immediate payments. Notice for payment. Penalty for non-payment. Collection as taxes.

Sale of land.	<p>kept thereof; and if not paid within the time fixed for the payment of general county taxes, shall be collected as such taxes are collected, together with such additional charges and penalties as are authorized to be charged and collected on other delinquent taxes; and each lot, tract, or parcel so delinquent shall be sold for the amount of such assessment, with interest, penalty, and costs at the time and in the manner and by the same authority and process as lands and lots are sold for general county taxes.</p>
Payment by bonds or warrants.	<p>SEC. 58. In case the method of payment is to be "payment by bonds or warrants," the board of county commissioners, after the assessment roll has been approved and certified as hereinbefore provided, shall, at the time of levying said assessment and in their order making such levy, provide and declare that the sum charged thereby against each of such tracts or parcels of land in said local road district may be paid in equal annual installments, with interest upon the whole sum so charged at the rate fixed in said order, specifying the number of such installments, which shall be equal to the number of years which the bonds or warrants issued to pay for the improvement may run before payment of the same may be demanded by the holder thereof; and each year thereafter the sheriff shall collect one of said installments, together with the interest due thereon, and all installments thereafter to become due in the same manner and with the same added penalty and interest, in case of delinquents, and by means of the same proceedings to enforce such payments by the sale of the land, and as hereinbefore provided for the collection of said assessment by the method of "immediate payment."</p>
Assessments paid by installments.	
Collections.	<p>SEC. 59. The board of county commissioners shall make and enter an order authorizing and directing the issuance of such warrants or bonds of the local road district that has been authorized by the petition for the improved road work in said district, which by their terms shall be made payable on or before a date not to exceed ten years from and after the date of their issue, which latter date may be fixed by the order, and payment of which shall not be demanded by the holder thereof until the end of said period, and they shall bear such interest as shall insure their being disposed of at par and as may be provided for in said order, not exceeding six per cent per annum, which interest shall be payable annually, and each warrant or bond shall have attached thereto interest coupons for each interest payment. Such warrants or bonds shall bear the date of issue and be made payable to bearer. The warrants or bonds and each coupon shall be signed by the chairman of the board of county commissioners, and shall be attested by the clerk of said board, and the seal of such board shall be affixed to each warrant or bond, but not to the coupon: <i>Provided</i>, that each coupon may</p>
Order for issuance of bonds.	
Interest.	
Date. Authentication.	
Proviso: coupons.	



be signed by facsimile signatures of said officers. Such warrant or bond shall be printed, engraved, or lithographed on good bond paper, and state on its face that it is issued in accordance and compliance with this act, designating the same by title and date of approval. Such warrants or bonds shall be in denominations of not less than one hundred or more than one thousand dollars, and they shall refer to the improvement to pay for which the same shall be issued, and to the order and record thereof authorizing the same, and shall bear upon its face the designation of the local road district, thus, "Local Road District, Number .....in .....County, North Carolina." Denominations.

The principal sum named in the warrant or bond, and the interest thereon, shall be payable out of the general fund of the county, the same to be reimbursed as the assessments are collected by the sheriff from the assessment on the lands in the local road district. Such warrants or bonds shall not be issued in excess of the amount named in the petition requesting organization of the local road district. Designation of district.  
Payable from general fund.  
Limit of amount.

SEC. 60. In case the payment of the assessments provided for in the previous sections is by such special warrants or bonds, then the sheriff shall give notice by publication for two consecutive weeks in a newspaper of the county, or in case there is no newspaper published in said county, then in a newspaper of an adjoining county, and shall mail a copy of such notice to the owner of the property assessed, when the name of such owner and the postoffice address is given; but the failure to mail such notice shall not be fatal when publication thereof is made; which said notice shall state that such assessment roll has been certified through the sheriff for collection, and that unless payment of the whole amount of such assessment is made within thirty days from the date of such notice special warrants or bonds will be issued against said property for the payment of said assessments, and thereafter the same will be payable in annual installments, with interest thereon at the rate provided for in said warrants or bonds. At any time within such thirty days any owner of lands within such local improvement district may pay the said assessment chargeable against said owner's lands, and release and discharge the same therefrom and from the operation and effect of such warrants or bonds; and no warrants or bonds shall be issued until twenty days after the expiration of such thirty days, nor for any amounts of such assessment so paid in full within such thirty days. The owner of any such lands may redeem the same from all liability for such assessment at any time after said thirty days by paying the entire installments of said assessment remaining unpaid and charged against such lands at the time of such payment, with interest and all charges thereon to the date of the maturity of the in- Notice for issuance of bonds.  
Payment within thirty days.  
Discharge of liability.



Payment to  
sheriff.

stallment next falling due. In all cases where any assessment or any installment thereof is paid as herein provided, the same shall be paid to the sheriff, and such funds shall be paid over by the sheriff into the general fund of the county.

Definition of  
terms.

SEC. 61. That when provision is made by any section of this act for some other commission to have charge of the road work of any county, township, or road district, as provided for in this act, then such commission shall for the purposes of this act be considered as the "county road commission" of such county, township, or road district, and all the duties and authorities conferred upon the "county road commission" authorized by this act are herewith conferred upon such commission acting as the "county road commission"; and wherever the words "county road commission" are used in this act they shall be construed to mean such other commission as has been conferred with the authority and duties of the "county road commission" as authorized by this act. That whenever the word "owner" is used in this act, it shall be construed to mean "owner or owners, guardian of infants, idiots, lunatics, or inebriates owning lands, or agents for nonresident owners of land in this State, or other persons whose property rights may be materially affected."

Private or local  
laws not repealed.

SEC. 62. That this act shall not be construed so as to repeal any private or local law enacted for the purpose of construction, altering, or improving the public roads of any county.

SEC. 63. That this act shall be in force from and after its ratification.

Ratified this the 7th day of March, A. D. 1917.

## CHAPTER 285

AN ACT TO AMEND SECTIONS OF THE REVISAL OF 1905 AND CERTAIN CHAPTERS OF THE PUBLIC LAWS OF 1907, 1911, 1913, AND 1915, BEING PARTS OF THE PUBLIC SCHOOL LAW.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section four thousand one hundred and twenty-nine of the Revisal of nineteen hundred and five be and the same is hereby amended as follows: (a) by inserting after the word "townships" and before the word "into," in line two of said section, these words: "or the entire county or any part of the county"; (b) by inserting after the word "practicable" and before the word "it," in line three of said section, these words: "and said board is hereby authorized and empowered to redistrict the entire county or any part thereof and to consolidate school dis-

County divided  
into school dis-  
tricts.

Redistricting.

tricts wherever and whenever in its judgment the redistricting or the consolidation of districts will better serve the educational interests of the township, or the county, or any part of the county."

SEC. 2. That section four thousand one hundred and forty-one of the Revisal of nineteen hundred and five be and the same is hereby amended by inserting after the word "jurisdiction" at the end of line fourteen, and before the word "unless" at the beginning of line fifteen of said section, the words: "He is hereby re-  
Superintendent to report monthly.  
 quired to make at the end of each calendar month during the year a brief report to the county board of education, setting forth a statement of his work and activities and of the educational progress in the county for the month. This report shall be  
Blanks furnished.  
 made upon blanks prepared and furnished by the State Department of Public Instruction, and a copy of each monthly report  
Copy to state superintendent.  
 shall be sent to the State Superintendent of Public Instruction.

SEC. 3. That section four thousand one hundred and forty-five of the Revisal of nineteen hundred and five be and the same is hereby amended by inserting after the word "men" and before the word "of," in line five of said section, the words: "of good moral character and"; and that chapter one hundred and forty-nine, Public Laws of nineteen hundred and thirteen, be and the same is hereby amended by inserting after the word "intelligence" and before the word "and," in line sixteen on page two hundred and thirty-seven, Public Laws of nineteen hundred and thirteen, the words: "good moral character."

SEC. 4. That chapter eight hundred and twenty, Public Laws of nineteen hundred and seven, be and the same is hereby amended as follows: By inserting after the word "act" and before the word "the," in line four of section ten of said chapter, these words: "The State Board of Education is hereby authorized to reserve annually out of this appropriation an amount not to exceed five hundred dollars, to be paid out upon the requisition of the State Superintendent of Public Instruction in defraying a part of the necessary expense incurred in connection with the supervision and inspection of public high schools receiving aid under the provisions of this act."  
Reserve fund for high schools.

SEC. 5. That chapter one hundred and thirty-five, Public Laws of nineteen hundred and eleven, be and the same is hereby amended by inserting after the word "districts" and before the word "in," in line four of subsection (j) of section one of said chapter, these words: "urban and rural and to consolidate such districts"; and further amend said subsection (j) by striking out at the end thereof the following words: "in which the same rate of special taxation for schools is levied," and inserting in lieu thereof the following words: "county boards of education of any two contiguous counties are hereby authorized to transfer chil-  
Consolidation of special-tax districts.  
Interchange of pupils by counties.

dren from a school district of one county to the adjacent school district in the other county for the convenience of the children transferred and to arrange by agreement for reasonable compensation out of the county school fund of the county from which such transfers are made to be placed to the credit of the school district in the other county in which the children transferred attend school."

Number of pupils.

Pupils in urban high schools.

SEC. 6. That chapter one hundred and forty-nine, Public Laws of nineteen hundred and thirteen, be and the same is hereby amended as follows: (a) at the end of subsection (m) of section one of said chapter add these words: "There shall be an average daily attendance of not less than twenty pupils for each additional teacher employed"; (b) strike out the word "ten" in line twenty of subsection (f) of section three of said chapter, and insert in lieu thereof the word "twenty."

Deposits of proceeds of bonds.

Proviso: treasurer to receive no commission.

SEC. 7. That chapter fifty-five, Public Laws of nineteen hundred and fifteen, be and the same is hereby amended by adding at the end of section four of said chapter the following words: "The funds derived from the sale of bonds for the benefit of any school district having a bonded treasurer shall be deposited with said treasurer to the credit of such district: *Provided, however,* that no treasurer handling the funds derived from the sale of bonds voted under the provisions of this act shall receive any commission therefor."

Encouragement of home demonstration and club work.

Proviso: limitation.

SEC. 8. That chapter two hundred and thirty-six, Public Laws of nineteen hundred and fifteen, be and the same is hereby amended by inserting after the word "necessary" and before the word "but," in line six of subsection (a) of section five, these words: "and such additional contingent fund as it may deem advisable for the encouragement and support of home demonstration and club work: *Provided,* the amount set aside under this provision shall in no case exceed one-half the amount spent for such purposes in the county."

Salary of chief clerk.

SEC. 9. That chapter two hundred and forty-seven, Public Laws of nineteen hundred and fifteen, be and the same is hereby amended by striking out the word "seventeen" between the word "word" in line four and the word "and" in line five of section one of said chapter, and inserting in lieu thereof the word "twenty."

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

Ratified this the 7th day of March, A. D. 1917.

## CHAPTER 286

AN ACT TO REGULATE THE TREATMENT, HANDLING, AND  
WORK OF PRISONERS.

*The General Assembly of North Carolina do enact:*

SECTION 1. That all persons convicted of crime in any of the courts of this State whose sentence shall be for five years or more shall be sent to the State Prison or State Penitentiary. Prisoners sent to penitentiary.

SEC. 2. The board of directors of the State Prison shall not, nor shall any other authority whatsoever make any contract by which the labor or time of any prisoner or convict sentenced to the State Penitentiary or prison or reformatory, or the product or profit of his work, shall be contracted, let, farmed out, given or sold to any person, firm, association, or corporation; except that the said prisoner or convict may work for and the products of his labor may be disposed of to the State or for or to any public institution owned, managed, or controlled by the State, or for or to any county of the State: *Provided*, the products of the State farms may be sold in the open market for the purpose of making the State Prison self-supporting, as contemplated by the Constitution; and *Provided*, that this section shall not apply to any bona fide contracts already made by the State with any person, firm, or corporation for the use of prisoners or convicts, if such contract is in force. Labor of prisoners and products of work. Proviso: sale of products of state farms. Proviso: contracts in force.

SEC. 3. The board of directors of the State Prison shall, through the superintendent, wardens, managers, or officials of the penitentiary, State farms, or reformatories in the State, so far as is practicable, cause all the prisoners in said institutions who are physically capable thereof to be employed at useful labor not to exceed ten (10) hours of each day, other than Sundays and public holidays: *Provided*, this shall not apply to work on the State farm; and *Provided further*, that not more than nine hours work shall be permitted when prisoners are hired to private persons, firms, or corporations: *Provided further*, this shall not apply to existing contracts heretofore made by this State. Employment at useful labor. Limit of work. Proviso: work on state farm. Proviso: work under contract. Proviso: existing contracts.

SEC. 4. That the board of directors of the State Prison shall direct the classification of all male prisoners committed to their charge into three classes or grades, as follows: In the first class shall be included all those prisoners who have given evidence that they will, or whom it is believed will, observe the rules and regulations and work diligently, and are likely to maintain themselves by honest industry after their discharge; in the second class shall be included those prisoners who have not as yet given evidence that they can be trusted, but are competent to work and are reasonably obedient to the rules and regulations of the institution. Classification of prisoners. First class. Second class.



Third class.	tution; and in the third class shall be those prisoners who have demonstrated that they are incorrigible, have no respect for the rules and regulations, and seriously interfere with the discipline and the effectiveness of the labor of the other prisoners. The men of the first class shall be known as honor men, and when grouped together in camps as hereinafter provided for, the camp shall be known as an "honor camp," and they shall wear a distinctive but not very conspicuous uniform, and shall be worked without guards, and when in prison or camps, or in any other place of detention, they shall not be chained or under armed guards at night. The men of the second class shall wear a conspicuous uniform, and shall be worked under armed guards, but shall not wear chains while at work, but may or may not be chained at night, in the discretion of the superintendent. The men of the third class shall be dressed in stripes, shall be worked under armed guards, wear chains during the day, whenever this is considered necessary, and be chained at night when in camp, and shall be worked as far as possible in stockades, inclosing rock quarries, but may be worked on public roads in camps containing only this class of men, at the discretion of the superintendent, or that may hereafter be made by the General Assembly.
Honor men and camps.	
Uniform.	
Uniform and discipline of second class.	
Dress and discipline of third class.	
Assignment to classes.	SEC. 5. Persons sentenced to the penitentiary or State Prison for the first time shall be placed in the first or second class, but the assignment of a prisoner to any one of the three classes referred to in this act shall not be considered to mean that such prisoner must remain in said class, for a prisoner may be changed from a lower to a higher class or from a higher to a lower class, depending upon the behavior of said prisoner, and it shall be the purpose and intent of this act to direct the board of directors of the State Prison to encourage and assist the men to so improve themselves that they can be transferred from a lower to a higher class or grade.
Changes.	
Commutation.	SEC. 6. The men of the first class shall be allowed a commutation of their sentence of eight days out of every four weeks; those in the second class six days out of every four weeks; but those in the third class shall not be allowed any commutation of their time. The men of the first class shall be allowed ten cents per day for each day they work, and those in the second class five cents per day, and those in the third class two cents per day for each day they work; and said sums shall, in case the prisoner has a family which was dependent upon him, be paid monthly to such family. In case the prisoner has no family, then the moneys earned by said prisoner shall become accumulative, to be paid over to said prisoner at the time of his discharge, or to be drawn upon by said prisoner for the purchase of such things as the prisoner may desire and for other purposes, by and with the approval of the superintendent, except that the men of the third
Allowances.	
Payments to families.	
Earnings of prisoners without families.	



class who have no family dependent upon them shall not be allowed any per diem.

SEC. 7. It shall be unlawful for the board of directors of the State Prison to whip or flog, or have whipped or flogged, any prisoner committed to their charge until twenty-four hours after the report of the offense or disobedience, and only then in the presence of the prison physician or prison chaplain; and no prisoner other than those of the third class as defined in this act shall be whipped or flogged at any time.

Whipping or flogging.

SEC. 8. The sanitary and hygienic care of the prisoners shall be under the direction, supervision, and regulation of the State Board of Health, and all camps and camp equipment shall conform to the plans and specifications of and be approved by the State Board of Health and the State Highway Commission; and the board of directors of the State Prison shall do such things as may be necessary to carry out the recommendations of the State Board of Health. The supervision of the State Board of Health shall apply to the State Prison, the State farms, and county or State camps or other places where the prisoners are confined or housed, and such recommendations as shall be made by the State Board of Health regarding clothes, bedding, tableware, and bathing for the prisoners shall be carried out by the board of directors of the State Prison.

Sanitary and hygienic care.

Camps and camp equipment.

Supervision of state board of health.

SEC. 9. That the prisoner's number shall be used for marking all clothes, bedclothing, beds, and other supplies used by prisoners, so that when such clothes, bedclothing, and supplies are washed and cleaned they shall be always returned for the use of the same prisoner.

Prisoner's number used for marking.

SEC. 10. That the board of directors of the State Prison and the State Board of Health shall have the same supervision of all jails, county camps, and any other places of confinement of county or city prisoners in regard to method of construction, sanitary and hygienic care, as they have over the State Prison.

Supervision of jails and county camps.

SEC. 11. That the board of directors of the State Prison are herewith authorized to work the prisoners committed to their charge on the public roads of the State by organizing State camps for housing and feeding the prisoners while at work on such roads, but the construction of such camps must be in accordance with plans approved by the State Highway Commission and the State Board of Health, and the work of such prisoners must be under the direction and supervision of the State Highway Commission, and said State prisoners shall not be worked on any road where the location of such road has not been approved by the State Highway Commission: *Provided*, that if worked on the public roads of a county at the request of said county, then said county shall pay to the said State Prison Board at least one dollar per day for each prisoner thus worked.

Work on public roads.

Direction and supervision of state highway commission.

Location of roads.

Proviso: payment for work on county roads.

Supervision of  
jails and county  
camps by state  
board of health.

SEC. 11½. The State Board of Health shall have the same supervision of all jails, county camps, or other places of confinement of county or city prisoners in regard to method of construction, sanitary and hygienic care, as they have over the State Prison, and the county and city authorities will carry out the directions of said board of health.

Forfeiture of  
commutation and  
allowance.

SEC. 12. Any prisoner by misconduct or infringement of the rules and regulations of the State Prison, State farm, or State camp in which he is confined shall forfeit for the first offense ten per cent of time that has accumulated and ten per cent of any moneys that may be due him; and in case of continued misconduct or violation of the rules and regulations he shall forfeit all of his accumulated time and moneys, and shall be reduced to a lower grade or class: *Provided*, that any such prisoner losing his time and money and reduced in class may, by good behavior, be restored to his former class or grade, and, at the discretion of the board of directors, have a certain per cent of his time and money credited to him again.

Reduction of  
grade.  
Proviso: restora-  
tion.

Punishment for  
escape.

SEC. 13. In case a prisoner of the first or second class or grade attempts to escape or leaves, without permission, the State Prison, State farm, or State camp, he shall, upon being recaptured or taken, be reduced to the third class or grade and shall permanently lose all his accumulated time and money; and the board of directors of the State Prison are herewith authorized and directed to take every means possible to recapture or retake any man escaping or leaving, without permission, any of the State prisons, camps, or farms, regardless of expense.

Recapture.

Quarters at state  
farm.

SEC. 14. That in order to erect suitable quarters for the prisoners kept at the State farms, the board of directors of the State Prison is herewith authorized and directed to spend a sufficient amount of the funds under the control of the board to pay for the erection of sanitary quarters for the prisoners with individual cells, when cells are deemed necessary, for each prisoner, and the plans and specifications for the erection of such quarters shall be approved by the State Board of Health.

Recreations.

SEC. 15. The board of directors of the State Prison is herewith authorized and directed to arrange certain forms of recreation for the prisoners, and shall arrange so that the prisoners during their leisure hours between work and time to retire shall have an opportunity to take part in games, and attend lectures, and take part in other forms of amusement as may be provided by said board. The said board is also authorized and directed to make such arrangements as are necessary to enable classes to be organized amongst the prisoners, so that those who desire may receive instruction in various lines of educational pursuits. The said board shall utilize, where possible, the services of the prisoners who are sufficiently educated to act as instructors for such

Education.

Prisoners as  
instructors.

classes in education; such services, however, shall be voluntary on the part of the prisoner. The said board is further authorized and directed to make such arrangements as will be necessary so that religious services may be held for the prisoners on Sunday and at such other times as they may deem wise. The attendance of the prisoners at such religious services shall be voluntary. That the provisions of this section shall apply to the State Prison, State farm, and State camps.

Religious services.

Attendance  
voluntary.

SEC. 16. No one addicted to the use of intoxicating liquors shall be employed as superintendent, warden, guard, or any other position connected with the State Prison, State farm, State camps, where such position requires the incumbent thereof to have any charge or direction of the prisoners; and any one holding such position, or any one who may be employed in any other capacity in said State Prison, State farms, or State camps who shall come under the influence of intoxicating liquors shall at once cease to be an employee of any of the said institutions, and shall not be eligible for reinstatement to said position or be employed in any other position in any of the said institutions.

Use of intoxicat-  
ing liquors by  
employees forbid-  
den.

SEC. 17. The prisoners confined at any State Prison, State farms, or State camps who are in the first class or grade authorized by this act shall be allowed general correspondence privileges in so far as such correspondence does not interfere with the work and discipline of the said prison, farm, or camp; prisoners who are in the second class or grade authorized by this act shall be allowed similar but somewhat more restricted correspondence privileges as those in the first class or grade; and prisoners who are in the third class or grade authorized by this act shall only be allowed such correspondence privileges as may be deemed best by the superintendent: *Provided, however*, that any prisoner shall be permitted to write a letter to the Governor of the State at any time he desires, and said letter shall be mailed for him as other letters are mailed.

Correspondence  
privileges.

Proviso: letters  
to governor.

SEC. 18. The board of directors of the State Prison is herewith authorized and directed to establish such rules and regulations as may be necessary for developing a system for paroling prisoners, and are herewith authorized and directed to put into practice such rules and regulations as early as it can be consistently done.

System of parole.

SEC. 19. The various judges of the Superior Courts of North Carolina are herewith authorized and directed, in their discretion, in sentencing prisoners to the State Prison to pass upon such prisoner a minimum and maximum sentence, thus making the sentence of said prisoner an indeterminate sentence, and the board of directors of the State Prison is herewith authorized and directed to consider at least once every six (6) months the cases of such prisoners as have been committed to the State Prison with

Indeterminate  
sentences.

Consideration  
governing dis-  
charges.

Proviso: minimum term to be fulfilled.

Allowances to families.

Applications for pardon to include record.

Copies of act to be furnished prisoners.

Physical and mental examinations.

Work on railroads and public works.

Existing contracts.

Separation of convicts.

Repealing clause.

an indeterminate sentence, as to whether such prisoner is entitled to a discharge, shall take into consideration the said prisoner's record since committed to the charge of the board of directors of the State Prison: *Provided*, that said prisoner has served the minimum time to which he was sentenced after allowing credit for good behavior as authorized by law.

SEC. 19½. That the Governor of the State and prison board shall annually make such allowance from the net earnings of the prison to the dependent members of the prisoners' families as shall in their discretion be just and proper and fair to the prisoners.

SEC. 20. Any application for the pardon of a prisoner committed to the charge of the board of directors of the State Prison shall include a record of such prisoner since he was committed to the charge of said board; and in determining whether or not a parole or pardon shall be granted, consideration shall be given to the said record of such prisoner; and the record of such prisoner shall be available to those making the application.

SEC. 21. That this act shall be printed in pamphlet form and each prisoner committed to the charge of the board of directors of the State Prison shall be supplied with a copy of such act, and its contents shall be explained to him at the time he is brought to the State Prison.

SEC. 22. That each prisoner committed to the charge of the board of directors of the State Prison shall be carefully examined by a competent physician in order to determine his physical and mental condition, and his assignment to the prison, farm, or camps, and the work that he is required to do, shall be dependent upon the report of said physician as to his physical and mental capacity.

SEC. 23. No State convict shall be worked upon any railroad or public works of any county if in the opinion of the Governor and board of directors of the State Prison, said State Prison would thereby be made not self-sustaining; but this shall not be construed to interfere with contracts and agreements now in existence.

SEC. 24. The races shall be kept separate, and youthful convicts from old and hardened criminals in sleeping quarters.

SEC. 25. That all laws and clauses of laws in conflict with this act, either public, public-local, or private, are herewith repealed.

SEC. 26. That this act shall be in force from and after its ratification.

Ratified this the 7th day of March, A. D. 1917.



## CHAPTER 287

AN ACT TO AMEND SECTION 4048 OF THE REVISAL OF  
1905 OF NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

SECTION 1. That section four thousand and forty-eight of the Revisal of one thousand nine hundred and five of North Carolina be amended as follows, to wit: Strike out the period at the end of said section and insert in lieu thereof a colon, and add to said section the following: "And that no statute of limitation shall be a bar to the State Board of Education or of its assigns in the trial of any action in any court of competent jurisdiction against any person, firm, or corporation for damages for timber heretofore or hereafter cut and removed from lands owned by the Board of Education or for any other acts of trespass committed on said lands." Statute of limitations no bar.

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

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

Ratified this the 7th day of March, A. D. 1917.

## CHAPTER 288

## AN ACT TO AMEND SENATE BILL 566, SESSION 1917, ENTITLED "A BILL TO BE ENTITLED AN ACT RELATING TO PROFESSIONAL NURSING."

*The General Assembly of North Carolina do enact:*

SECTION 1. That Senate bill five hundred and sixty-six, session one thousand nine hundred and seventeen, entitled "A bill to be entitled An act relating to professional nursing," be and the same is hereby amended by inserting after the word seventeen in line thirteen of said act the following: "That this act shall not apply to nurses who began their training course prior to its ratification, and who shall apply for examination on or before the first day of June, one thousand nine hundred and nineteen." Exemptions.

SEC. 2. That all laws and clauses of laws in conflict with this amendment, and all acts amendatory thereof, to be and the same are hereby repealed. Repealing clause.

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

Ratified this the 7th day of March, A. D. 1917.



CHAPTER 289

AN ACT TO REQUIRE SUNDRY EXPENSES OF ALL STATE DEPARTMENTS AND INSTITUTIONS TO BE CHARGED TO THE RESPECTIVE DEPARTMENTS OR INSTITUTIONS IN WHICH SAID EXPENSES ARE INCURRED.

Preamble: appro-       Whereas in making appropriations the General Assembly has  
priations.           allowed expenses of sundry character that are not covered in the  
                          appropriations named, and said additional expenditures are not  
                          charged against the departments and institutions for which the  
                          appropriations are made: Therefore,

*The General Assembly of North Carolina do enact:*

Expenditures       SECTION 1. That all expenditures of any character be charged  
charged.           against the department or institution for which the expense is  
                          incurred, and that the State Auditor's warrant be made to clearly  
Auditor's war-       show for what purpose the expenditure is made and said warrant  
rant.               charged against the department or institution, thereby showing  
                          the total amount expended for the maintenance and expenses of  
                          such department or institution.

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

Ratified this the 7th day of March, A. D. 1917.

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CHAPTER 290

AN ACT TO AMEND CHAPTER 84, PUBLIC LAWS OF 1915.  
RELATING TO THE FISHERIES OF NORTH CAROLINA.

*The General Assembly of North Carolina do enact:*

Fisheries com-       SECTION 1. That section one of chapter eighty-four, Public Laws  
mission.           of one thousand nine hundred and fifteen, be amended by striking  
                          out the word "commercial" in line two; strike out the word  
                          "shall" in line twenty-five and insert in lieu thereof the word  
                          "may"; and strike out all after the word "board" in line twenty-  
Number.           seven down to and including the words "Shellfish Commissioner"  
                          in line twenty-eight and insert "That said assistant commissioners  
Residence and       shall hold said offices at the pleasure of the Fisheries Commis-  
qualification.      sioner and the board"; so that said section as amended shall read  
                          as follows: "That for the purpose of enforcing the laws relating  
Title.             to all fish, there is hereby created a Fisheries Commission, which  
                          shall consist of five members appointed by the Governor, at least  
                          three of whom shall be from the several fishing districts of the  
                          State, and shall have a practical knowledge or be familiar with  
                          the fishing industry, who shall be denominated the "Fisheries

Commission Board." The members shall be appointed as follows: two, whose terms of office shall expire on the first day of June, one thousand nine hundred and seventeen; and three, one of whom shall be a member of the minority party, whose term of office shall expire on the first day of June, one thousand nine hundred and nineteen; and their successors shall be appointed by the Governor for a term of four years each thereafter. The five members shall receive four dollars per day each and traveling expenses while attending meetings of the board: *Provided*, that the per diem and expenses shall not exceed two hundred and fifty dollars each per annum. That said board shall appoint a Fisheries Commissioner within thirty days after the passage of this act, and the said commissioner shall be responsible to the Fisheries Commission Board for carrying out the duties of his office, and shall make semiannual reports to them at such time as they may require. The term of office of said commissioner and his successor in office shall be four years or until his successor is appointed and qualified, and in case of vacancy in the office the appointment shall be to fill the vacancy. The said commissioner may appoint two assistants by and with the consent of the Fisheries Commission Board, who shall hold said offices at the pleasure of the Fisheries Commissioner and the board, whose duties shall be prescribed by the Fisheries Commissioner. The aforesaid commissioner and assistant commissioners shall receive such pay as the Fisheries Commission Board shall determine. During the absence of the commissioner, or his inability to act, the Fisheries Commission Board shall appoint one of the assistant commissioners to have and exercise all the powers of the commissioner. The commissioner and assistant commissioners shall each execute and file with the Secretary of State a bond, payable to the State of North Carolina, in the sum of five thousand dollars for the commissioner and twenty-five hundred dollars each for each of the assistant commissioners, with sureties to be approved by the Secretary of State, conditioned for the faithful performance of their duties and to account for and pay over, pursuant to law, all moneys received by them in their office. The Fisheries Commissioner and assistant commissioners shall take and subscribe an oath to support the Constitution, and for the faithful performance of the duties of his office, which oaths shall be filed with their bonds. The assistant commissioners may be removed for cause by the commissioner, who may appoint their successors."

Terms of office.

Pay of commissioners.

Proviso: limitation.

Fisheries commissioner.

Semiannual reports.

Term of office.

Assistants.

Pay of commissioners and assistants.

Official bonds.

Oath of office.

Assistants removable for cause.

SEC. 2. Amend section six by striking out in line three thereof the words "with or" and inserting after the word "laws" in line four thereof the words "in their presence."

Arrests.

SEC. 3. Amend section twelve of chapter eighty-four, Public Laws of one thousand nine hundred and fifteen, by striking out all after the word "to" in line eleven down to and including the word "thereof" in line thirteen, and insert in lieu thereof the

words "one dollar and fifty cents for each ton of the gross tonnage." Strike out the word "net" in line fourteen and insert in lieu thereof the word "gross," so that said section twelve, as amended, shall read as follows:

License for purse  
or shirred nets.

"SEC. 12. Whenever any person or persons, corporation or corporations, may intend to take menhaden (fat-backs), porgies, herring, or other fish in any waters within the jurisdiction of the State, including the waters of the Atlantic Ocean within three nautical miles of the coasts of said State, either on his own account and benefit or on account and benefit of his employer, with purse or shirred nets, such person or persons, corporation or corporations shall make an application to the Fisheries Commissioner for a license, and, upon receipt of such application, the Fisheries Commissioner shall, upon the receipt of a sum equal to one dollar and fifty cents for each ton of the gross tonnage of each vessel employed in such fishing, said gross tonnage to be determined by customhouse measurements, as a license fee, issue to such person or persons, corporation or corporations, a license duly signed by the Fisheries Commissioner, which said license shall be valid and in force for the term of one year; all such licenses to be dated January first, and no license shall be for a space of time less than one year. And the owner or captain of any and every vessel or boat engaged in such fishing shall furnish the Fisheries Commissioner with the names and postoffice address of every member of the crew employed, and in case of any change in the crew, the captain or owner shall immediately notify the Fisheries Commissioner, giving name and address of the member of the crew employed or substituted. For every violation of this act or any provision of this section the offending person or persons, corporation or corporations, shall be guilty of a misdemeanor and be fined two hundred dollars for each and every offense."

License tax.

Lists of crews.

Misdemeanor.

Punishment.

Shellfish.

SEC. 4. That section thirteen of chapter eighty-four, Public Laws of one thousand nine hundred and fifteen, be amended as follows: Add after the word "oysters" in the first and second lines the words "escallops, clams, and crabs"; add after the word "oysters" in line three the words "two and one-half cents on every bushel of clams and ten cents on every gallon of escallops, and two and one-half cents on each dozen of soft crabs, and ten cents on every barrel (two-hundred-pound flour barrel measurement), or fraction thereof of hard crabs"; add after the word "oysters" in line five the words "escallops, clams, or crab." Add after the word "oysters" in lines six and seven the words "escallops and clams," so that said section as amended shall read as follows:

Tax on dealers  
in shellfish.

"SEC. 13. *Purchase Tax.* All dealers in oysters, escallops, clams or crabs, and all persons who purchase oysters, escallops, clams or crabs for canning, packing, shucking, or shipping, shall pay

a tax of two cents on every bushel of oysters: *Provided*, coon oysters shall be taxed three-fourths cents per bushel; two and one-half cents on every bushel of clams; ten cents on every gallon of escallops; two and one-half cents on every dozen of soft crabs, and ten cents on every bushel of hard crabs purchased by them or caught by them or by any one of them: *Provided*, that no oysters, escallops, clams, or crabs shall be twice taxed; and *Provided further*, that no tax shall be imposed on oysters, escallops, or clams taken from private oyster beds, escallop or clam gardens. This tax shall be paid to and collected by the inspectors, and when paid a receipt shall be given therefor. Upon failure or refusal by any person, firm, or corporation to pay said tax, his license shall at once become null and void, and no further license shall be granted him during the current year; and it shall be the duty of the commissioner, assistant commissioner, or inspector to institute suit for the collection of said tax. Such suit shall be in the name of the State of North Carolina on relation of the commissioner or inspector at whose instance such suit is instituted, and the recovery shall be for the benefit and for the use of the general Fisheries Commission Fund. Any person failing or refusing to pay said tax shall be guilty of a misdemeanor."

Proviso: double tax.

Proviso: product of private gardens.

License revoked.

Suit for tax.

Misdemeanor.

SEC. 5. Strike out all of section fourteen of chapter eighty-four, Public Laws of one thousand nine hundred and fifteen, and insert in lieu thereof the following:

"SEC. 14. *License Tax*. The following license tax is hereby levied annually upon the different fishing appliances used in the waters of North Carolina:

Anchor gill nets, twenty-five cents for one hundred yards or fraction thereof. Anchor gill nets.

Stake gill nets, ten cents for each hundred yards or fraction thereof. Stake gill nets.

Drift gill nets, twenty-five cents for each hundred yards or fraction thereof. Drift gill nets.

Pound nets, one dollar for each pound. Pound nets.

Submarine pounds, or submerged trap nets, two dollars for each trap or pound. Submarine pounds.

Shrimp trawl nets, twenty-five cents each. Shrimp trawl nets.

Seine drag nets and mullet nets under one hundred yards and not over three hundred yards, fifty cents each. Seine drag and mullet nets.

Seine drag nets and mullet nets over three hundred yards and under one thousand yards, seventy-five cents per one hundred yards or fraction thereof. Seine drag and mullet nets.

Seine drag nets and mullet nets over one thousand yards, one dollar per one hundred yards or fraction thereof. Seine drag and mullet nets.

Fyke nets, twenty-five cents each. Fyke nets.

Tonging for oysters, the license tax shall be one dollar for each tonger. Tonging for oysters.



- Taking scallops. For taking scallops with rakes, tongs, scoops, or scrapes, one dollar for each person and for every person assisting or employed.
- Taking clams. For taking clams with rakes, tongs, scoops, or scrapes, one dollar for each person and for every person assisting or employed.
- Other apparatus. And for other apparatus used in fishing, the license shall be the same as that for the apparatus or appliance which it most resembles for the purpose used.
- License for oyster dealers and canners. License tax for all persons or dealers who purchase oysters or carry on the business of canning, packing, shucking, or shipping, five dollars.
- License tax on scallops. License tax for all persons or dealers who purchase or carry on the business of canning, packing, shucking, or shipping scallops, five dollars.
- License tax on fish dealers. License tax for all persons or dealers who purchase or carry on the business of packing or shipping fish, two dollars and fifty cents: *Provided*, the fisherman who pays a license on nets to catch fish, and ships such fish as are caught in such licensed nets, shall not be liable for this tax.
- Proviso: fish caught in licensed nets.
- License tax on shrimp canners. License tax for all persons or dealers who purchase or carry on the business of canning, packing, or shipping shrimp, two dollars and fifty cents: *Provided*, the fishermen who pay a license on nets to catch shrimp and ship only such shrimp as are caught in such licensed nets shall not be liable for this tax.
- License tax on crab dealers. License tax for all persons or dealers who purchase or carry on the business of packing or shipping crabs out of the State, five dollars: *Provided*, that no pound net shall be set in the waters of the Atlantic Ocean within the three-mile limit: *Provided further*, that hand nets of not less than one and one-eighth inch bar mesh may be used in New Hanover County, and that no order shall be made by the Fisheries Board derogatory of this section: *Provided, further*, that the tax levied by this act shall not apply to crabs and clams."
- Proviso: pound nets in ocean.
- Proviso: hand nets in New Hanover county.
- Proviso: crabs and clams.
- Fish and shell-fish for family use.
- Sale without license misdemeanor.
- Punishment.
- SEC. 6. No tax shall be levied or collected from bona fide residents or citizens of this State who take fish, oysters, clams, scallops, or crabs other than with dredges for his own personal or family's use and consumption. But if any person shall sell or offer for sale any such products without having first procured a license, he shall be guilty of a misdemeanor and shall be fined not less than five dollars (\$5) or imprisoned not exceeding thirty days.
- SEC. 7. That section twenty-one of chapter eighty-four, Public Laws of one thousand nine hundred and fifteen, be amended by adding after the word "State" in line seven of said section, the following: "or which may be bought, sold, or held in possession by any person, firm, or corporation in the State"; add after the word "publication" in line nine the words "which shall be construed to be once a week for four consecutive weeks in some news-



paper in North Carolina," so that said section twenty-one as amended shall read as follows:

"SEC. 21. The Fisheries Commission Board is hereby authorized to regulate, prohibit, or restrict in time, place, character, or dimensions, the use of nets, appliances, apparatus, or means employed in taking or killing fish; to regulate the seasons at which the various species of fish may be taken in the several waters of the State, and to prescribe the minimum sizes of fish which may be taken in the said several waters of the State, or which may be bought, sold, or held in possession by any person, firm, or corporation in the State; and such regulations, prohibitions, restrictions and prescriptions, after due publication, which shall be construed to be once a week for four consecutive weeks in some newspaper in North Carolina, shall be of equal force and effect with the provisions of this act; and any person violating the provisions of this section shall be guilty of a misdemeanor, and, upon conviction, shall be fined or imprisoned, at the discretion of the court: *Provided, however,* that if a petition signed by five or more voters of the district or community which will be affected by the proposed changes is filed with the Fisheries Commission Board through the Fisheries Commissioner, assistant commissioners or inspectors, asking that they have a hearing before any proposed change in the territory, size of mesh, length of net, or time of fishing shall go into effect, petitioning that they be heard regarding such change, the Fisheries Commission Board shall in that event designate by advertisement for a period of thirty days at the courthouse and three other public places in the county affected, and also by publication in a newspaper of the county, if such is published in said county once a week for two consecutive weeks, a place at which said board will meet and hear argument for and against said change, and may ratify, rescind, or alter this previous order of change as may seem just in the premises; and *Provided further,* that in making regulations the Fisheries Commission Board shall give due weight and consideration to all factors which will affect the value of the present investment in the fisheries, and that no changes in the existing laws which if they should go into effect immediately would tend to cause fishermen to lose their property shall go into effect until two years from the date that the change has been made by the Fisheries Commission Board."

Powers of commission.

Utensils.

Seasons.

Size.

Publication of regulations.

Misdemeanor.

Punishment.

Petition for hearing.

Publication of date for hearing.

Proviso: when regulations effective.

SEC. 8. That section twenty-two of chapter eighty-four, Public Laws of one thousand nine hundred and fifteen, be amended by adding after the word "cultivation" and before the word "shall" in line seven the following: "or shall injure or destroy any boat or other property of any kind used by the Fisheries Commission Board or an officer or employee thereof," so that said section twenty-two, as amended, shall read as follows:

Removal or interference with appliances or property of commission a misdemeanor.

"SEC. 22. Any person or persons removing, injuring, defacing, or in any way disturbing the posts, buoys, or any other appliances used by the Fisheries Commission in marking the restricted areas relating to any and all fishing, or marking other areas in which oyster tonging or dredging is prohibited by law, and those marking oyster bottoms that are leased for oyster cultivation, or shall injure or destroy any boat or other property of any kind used by the Fisheries Commission Board or any officer or employee thereof, shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, at the discretion of the court; and any person anchoring or mooring a boat to any of these buoys or posts shall, upon conviction, be fined not less than twenty-five dollars nor more than one hundred dollars and imprisoned thirty days in jail, at the discretion of the court."

Punishment.

Penalty for mooring boats to buoys.

Limitation stricken out.

SEC. 9. Amend sections ten, eighteen, and twenty-five of chapter eighty-four, Public Laws of one thousand nine hundred and fifteen, by striking out the word "commercial" wherever the same in said sections appear.

Statistics.

SEC. 10. If any fisherman fail or refuse to give statistics as required in section five, chapter eighty-four, Public Laws of one thousand nine hundred and fifteen, the board may extend the time of his operations, and the Fisheries Commission Board is empowered to make such rules and regulations as they think proper to procure statistics as to the annual products of the fisheries of the State.

Records to be kept by purchasers.

SEC. 11. *Provisions for compiling statistics.* All persons, firms, or corporations engaged in buying, packing, canning, or shipping oysters, scallops, clams, crabs, shrimp, and fish taken from the public grounds or natural beds of the State, or the natural waters or streams of the State, shall keep a permanent record of all such products, showing the quantity of each of said products so purchased, packed, canned, or shipped, the kind of fish, from whom each of said species of fish, mollusca, or crustaceans were purchased, that a statement of all these facts shall be made whenever required by the Fisheries Commissioner, but shall be at least at the end of each month. That all such records shall be open at all times to the Fisheries Commissioner, assistant commissioner, or any one under the direction of the Fisheries Commissioner, and upon failure of any person, firm, or corporation to comply with any of the provisions of this section, or any of the provisions of this act, or any of the fisheries laws, any license issued to any such person, firm, or corporation may be revoked by the Fisheries Commission, and upon satisfactory settlement may be reinstated, with the consent of the board. All such persons violating the provisions of this section or any of the provisions of the fisheries law shall be guilty of a misdemeanor.

Statements.

Inspection of record.

License revoked.

Reinstatement of license.  
Misdemeanor.

Copy of regulations with license.

SEC. 12. It shall be the duty of the Fisheries Commission Board, upon issuing any license under the provisions of chapter eighty-

four, Public Laws of one thousand nine hundred and fifteen, or under this act, to furnish with said license the printed regulations controlling the waters in which such fisherman applying therefor proposes to fish.

SEC. 13. That sections two thousand three hundred and seventy-six and two thousand three hundred and seventy-eight of the Revisal of one thousand nine hundred and five of North Carolina are hereby repealed, and all laws permitting the entry and issue of grants for oyster or clam beds in the State are hereby repealed. Repealing clause.

SEC. 14. That this act shall be in force from and after its ratification.

Ratified this the 7th day of March, A. D. 1917.

## CHAPTER 291

### AN ACT TO APPOINT MEMBERS OF THE COUNTY BOARDS OF EDUCATION.

*The General Assembly of North Carolina do enact:*

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, except as otherwise provided herein, from the first Monday of July, one thousand nine hundred and seventeen, that is to say: County boards appointed.  
Term.

*Alexander*—Van W. Teague (six years).

*Alleghany*—M. A. Higgins (six years), F. M. Osborn (four years), and W. E. Cox (two years).

*Anson*—J. P. Ratliff (six years).

*Ashe*—Dr. J. C. Gambill (six years).

*Avery*—R. L. Wiseman (six years).

*Beaufort*—John B. Sparrow (six years), R. L. M. Bonner (four years), T. R. Hodges (two years).

*Bladen*—C. Monroe (six years), Dr. W. H. G. Lucas (four years), F. D. McLean (two years).

*Brunswick*—John L. Simmons (six years).

*Cabarrus*—W. F. Smith (six years).

*Caldwell*—W. L. Minish (six years).

*Camden*—John R. Sawyer (six years), J. Logan Sawyer (two years).

*Carteret*—Benjamin F. Royal (six years).

*Caswell*—L. A. Guyn (six years).

*Catawba*—Robert Brady (six years).

*Chatham*—W. B. Harding (six years).

*Cherokee*—Dr. H. N. Wells (six years), D. T. McNabb (four years).

*Chowan*—W. S. Privott (six years), W. D. Welch (four years), J. L. Savage (two years).

*Clay*—William H. Harrison (six years).

*Columbus*—E. W. Wells (six years), J. Lee Williamson (four years).

*Craven*—O. H. Wetherington (six years).

*Cumberland*—J. W. Hall (six years).

*Dare*—Thomas J. Fulcher (six years).

*Davidson*—G. T. Cochrane (six years).

*Davie*—A. W. Ellis (six years).

*Duplin*—L. Middleton (six years).

*Durham*—W. H. Wanamaker (six years).

*Forsyth*—W. N. Poindexter (six years).

*Franklin*—Edgar L. Green (six years), C. R. Sandling (six years).

*Gaston*—J. H. Rudisill (six years).

*Graham*—S. P. Harwood (six years), Troy Hyde (four years).

*Granville*—C. H. Cheatham (six years).

*Greene*—B. F. D. Albritton (six years), L. J. H. Mewborn (four years).

*Harnett*—O. Bradley (six years).

*Haywood*—T. L. Gwynn (six years).

*Henderson*—J. W. Morgan (six years), J. O. Bell (four years).

*Hertford*—E. B. Vaughan (six years).

*Hoke*—N. A. McDonald (six years).

*Hyde*—Z. T. Fortescue (six years).

*Jackson*—J. L. Broyles (six years), E. H. Stillwell (four years), R. R. Fisher (two years).

*Johnston*—W. G. Wilson (six years).

*Jones*—B. L. Brock (six years).

*Lenoir*—G. V. Cowper (six years).

*Lincoln*—Milton S. Rudisill (six years).

*Macon*—T. C. Bryson (six years).

*Madison*—W. R. Sams (six years).

*Martin*—J. D. Biggs (six years).

*McDowell*—J. K. Cowan (six years).

*Mitchell*—J. W. Gudger (six years).

*Montgomery*—Alfred R. Moore (six years).

*Moore*—J. R. McQueen (six years).

*Nash*—I. F. Finch (six years).

*New Hanover*—C. B. Newcomb (six years), T. E. Cooper (four years).

*Northampton*—J. B. Stephenson (six years).

*Onslow*—Clayton Mills (six years).

*Orange*—C. A. McDade (six years).  
*Pamlico*—George W. Brinson (six years).  
*Pasquotank*—W. G. Cox (six years).  
*Pender*—H. M. Page (six years).  
*Perquimans*—James H. Miller (six years).  
*Person*—W. R. Wilkerson (six years).  
*Pitt*—A. G. Cox (six years).  
*Polk*—S. B. Weaver (six years).  
*Randolph*—Dr. Charles H. Phillips (six years).  
*Richmond*—Franklin H. Gates (six years).  
*Robeson*—Thomas L. Johnson (six years).  
*Rockingham*—W. R. Lynch (six years), Eugene Irvin (four years).  
*Rowan*—J. M. McCorkle (six years), J. W. Peeler (four years).  
*Sampson*—Willie A. Jackson (six years).  
*Scotland*—Dr. W. G. Shaw (six years).  
*Stanly*—J. A. Little (six years).  
*Stokes*—  
*Surry*—R. H. Chatham (six years).  
*Swain*—G. I. Calhoun (six years), W. T. Allen (two years).  
*Transylvania*—J. M. Southern (six years), Luther Wilson (four years).  
*Tyrrell*—Paul Jones (six years), H. Seaton Swain (four years).  
*Vance*—James E. Kimball (six years).  
*Wake*—Dr. G. M. Bell (six years).  
*Warren*—J. D. Newell (six years), John Skinner (four years).  
*Washington*—William Wiley (six years).  
*Watauga*—Newton Howell (six years).  
*Wayne*—W. F. English (six years).  
*Wilkes*—James S. Kilby (six years).  
*Wilson*—E. J. Barnes (six years).  
*Yadkin*—T. J. Phillips (six years).  
*Yancey*—L. D. Gillespie (six years).

SEC. 2. That the Secretary of State shall within sixty days after the ratification of this act send a certified copy of the names 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 courthouse on the first Monday of July thereafter for the purpose of qualifying as directed by law.

To be certified to clerks of superior courts.  
 Clerk to give notice of appointment.  
 Appointees to qualify.

SEC. 3. All appointments under this act shall expire on the first Monday of April as provided by House Bill one thousand one hundred and forty-seven, Senate Bill one thousand one hundred and thirty, enacted by the General Assembly of nineteen hundred and seventeen, and entitled "An act providing for the nomination and election of county boards of education."

Date of expiration of term.



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

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

Ratified this the 7th day of March, A. D. 1917.

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## CHAPTER 292

AN ACT SUPPLEMENTAL TO AN ACT ENTITLED "AN ACT IN REFERENCE TO REPRINTING THE SUPREME COURT REPORTS" AND RATIFIED ON THE 6TH DAY OF MARCH, 1917.

*The General Assembly of North Carolina do enact:*

Reprinted.

SECTION 1. That an act entitled "An act in reference to reprints of the Supreme Court Reports" and ratified on the sixth day of March, one thousand nine hundred and seventeen, be and the same is hereby amended by striking out the word "edited" where it appears therein and inserting in lieu thereof the word "reprinted."

SEC. 2. This act shall be in force from and after its ratification.  
Ratified this the 7th day of March, A. D. 1917.

RESOLUTIONS  
OF THE  
GENERAL ASSEMBLY  
SESSION 1917

**RESOLUTION No. 1**

A RESOLUTION TO APPOINT A COMMITTEE TO WAIT UPON HIS EXCELLENCY, THE GOVERNOR, TO NOTIFY HIM OF THE ORGANIZATION OF THE GENERAL ASSEMBLY.

*Be it resolved by the Senate and House of Representatives:*

That a committee be appointed, and that the same be composed of two members on the part of the Senate and three on the part of the House, to wait upon his Excellency, the Governor, and inform him that the General Assembly is now organized and ready to receive any communication that he may desire to submit. Committee named.

Ratified this the 6th day of January, A. D. 1917.

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**RESOLUTION No. 2**

JOINT RESOLUTION PROVIDING FOR THE APPOINTMENT OF COMMITTEES FROM THE SENATE AND HOUSE OF REPRESENTATIVES FOR THE INAUGURATION OF HONORABLE THOMAS W. BICKETT, GOVERNOR-ELECT, AND TO MAKE AN APPROPRIATION TO PAY THE EXPENSES INCIDENT TO SUCH INAUGURATION.

*Resolved by the House of Representatives, the Senate concurring:*

SECTION 1. That a joint committee of three Senators and five members of the House of Representatives be appointed by the President of the Senate and Speaker of the House of Representatives to take charge of and conduct the inauguration of Honorable Thomas W. Bickett, Governor-elect. Committee raised.

SEC. 2. That the sum of five hundred dollars, or so much thereof as may be necessary to cover the expenses incident to such inauguration, is hereby appropriated, and the Auditor is hereby authorized and directed to issue warrants upon the Treasurer payable to the chairman of said joint committee, for such inauguration. Appropriation.

ration expenses as he may approve, not to exceed in the aggregate the amount herein appropriated.

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

Ratified this the 8th day of January, A. D. 1917.

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### RESOLUTION No. 3

JOINT RESOLUTION FOR A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES TO OPEN AND CANVASS THE ELECTION RETURNS FOR STATE OFFICERS.

*Resolved by the Senate, the House of Representatives concurring:*

Joint session for  
count of returns.

SECTION 1. That the Senate and the House of Representatives meet in joint session in the hall of the House of Representatives at eleven o'clock a. m. on Tuesday, January the ninth, one thousand nine hundred and seventeen, 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.

Time for inaugu-  
ration.

SEC. 2. That the persons so ascertained to be elected shall be inducted into office on Thursday, January eleven, one thousand nine hundred and seventeen, at twelve o'clock, the same to be done in the presence of the General Assembly, at a place to be designated by committee to be named.

Joint committee.

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.

Ratified this the 8th day of January, A. D. 1917.

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### RESOLUTION No 4

A RESOLUTION TO PAY EXPENSES OF JUDGE W. M. BOND IN INVESTIGATION OF LYNCHING MATTER AT REQUEST OF THE GOVERNOR WITH COMPENSATION FOR HIS SERVICES SO RENDERED.

Preamble: investi-  
gation.

Whereas it was reported to the Governor that a certain lynching had occurred in the eastern part of this State under circumstances which made the Governor think it to the public interest that an investigation of same be had by a Superior Court judge,

sitting as a committing magistrate, the resident judge of the district being unable to do so by reason of physical indisposition; and whereas the Governor was requested to designate Judge Bond to conduct said inquiry, which was done, and which covered a period of more than a week, the reports of same to the Governor showing that the judge had discharged said duties in a highly satisfactory manner; and whereas Judge Bond has received no compensation for his services, and no return of his expenses incurred, the Governor of the State having recommended that the sum of \$200 be paid by the State to Judge Bond for his services and expenses:

Preamble; designation of judge.

Preamble: recommendation of governor.

*The General Assembly of North Carolina do enact:*

SECTION 1. *Be it Resolved*, That the Auditor of the State be and he is hereby directed to issue a warrant on the State Treasurer, and said State Treasurer is hereby directed to pay said warrant, same to be for the sum of two hundred dollars, to Judge W. M. Bond in full payment for his services and expenses incurred by him in conducting said lynching investigation, which was done at Kinston.

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

Ratified this the 9th day of January, A. D. 1917.

### RESOLUTION No. 5

#### JOINT RESOLUTION TO PRINT THE GOVERNOR'S MESSAGE.

*Resolved by the House of Representatives, the Senate concurring:*

That one thousand copies of the Governor's message be printed and distributed for the use of the members of the Senate and the House of Representatives.

This resolution shall be in force from and after its ratification.  
Ratified this the 9th day of January, A. D. 1917.

### RESOLUTION No. 6

#### RESOLUTION IN REGARD TO THE INAUGURATION.

SECTION 1. Joint resolution of House and Senate providing that the joint committee from the House and Senate for the inauguration of Honorable Thomas W. Bickett, Governor-elect, be allowed the sum of six hundred dollars, or so much as may be necessary to cover the expenses incident to such inauguration is hereby appropriated, and the Auditor is hereby authorized and

directed to issue warrants upon the Treasurer, payable to the chairman of said joint committee for such inauguration expenses as he may approve, not to exceed in the aggregate the amount appropriated by this General Assembly for this purpose.

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

Ratified this the 9th day of January, A. D. 1917.

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### RESOLUTION No. 7

JOINT RESOLUTION AUTHORIZING THE SECRETARY OF STATE TO MAKE USE OF THE TYPISTS AND CLERKS IN THE VARIOUS GOVERNMENTAL DEPARTMENTS IN THE ENROLLMENT OF BILLS.

Whereas it is necessary to enroll a large number of bills during the day: Therefore, be it

*Resolved by the House of Representatives, the Senate concurring:*

Use and payment  
authorized.

SECTION 1. That for the purpose of enrolling the bills of the General Assembly this day the Secretary of State be and he is hereby authorized to use the typists and clerks of the various governmental departments during office hours today, and pay them at the rate now provided by law.

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

Ratified this the 9th day of January, A. D. 1917.

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### RESOLUTION No. 8

A JOINT RESOLUTION INVITING HON. W. J. BRYAN TO ADDRESS THE MEMBERS OF THE GENERAL ASSEMBLY.

Whereas, the Honorable W. J. Bryan is to be in the city of Raleigh on the fifteenth instant; therefore be it *Resolved*,

Invitation.

First, The General Assembly of North Carolina, the Senate concurring, invite the Honorable W. J. Bryan to jointly address the members of the General Assembly in the hall of the House at such time while in the city as will suit his convenience.

Committee.

Second, That the Speaker of the House appoint a committee of three on the part of the House and the President of the Senate appoint a committee of two on the part of the Senate, the same to be a joint committee to confer with Mr. Bryan, extending to him this invitation and make all necessary arrangements for said address, and inform the Assembly as to the arrangements.

Ratified this the 17th day of January, A. D. 1917.



## RESOLUTION No. 9

RESOLUTION FOR THE CELEBRATION OF THE BIRTHDAY  
OF ROBERT EDWARD LEE.

*Resolved by the House of Representatives, the Senate concurring:*

SECTION 1. That when the General Assembly of North Carolina adjourns on Friday, the nineteenth day of January, one thousand nine hundred and seventeen, it shall adjourn in honor of the one hundred and tenth birthday of General Robert Edward Lee. Adjournment of  
general assembly.

SEC. 2. That the United Daughters of the Confederacy be tendered the use of the hall of the House of Representatives in which to hold suitable memorial exercises in commemoration of the life, services, and character of the great Confederate chieftain on Friday evening, January nineteenth, one thousand nine hundred and seventeen, at eight o'clock. Tender of use of  
hall.

Ratified this the 18th day of January, A. D. 1917.

## RESOLUTION No. 10

## JOINT RESOLUTION REGARDING ADMIRAL DEWEY.

Whereas there has been called from life unto death Admiral George Dewey of the United States Navy, the ranking naval officer of the world, a man whose gallantry, bravery, and chivalry gave added glory to the American flag, an officer whose fame is part of the history of our country, his death a loss to the Nation; and whereas he was appointed to the United States Naval Academy while Honorable James C. Dobbin, a North Carolinian, was Secretary of the Navy, a matter that has caused North Carolinians to take a greater interest in his career: Now therefore, be it Preamble.

Academy while Honorable James C. Dobbin, a North Carolinian, was Secretary of the Navy, a matter that has caused North Carolinians to take a greater interest in his career: Now therefore, be it Preamble.

*Resolved by the House of Representatives, the Senate concurring:*

That in the death of Admiral George Dewey the United States has lost one of its most distinguished sons, a man whose patriotism and love of country has set an example for all future generations of Americans, his services of the greatest value to this Nation. And further be it Loss to nation.

*Resolved, That the General Assembly of North Carolina request the Senators and Representatives in Congress of the State of North Carolina to represent North Carolina at the funeral of Admiral Dewey on Saturday, the twentieth day of January, nineteen hundred and seventeen. And further be it* Senators and  
representatives to  
represent State.

*Resolved, That the sympathy of the people of North Carolina be tendered to the widow and the bereaved loved ones of Admiral* Sympathy-tendered.

Dewey, a copy of these resolutions to be forwarded to the family.  
And further be it

*Resolved*, That this resolution be in force from and after its ratification.

Ratified this the 22d day of January A. D. 1917.

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### RESOLUTION No. 11

A JOINT RESOLUTION INVITING THE HON. JOSEPHUS DANIELS TO ADDRESS THE MEMBERS OF THE GENERAL ASSEMBLY.

Preamble.       Whereas the Honorable Josephus Daniels is to be in the city of Raleigh on the fifteenth instant: Therefore, be it

*Resolved by the General Assembly of North Carolina, the Senate and House of Representatives concurring:*

Invitation.       That the Honorable Josephus Daniels be invited to address the members of the General Assembly in the hall of the House at such time while in the city as will suit his convenience.

Committee.       Second, that the President of the Senate appoint a committee of two on the part of the Senate and the Speaker of the House appoint a committee of three on the part of the House, the same to be a joint committee to confer with Mr. Daniels, extending to him this invitation and make all necessary arrangements for said address, and inform the Assembly as to the arrangements.

Ratified this the 22d day of January, A. D. 1917.

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### RESOLUTION No. 12

JOINT RESOLUTION TO VALIDATE AN ACTION OF THE BOARD OF DIRECTORS OF STATE PRISON AND THE GOVERNOR IN APPROPRIATING MONEYS TO NEEDY FAMILIES OF STATE PRISONERS.

Preamble.       Whereas the board of directors of the State Prison did on the . . . day of December, one thousand nine hundred and sixteen, in accordance with the recommendation of Governor Craig, make an appropriation from the funds of the State Prison for the benefit of the dependent and needy families of the prisoners, which appropriation amounted to four thousand and seventy dollars, there being the sum of ten dollars for each of the families aided; and

Preamble.       whereas, according to the report of the board of directors of the

State Prison, the prison has made in net earnings, above all expenses, during the administration of Governor Craig the sum of four hundred thousand dollars: Now therefore, be it

*Resolved by the Senate, the House concurring:*

That the action of the board of directors of the State Prison appropriating ten dollars to each of the dependent and needy families be and the same is hereby ratified and approved. Action ratified and approved.

Ratified this the 23d day of January, A. D. 1917.

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### RESOLUTION No. 13

RESOLUTION REQUESTING THE NORTH CAROLINA DELEGATION IN CONGRESS TO ADVOCATE AND SUPPORT THE WATAUGA VALLEY IN CARTER COUNTY, TENNESSEE, AND IMMEDIATELY CONTIGUOUS TO THE NORTH CAROLINA MAGNETIC ORE BED (KNOWN AS THE CRANBERRY ORE), AS THE MOST SUITABLE SITE IN THE UNITED STATES FOR THE LOCATION OF THE GOVERNMENT ARMOR PLANT.

Whereas the United States Government, acting under and by authority of H. R. fifteen thousand nine hundred and forty-seven, appropriating eleven million dollars for the construction of a Government armor plant, and authorizing and directing the Secretary of the Navy to provide such a plant, is now about to select a site for the location of said plant, acting by and through the Honorable Secretary of the Navy and the General Naval Board, as well as by and through an armor plant board, recently appointed, consisting of Admiral Frank F. Fletcher, Commander Frank H. Clark, and Civil Engineer R. C. Backenhus; and whereas some one hundred and twenty-five or one hundred and thirty localities, on September thirteenth and fourteenth, one thousand nine hundred and sixteen, presented written briefs and oral arguments to the Honorable Secretary of the Navy and to the General Naval Board, setting forth the advantages and resources of their respective localities, which, in their opinion, entitled them to the location of said plant; and whereas the General Naval Board has recently submitted its preliminary report, eliminating from the contest all of the sites and localities presented, excepting some eighteen or nineteen towns, of which Johnson City and Elizabethton, Tennessee, representing the claims of the Watauga Valley, are two, by the application of the military policy outlined by the War College Division of the General Staff of the War Department on September eleven, one thousand nine

Preamble.       hundred and fifteen; and whereas, as a result of the application of this principle, as embodied in the General Board's preliminary report, the only town in the State of North Carolina, namely, Fayetteville, which was pressing its claims as a suitable location for said plant, is thus eliminated; and whereas it has been recently brought to our attention by circular-letters issued by said armor plate board, bearing dates of December twenty, one thousand nine hundred and sixteen, and January twelve, one thousand nine hundred and seventeen, that the policy of the Government in the making of armor will probably be that of the purchase in the open market of suitable pig iron, instead of the erection of furnaces and the smelting of ore; and whereas the said communications from said armor plant board indicate that Bessemer pig iron, with a phosphorus content of not exceeding .1 per cent will be demanded, to meet the requirements of the Government; with a manganese content of from 1.06 per cent to 1.16 per cent; with a copper content not to exceed .034 per cent; a sulphur content of from 0.25 per cent to .032 per cent; with a silicon content of from .6 per cent to .96 per cent; and whereas it has been reliably brought to our attention that no locality in the South, and probably no locality in the United States, excepting possibly those sections which draw on the Lake Superior ore beds for their raw material, can produce pig iron of the analysis required from the ores in their immediate locality (that is to say, without importing their ores and other raw material), excepting the locality in the immediate vicinity of the Watauga Valley, which is removed only twenty-three miles from the famous Cranberry ores, which for many years have been smelted at Johnson City, Tennessee, and which produce a very high grade of low phosphorus pig, of the following analysis:

Preamble.       

Phosphorus, not exceeding .....	.035 per cent.
Copper .....	.015 per cent.
Sulphur .....	.015 per cent to .032 per cent.
Silicon .....	.6 per cent.

Preamble.       and as much higher as the specifications call for; and whereas it has been brought to our attention that this marvelous bed of low phosphorus metallic iron ore, located in Mitchell, Avery, Watauga, Ashe, and other western North Carolina counties, immediately contiguous to the Watauga Valley, is probably the largest bed of low phosphorus ores to be found outside of the Lake Superior District, and that these beds contain an almost inexhaustible quantity of ore—sufficient, in fact, to meet all the demands of the Government for many hundreds of years; the tonnage in that immediate locality probably running into the hundreds and hundreds of millions of tons; and whereas the Watauga Valley seems to occupy a peculiar and a unique location,

Preamble.

in that in its immediate vicinity there is in existence a most marvelous and wonderful combination of the very raw materials and elements which enter into the manufacture of armor plate, as hereinafter set forth namely:

(1) Its close proximity to the great coal fields of Virginia, <sup>Location as to coal beds.</sup> where the greatest bodies of high-grade steaming and gas-producing coal in the world lie in absolutely inexhaustible and illimitable quantities; all within easy reach of a downhill haul, of the Watauga Valley, with an existing freight rate of only seventy-five cents per ton;

(2) Its being located on a solid bed of colomitic limestone, of <sup>Location as to limestone.</sup> an analysis that exactly suits the Government's requirements, and which exists in inexhaustible quantities for miles around;

(3) Its location in a section where there is abundant hydro-<sup>Hydro-electric power.</sup> electric power possibilities; and where, within from thirty to fifty miles of the proposed site, there can be economically developed and put into operation from fifty thousand to one hundred thousand electric horse-power;

(4) Its location in the immediate vicinity of immense quan-<sup>Manganese and cromium.</sup> tities of high-grade manganese and cromium, from which with electrical furnaces operated by this electrical horse-power ferromanganese and ferro-cromium can be economically produced;

(5) The fact that this valley is absolutely surrounded by <sup>Safety of location.</sup> precipitous mountain ranges, being in the very heart of the great Appalachian system, and on the western slope of the Blue Ridge and the Great Smoky Mountains, and between these ranges on the east and the Cumberland Mountains on the west, thus making a veritable fortress, and a locality which could probably be more easily and economically defended than any locality in the United States, because of the existence on all sides of impenetrable mountain ranges, and which location comes nearer complying with the one requirement in the act of appropriating the money to build the plant, namely, that the site shall "be located at a place approved by the General Board of the Navy, *with especial reference to considerations of safety in time of war,*" than any other locality in the United States;

(6) Its location in the midst of native-born white skilled labor <sup>Labor.</sup> population, where there is no trace of foreign element, and where labor unions have never existed, and where strikes have never occurred, and where this pure Anglo-Saxon native labor has been for twenty-five years developing into a high-class skillful labor, by reason of the marvelous industrial development which has been taking place in that immediate locality during the last twenty-five years, and would thus afford the Government with ample skilled labor;

(7) In a locality possessing railroad facilities equal to the best, <sup>Railroad facilities.</sup> and in every way ample to take care of the situation, being within



four miles of the great Carolina, Clinchfield and Ohio Railway system; within three miles of the Appalachian Division of the Southern Railway; within five miles of the main line of the Southern Railway; within twenty-five miles of the Norfolk and Western Railroad; within thirty miles of the Louisville and Nashville Railroad; on the East Tennessee and Western North Carolina Railroad, extending from the ore fields to Johnson City, Tennessee, and traversing this valley; and on the Laurel Fork Railway;

Pure water.

(8) In a location where there is the greatest abundance of pure freestone water for domestic purposes, the town of Elizabethton being supplied from one spring, which brings ten million gallons per day to the city, from an elevation of two hundred and fifty feet, only six miles distant, and Johnson City being supplied with the same character of pure water from a series of springs only fifteen miles distant;

Drainage.

(9) In a location well drained by two rivers, namely, the Doe and the Watauga rivers, both being bold, swift, clear mountain streams maintaining a uniform flow and having watersheds in the Blue Ridge Mountains, and in the very midst of the immense Appalachian forest reserve, where the Government already owns in the neighborhood of one hundred and fifty thousand acres of land, to protect the headwaters and watersheds of these streams and springs and to maintain the flow;

Drainage and  
dumpage.

(10) In a location where there is perfect drainage and dumping facilities;

(11) In a location where there exists throughout the entire year unexcelled climatic and sanitary conditions; where there is a climate that is not surpassed by any in the world; with an elevation of sufficient height, namely, about one thousand six hundred and fifty feet, as a result of which malaria and other like fevers, mosquitoes, etc., etc., are absolutely unknown; where the bracing, stimulating atmosphere and the uniformly cool nights enable the laborers to perform their work under the most satisfactory conditions;

Agricultural  
advantages.

(12) In a locality surrounded by a splendid agricultural community and where living has always been and is today probably cheaper than at almost any point in the United States;

Highways.

(13) In a location that is completely surrounded and in close proximity to many of the national and semi-national highways of the South; in a county which is just spending close to half a million dollars in building a system of highways that open up and connect Tennessee with Western North Carolina, by a road through the famous Doe River gorge, through the Cranberry mining district, and connecting with the Crest-of-the-Blue-Ridge and the Yohnnallassee roads and other North Carolina highway systems; and in a location where the adjoining county of Washing-

ton is in the act of voting a seven hundred and fifty thousand dollar bond measure for the purpose of building a system of highways that will connect in every way with said Watauga Valley;

(14) In a situation where aviation and wireless facilities would be absolutely unique and unsurpassed; aviation experiments in this section having proven that there are air currents over these mountains that would make an aeroplane attack almost impossible, and which, at the same time, would furnish the very best facilities for the establishment of wireless stations; there being in the mountain ranges in close proximity to this valley more than one hundred and sixty peaks exceeding four thousand feet in height, over forty of which exceed six thousand feet in height;

(15) A situation which offers to the Government an absolutely free site for all of its requirements.

The immense and practically incalculable advantages to the State of North Carolina in the location of this plant in the Watauga Valley (which valley is midway between the towns of Johnson City and Elizabethton) cannot possibly be overestimated. This is the greatest opportunity that has ever been presented to Western North Carolina for the development of her wonderful natural resources, which are among the most wonderful and richest in the United States; and inasmuch as the proposed site is only separated from North Carolina and from the natural resources above referred to by the distance of a few miles and an imaginary line, and where the great bulk of the raw material will be drawn from North Carolina, there is every reason why the entire North Carolina delegation should bring to bear with the said Armor Plant Board all of the influence and argument possible in the way of convincing said board that no locality in the United States exists where it would be to greater advantage to the entire country to locate the plant than in the Watauga Valley.

We believe it to be the patriotic duty of every North Carolinian to support that site, which is actually the very best site in all the country for this plant, by reason of the rare and wonderful combination of resources which exist there.

The construction of a great plant of this character is a great National institution, and by right ought to be located in the very best place, based upon the article or articles to be manufactured, and the raw materials from which they are to be manufactured, with considerations for the safety of the plant and the procurement of raw materials taken into account. It would be most unwise to locate such a plant, such a great National institution, in a locality that was dependent upon its supply of raw materials to be imported from a section which could be easily attacked and captured in case of war; it would be extremely unwise not to

locate such a plant in a place that was a natural fortress, and which could be so easily and inexpensively defended; it would be unwise to locate such a great institution as this at a point to which all or the greater part of the raw material would have to be freighted; and it seems to us that the only wise, economical, and sensible plan is to select some locality which is naturally fortified by our great mountains, and which is situated in the very heart of the raw materials going into the manufacture of the article, and there locate the plant: Therefore, be it

*Resolved by the House of Representatives of the State of North Carolina, the Senate concurring:*

Instructions to  
senators and  
representatives.

That our Representatives and Senators in Congress be requested to take all the necessary steps to bring these matters to the attention of the Armor Plant Board, and to the Honorable Secretary of the Navy, to the end that the Watauga Valley, the best situation in the United States for the location of the armor plate plant, may be selected therefor.

Copies of resolu-  
tion.

Be it further *Resolved*, That upon the passage of this resolution the Secretary of State be instructed to send forthwith copies thereof to our Senators and Representatives in Congress.

Ratified this the 23d day of January, A. D. 1917.

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#### RESOLUTION No. 14

A RESOLUTION TO PRINT 2,500 COPIES OF THE INAUGURAL ADDRESS OF HON. THOMAS WALTER BICKETT.

*Resolved by the Senate, the House of Representatives concurring:*

Printing ordered.

That two thousand five hundred copies of the inaugural address of the Hon. Thomas Walter Bickett be printed for the use of the General Assembly.

Ratified this the 23d day of January, A. D. 1917.

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#### RESOLUTION No. 15

JOINT RESOLUTION OF THE HOUSE AND SENATE, RELATING TO PRINTING OF REPORTS OF COMMITTEES.

*Resolved by the House, the Senate concurring:*

Printing ordered.

SECTION 1. That five hundred copies of the report of the legislative committee examining the books of the State Treasurer, Insurance Commissioner, and Auditor be printed as a public document for the use of the House and Senate.

Ratified this the 24th day of January, A. D. 1917.

## RESOLUTION No. 16

A JOINT RESOLUTION TO CORRECT AND MAKE CERTAIN APPOINTMENTS ATTEMPTED TO BE MADE IN HOUSE BILL 562 AND SENATE BILL 520, ENTITLED "AN ACT TO APPOINT JUSTICES OF THE PEACE FOR THE VARIOUS COUNTIES OF THE STATE.

Whereas it appears that there are a number of mistakes in Preamble. House bill five hundred and sixty-two and Senate bill five hundred and twenty, relating to the appointment of justices of the peace, in that certain justices appear to have been appointed for a different county from that of their residence; and whereas, Preamble. considerable confusion and uncertainty is apparent upon the inspection of said bill: Therefore, be it

*Resolved:*

SECTION 1. That a committee of three on the part of the House Committee to and two on the part of the Senate be appointed to examine said report supple- bill and find such mistakes as have been made, and report a mental bill. supplemental bill correcting said mistakes.

Ratified this the 30th day of January, A. D. 1917.

## RESOLUTION No. 17

A JOINT RESOLUTION RELATING TO THE PRINTING AND DISTRIBUTION OF THE RECORD AND OTHER PAPERS IN THE MATTER OF THE REPUBLIC OF CUBA VERSUS THE STATE OF NORTH CAROLINA.

*Resolved by the Senate, the House of Representatives concurring:*

SECTION 1. That the Attorney-General of the State be and he is hereby directed to have printed as soon as possible one thousand five hundred copies of the complete record and all other papers in the matter of the Republic of Cuba versus the State of North Carolina, recently pending before the Supreme Court of the United States, to be distributed to such persons and libraries as he may select: *Provided*, that at least one copy shall be furnished to each member of the General Assembly and to each State official of North Carolina. Printing ordered. Distribution.

SEC. 2. That this resolution shall be in effect from and after its ratification. Proviso: copies to general assembly and state officers.

Ratified this the 2d day of February, A. D. 1917.

**RESOLUTION No. 18**

**A JOINT RESOLUTION PROVIDING FOR INVESTIGATION OF CHARGES AGAINST PRISON MANAGEMENT.**

Preamble.

Whereas serious charges of cruel and inhumane treatment of convicts at the Caledonia Farm and elsewhere have been made to the joint committees of the House and Senate of this General Assembly; and whereas these charges are too serious to be ignored; and whereas the penitentiary management has expressed a desire to have them thoroughly investigated: Now, therefore, be it

*Resolved by the House of Representatives, the Senate concurring:*

Committee to be raised.

Investigation and report.

Clerical assistance.

Payment of expenses.

Powers of committee.

Pay of witnesses and officers.

SECTION 1. That a committee, to be composed of three members of the House and two members of the Senate be appointed by the presiding officers of the respective bodies, and same after appointment are hereby instructed and empowered to proceed at once to investigate thoroughly and fully said charges, and such others as may arise in connection therewith, and report their findings to this session of the General Assembly. Such committee shall employ such clerical assistance as it shall see fit and proper, and all necessary expenses incurred by the said committee in pursuance of the purpose of this resolution shall be paid by the Treasurer of the State upon voucher of the chairman of the said committee.

SEC. 2. Said committee shall have power, in its discretion, to subpoena witnesses, send for papers, records, and documents, and compel the presence and production of the same, with power to attach as for contempt any disobedience of its subpoenas, orders, and mandates. All witnesses subpoenaed by this committee shall be paid one dollar and fifty cents per day and three cents mileage, and officer serving process shall receive usual fee.

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

Ratified this the 7th day of February, A. D. 1917.

**RESOLUTION No. 19**

**JOINT RESOLUTION DECLARING OUR FAITH AND CONFIDENCE IN THE WISDOM OF THE PRESIDENT OF THE UNITED STATES.**

Preamble.

Whereas, with patience and forbearance unexcelled and unequalled, the President has guided the affairs of the Union through a period fraught with hazard to the peace and happiness of the Republic; and whereas, in obedience to the dictates of humanity

Preamble.



and for the protection of the rights of American citizens on the high seas, he has with manifest reluctance but dauntless courage severed diplomatic relations with the imperial government of Germany: Now, therefore,

*Be it resolved by the House of Representatives, the Senate concurring:*

That the General Assembly of North Carolina, representing the people of North Carolina, do hereby pledge our allegiance to and declare our faith and confidence in him and his position as announced to the Congress of the United States, and hereby convey to him the assurance that North Carolina stands ready and willing, with her traditional patriotism, to assume her share in whatever may befall our country.

Pledge of allegiance.

Declaration of faith and confidence.

Pledge of support.

That a copy of this resolution be certified to by the presiding officers of the Senate and the House of Representatives and transmitted to the President of the United States.

Copy to be transmitted.

Ratified this the 8th day of February, A. D. 1917.

### RESOLUTION No. 20

RESOLUTION AUTHORIZING THE PLACING OF A BRONZE STATUE OF EX-GOVERNOR THOMAS J. JARVIS IN THE CAPITOL SQUARE.

*Resolved by the Senate, the House of Representatives 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 Capital Square a bronze statue of the late Thomas J. Jarvis.

Permission granted.

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

Ratified this the 21st day of February, A. D. 1917.

### RESOLUTION No. 21

JOINT RESOLUTION IN REGARD TO THE ORIGIN OF THE FLAG OF THE CONFEDERATE STATES OF AMERICA.

*Resolved by the House of Representatives, the Senate concurring:*

Whereas a committee of the United Confederate Veterans was appointed in one thousand nine hundred and fourteen to investigate the date, origin, etc., of the first flag adopted by the Confederate States of America, and the said committee, after thoroughly investigating the evidence submitted, reported at the reunion held in Richmond, Virginia, one thousand nine hundred and

Preamble: appointment and report of committee.

fifteen that the first flag known as "The Stars and Bars" was designed by the late Major Orren Randolph Smith of North Carolina, and that the said design being transmitted to the Confederate States Congress, sitting at Montgomery, Alabama, was duly adopted by that body March fourth, one thousand eight hundred and sixty-one; and that said flag was first displayed in this State by being hoisted to the masthead of a flag pole in the town of Louisburg, North Carolina, on the eighteenth day of March, one thousand eight hundred and sixty-one, and that a copy of the same was presented on the twenty-seventh day of April, one thousand eight hundred and sixty-one, by the ladies of Louisburg, North Carolina, to the Franklin Rifles, commanded by Capt. W. F. Green, which company was later known as Company "K" of the Third North Carolina Regiment:

Report endorsed  
and ratified.

Now, therefore, the report of the said committee of the United Confederate Veterans which was unanimously adopted by the United Confederate Veterans at Richmond, June second, one thousand nine hundred and fifteen, expresses our belief of the true historical facts, and the said report is indorsed and ratified by this General Assembly.

Ratified this the 26th day of February, A. D. 1917.

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## RESOLUTION No. 22

JOINT RESOLUTION REQUESTING THE ASSISTANCE OF THE SECRETARY OF THE DEPARTMENT OF AGRICULTURE OF THE UNITED STATES IN MAKING A STUDY OF INSECTS AND OTHERWISE ASSISTING THE FARMERS OF NORTH CAROLINA.

*Resolved by the Senate, the House of Representatives concurring:*

Coöperation  
requested.

That the Secretary of the United States Department of Agriculture be and he is hereby respectfully requested to authorize the Bureau of Entomology of the United States Department of Agriculture to coöperate with the proper State authorities in making a comprehensive research study of beetles and other insects inhabiting the forest lands of North Carolina so as to define the harmful from the beneficial ones, and determine practical and inexpensive methods of preventing their perpetuation in the forests and of destroying them when they have secured a foothold; and further, that the Secretary of the United States Department of Agriculture be respectfully requested to authorize the State's Relations Service to make it a part of the duty of the county demonstration agent working in conjunction with the State forester and his assistants to assist the farmer in the practical management and

County demon-  
stration agent.

profitable disposal of his timber crop, and that the county demonstrator be authorized to become an active local agent in the forest-fire preventive system.

Ratified this the 26th day of February, A. D. 1917.

### RESOLUTION No. 23

#### RESOLUTION REQUESTING THE OPINION OF THE SUPREME COURT OF NORTH CAROLINA.

*Resolved by the Senate, the House of Representatives concurring:*

That the Supreme Court of North Carolina be requested, if it can conveniently and properly do so, to advise the General Assembly as to the court's interpretation of the recent amendments to the Constitution with especial reference to the question as to whether or not there is any provision of the amendments to the Constitution recently adopted which would require the General Assembly to provide by general law the machinery for annexation by cities and towns of outlying and adjacent territory; or whether or not the General Assembly could make these annexations by special act, as the circumstances of each city or town might, in the judgment of the General Assembly, require.

Opinion requested.

Question specially referred.

Ratified this the 26th day of February, A. D. 1917.

### RESOLUTION No. 24

A RESOLUTION OF HOUSE OF REPRESENTATIVES AND SENATE CALLING A JOINT MEETING, HOUSE AND SENATE, TO ELECT TRUSTEES OF THE UNIVERSITY OF NORTH CAROLINA TO FILL VACANCIES.

*Resolved by the House of Representatives, the Senate concurring:*

SECTION 1. That there shall be a joint meeting of the Senate and House Monday, February twenty-sixth, at two o'clock p. m., for the purpose of electing trustees of the University of North Carolina to fill vacancies which have occurred and have been created since the last meeting.

Joint session

Purpose.

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

Ratified this the 26th day of February, A. D. 1917.

RESOLUTION No. 25

JOINT RESOLUTION TO PAY THE EXPENSES OF THE HOUSE AND SENATE VISITING COMMITTEE TO THE CASWELL TRAINING SCHOOL AT KINSTON, FEBRUARY 1, 1917.

*Resolved by the Senate, the House of Representatives concurring:*

Auditor to issue warrant.

First. That the State Auditor be authorized to issue his warrants on the State Treasurer for the following amounts to the persons hereinafter named, to defray the actual expenses of the committee, incurred in making said visit:

Detailed account.

Senator J. E. Long.....	\$ 6.45
Senator P. T. Ross.....	6.45
Senator A. M. Kelly.....	4.20
Senator L. M. Blue.....	3.70
Senator W. S. Davenport.....	5.75
Senator F. C. Harding.....	4.20
Senator J. A. Barnhardt.....	5.45
Representative E. J. Griffin.....	5.55
Representative W. A. Bowman.....	5.15
Representative J. C. Daniel.....	3.70
Representative D. L. Hewett.....	5.00
Representative T. J. Taylor.....	5.75
Representative M. D. Tatum.....	5.00
<hr/>	
Total .....	\$ 66.35

Ratified this the 3d day of March, A. D. 1917.

RESOLUTION No. 26

JOINT RESOLUTION TO PAY THE EXPENSES OF THE HOUSE AND SENATE EDUCATIONAL SUBCOMMITTEES WHILE VISITING THE CULLOWHEE NORMAL AND INDUSTRIAL SCHOOL AT CULLOWHEE.

*Resolved by the House of Representatives, the Senate concurring:*

Appropriation.

SECTION 1. That the sum of two hundred and nineteen dollars and ninety-four 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 two hundred and nineteen dollars and ninety-four cents, payable to K. E. Bennett, who will

Warrant.

distribute the same to the several members of the subcommittee as follows:

Senators:		
J. S. McNider .....	\$ 31.06	Items.
K. E. Bennett .....	32.86	
A. G. Deweese.....	30.10	
Representatives:		
Gola P. Ferguson.....	30.10	
B. B. Collins.....	30.10	
J. H. McCall.....	32.86	
P. M. Sawyer.....	32.86	
<hr/>		
Total .....	\$ 219.94	

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

Ratified this the 5th day of March, A. D. 1917.

### RESOLUTION No. 27

A RESOLUTION TO PAY THE EXPENSES OF THE SUBCOMMITTEE FROM THE GENERAL COMMITTEE ON EDUCATION VISITING THE NEGRO NORMAL SCHOOL AT ELIZABETH CITY AND THE EAST CAROLINA TEACHERS TRAINING SCHOOL AT GREENVILLE.

*Resolved by the House of Representatives:*

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 one hundred and eighteen dollars (\$118) in favor of L. P. McLendon, chairman of the Committee on Education, to pay the actual expenses of the subcommittee who visited the Negro Normal School at Elizabeth City and the East Carolina Teachers Training School at Greenville, such amount to be distributed as follows:

Representative Swain .....	\$ 20.00	Items.
Representative Matthews of Mecklenburg...	20.00	
Representative Puett .....	20.00	
Representative Suttlemyre .....	20.00	
Representative Widenhouse .....	20.00	
Representative Butt .....	18.00	
<hr/>		
Total .....	\$ 118.00	

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

Ratified this the 5th day of March, A. D. 1917.



## RESOLUTION No. 28

RESOLUTION TO PAY EXPENSES OF A COMMITTEEMAN TO  
VISIT APPALACHIAN TRAINING SCHOOL.

Mr. Sellers, for the committee appointed to visit the Appalachian Training School situated at Boone, North Carolina, makes the following report, to wit:

Report.

That he, for the committee, was ready and prepared to visit the Appalachian Training School on Friday, . . day of February, 1917; that the committee proposed to leave Raleigh on the night of Wednesday, . . day of February, 1917; that one member of the committee left Raleigh on Wednesday morning, the . . day of February, 1917, and upon arriving in Asheville that night he made inquiry of some of the people of Asheville in regard to the condition of the roads from Shell's Mill to Boone, North Carolina, a distance of sixteen miles. That upon finding that the condition of the road was very bad, he phoned to Boone to ascertain if it was possible to make the trip; that he was informed by Mr. Doherty brother of the president of the Appalachian Training School, that the road was almost impassable and that it would take three days to make the trip, if it could be made at all; that this member of the committee upon receiving this information immediately wired to him, informing him of the condition of the roads; that upon receiving this information and communicating with the other members of the committee, he decided that it was best not to undertake the trip. That he therefore wired the member of the committee in Asheville that the committee had decided not to visit the Appalachian Training School on account of the condition of the roads; that this member of the committee immediately took the train and returned to Raleigh.

Further report.

Mr. Sellers further reports that if he had not received this information five members of the committee would probably have got as far as Johnson City, North Carolina, and have had to turn back from that point. Be it therefore

Payment authorized.

*Resolved*, That the Auditor of the State is authorized to pay Mr. Sellers the sum of twenty-five dollars (\$25) to defray the expenses of the member of the committee to visit the Appalachian Training School, who got as far as Asheville, North Carolina.

Ratified this the 5th day of March, A. D. 1917.

## RESOLUTION No. 29

JOINT RESOLUTION OF THANKS TO THE PRESIDENT OF  
THE REPUBLIC OF CUBA TOUCHING THE RECONSTRUC-  
TION BONDS.*Resolved by the House of Representatives, the Senate concurring:*

Whereas we learn with much gratification through the message Preamble.  
of his Excellency, the Governor of North Carolina, that his Excel-  
lency, Mr. Monocal, President of the Republic of Cuba, has dic-  
tated a decree withdrawing the petition filed by the Republic of  
Cuba in the Supreme Court of the United States for the purpose  
of enforcing the payment by the State of North Carolina of more  
than two million dollars of "Reconstruction Bonds"; and whereas Preamble.  
this action by the Republic of Cuba was taken voluntarily and  
promptly as soon as the Republic of Cuba became acquainted with  
the character of the bonds and the circumstances under which  
they were issued: Now, therefore, be it

*Resolved:*

SECTION 1. That we hereby tender to our sister Republic of Thanks tendered.  
Cuba our profound thanks for her patriotic action touching this  
matter, so important to the interests of the State of North Caro-  
lina.

SEC. 2. That we hope that the cordial relations between the Relations.  
Republic of Cuba and all of the States of the Union may continue  
to the welfare of both countries.

SEC. 3. That we hereby tender to Senator Lee S. Overman our Thanks to Sena-  
profound thanks, and an expression of our admiration for his tor Overman.  
patriotic and successful services rendered the State of North  
Carolina in bringing to an end satisfactory to the State this law-  
suit brought by the Republic of Cuba.

Ratified this the 5th day of March, A. D. 1917.

## RESOLUTION No. 30

RESOLUTION TO PAY THE EXPENSES OF THE HOUSE  
VISITING COMMITTEES TO THE STATE HOSPITALS AT  
MORGANTON AND GOLDSBORO.*Resolved by the House of Representatives, the Senate concurring:*

That the State Auditor be authorized to issue his warrant on Payment.  
State Treasurer for the following amounts to the persons herein-  
after named, to defray the actual expenses incurred by the com-  
mittee:

Committee to  
Morganton.

EXPENSES OF COMMITTEE TO MORGANTON.

M. P. Flack.....	\$ 12.00
J. H. Pearson.....	13.00
E. G. Suttlemyre .....	12.00
W. R. Matthews.....	12.00
J. P. D. Withrow.....	12.00
E. W. Pharr.....	12.00
S. P. Crowson.....	12.00
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Total .....	\$ 83.00

Committee to  
Goldsboro.

EXPENSES OF COMMITTEE TO GOLDSBORO.

Dr. Tatum .....	\$ 6.00
J. P. D. Withrow.....	6.00
<hr/>	
Total .....	\$ 12.00

Ratified this 5th day of March, A. D. 1917.

RESOLUTION No. 31

JOINT RESOLUTION IN BEHALF OF THE CLERKS OF THE  
GENERAL ASSEMBLY.

Preamble.

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 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: Therefore, be it

Preamble.

*Resolved by the Senate, the House of Representatives concurring:*

Allowance.

SECTION 1. That the principal clerk of the Senate, the principal clerk of the House of Representatives, and their assistants, the reading clerks of both branches of the General Assembly, the engrossing clerk of the Senate and his assistants, the engrossing clerk of the House and his assistants, and the clerks to the different committees of both House and Senate be and they are hereby allowed the sum of one dollar per day for sixty days, in addition to their salary as now allowed by law.

SEC. 2. That the principal clerks of the Senate and House of Representatives, respectively, are hereby authorized and directed to issue vouchers therefor.

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

Ratified this the 5th day of March, A. D. 1917.

**RESOLUTION No. 32****RESOLUTION IN BEHALF OF THE CLERKS IN THE  
ENROLLING DEPARTMENT.**

Whereas the clerks of the enrolling department of the Gen- Preamble.  
eral Assembly have rendered true and faithful service to the  
General Assembly and have discharged the arduous duties in-  
cumbent upon them in a faithful and efficient manner; and Preamble.  
whereas the great advance in the cost of living is far in excess  
of the remuneration received: Therefore be it

*Resolved by the House of Representatives, the Senate concurring:*

SECTION 1. That the chief clerk of the enrolling department Allowance.  
and his assistants, not exceeding four, be and they are hereby  
allowed the sum of one dollar extra per day in addition to their  
per diem allowed by law, and only from the date of their em-  
ployment.

SEC. 2. The vouchers for such pay are to be issued and paid as Vouchers.  
other vouchers from the enrolling department.

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

Ratified this the 5th day of March, A. D. 1917.

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**RESOLUTION No. 33****JOINT RESOLUTION IN REGARD TO EXTRA PAY FOR  
PAGES OF THE SENATE AND THE HOUSE OF REPRE-  
SENTATIVES.**

*Resolved by the House of Representatives, the Senate concurring:*

SECTION 1. That the pages and messengers of the House and Allowance.  
of the Senate be and they are hereby allowed one dollar per day  
extra to the amount allowed and their actual railroad fare from  
their respective homes to the city of Raleigh and return.

SEC. 2. The principal clerks of the House and Senate are hereby Vouchers.  
authorized to issue their vouchers and the State Auditor 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.

Ratified this the 5th day of March, A. D. 1917.

**RESOLUTION No. 34****JOINT RESOLUTION PROVIDING FOR PAYMENT OF EXPENSES OF VISITING COMMITTEE TO STATE UNIVERSITY.**

Preamble.

Whereas the visiting committee from the General Assembly to the State University, composed of Senators Everett, chairman of Senate committee, and Burgwyn; Representatives McLendon, chairman of House committee, Davis, Grant of New Hanover, Joyner, and Pharr, have visited the University; and whereas the total expenses of the Senate committee was four dollars and sixty cents and of the said House committee was eleven dollars and fifty cents: Now, therefore be it

*Resolved by the House of Representatives, the Senate concurring:*

Appropriation.

SECTION 1. That the State Auditor is hereby authorized and directed to issue and draw warrants upon the State Treasurer, one payable to order of W. N. Everett, chairman of Senate committee, for four dollars and sixty cents, for distribution among Senate committee, and an other payable to Representative L. P. McLendon, chairman of House committee, for eleven dollars and fifty cents, for distribution to members of House committee.

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

Ratified this the 5th day of March, A. D. 1917.

**RESOLUTION No. 35****RESOLUTION IN BEHALF OF SERVICE TO THE HOUSE OF REPRESENTATIVES AND THE SENATE.**

Preamble.

Whereas the statute requires the journals of the House of Representatives and Senate, respectively, to be transcribed, and indexed after they are printed, and the principal clerks of the respective bodies are required to perform that duty; and whereas the increase in volume of business, the size of the journals, the high cost of living, and the increase in wages will cause pecuniary loss to the said principal clerks, who have to perform these duties after adjournment and at their own expense, including the employing of their clerical aid to expedite the work: Therefore, be it

*Resolved by the House of Representatives, the Senate concurring:*

Allowance for  
transcribing  
journals.

SECTION 1. That the principal clerks of each branch of the General Assembly be and they are hereby allowed, in addition to their present salary, the sum of one hundred dollars each for



the transcribing of their respective journals, and the sum of one hundred dollars each for indexing the said journals after they are printed by the State printers. <sup>Allowance for indexing journals.</sup>

SEC. 2. That this resolution be certified to the State Auditor, <sup>Vouchers.</sup> who thereupon will issue his warrants for said sums, upon vouchers issued by said principal clerks.

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

Ratified this the 6th day of March, A. D. 1917.

### 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 two hundred and nineteen dollars and ninety-four 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 two hundred and nineteen dollars and ninety-four cents, payable to K. E. Bennett, who will distribute the same to the several members of the subcommittee as follows: <sup>Appropriation.</sup> <sup>Payment and distribution.</sup>

#### Senators

J. S. McNider .....	\$31.06
K. E. Bennett .....	32.86
A. G. Dewesse .....	30.10

#### Representatives

Gola P. Ferguson .....	\$30.10
B. B. Collins .....	30.10
J. H. McCall .....	32.86
P. M. Sawyer .....	32.86

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Total .....\$219.94

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

Ratified this the 6th day of March, A. D. 1917.

RESOLUTION No. 37

JOINT RESOLUTION TO PAY EXPENSES OF THE HOUSE AND SENATE VISITING COMMITTEE TO THE NORTH CAROLINA SCHOOL FOR THE DEAF AT MORGANTON, NORTH CAROLINA.

*Resolved by the Senate, the House of Representatives concurring:*

Payments author-      That the State Auditor be authorized to issue his warrants on  
ized,                      the State Treasurer for the following amounts of the committee  
                             incurred in making said visit:

Items.	Senator Matheson .....	\$15.05
	Senator Nelson .....	15.05
	Senator Harrill .....	15.05
	Representative Rankin .....	15.05
	Representative Baldwin .....	15.05
	Representative Covington .....	15.05
	Representative Clayton .....	15.05
	Representative Phillips .....	15.05
	Representative Butt .....	15.05

Ratified this the 6th day of March, A. D. 1917.

RESOLUTION No. 38

RESOLUTION TO PAY THE EXPENSES OF THE SUBCOMMITTEE OF THE JOINT COMMITTEE ON EDUCATION VISITING THE STATE NORMAL COLLEGE, A. AND T. COLLEGE, AND SLATER COLORED NORMAL.

*Resolved by the Senate, the House of Representatives concurring:*

Payment author-      SECTION 1. That the Auditor be and he is hereby authorized  
ized,                      and directed to draw his warrant on the Treasurer of North  
                             Carolina for the sum of thirty-six dollars and twenty-five cents  
                             (\$36.25) in favor of John A. Oates, chairman of the Senate Com-  
                             mittee on Education, to pay the actual expenses of the subcom-  
                             mittee who visited the State Normal College, the Agricultural  
                             and Technical College, and the Slater Colored Normal College,  
                             such amount to be distributed as follows:

Items.	Senator McCain .....	\$ 9.75
	Senator Oates .....	9.75
	Representative Kittrell .....	9.75
	Representative Dalton .....	7.00
	Total .....	\$36.25

The first three named visited all the institutions, the last named visiting Normal College only.

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

Ratified this the 6th day of March, A. D. 1917.

### RESOLUTION No. 39

JOINT RESOLUTION TO PAY EXPENSES TO LEGISLATIVE COMMITTEE VISITING THE STATE ROCK QUARRY AT NEW BERN.

*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 thirty-six and fifty-five one hundredths dollars, to be distributed as follows:

A. M. Kelly .....	\$ 7.25	Items.
W. A. Bowman .....	7.30	
F. Brock .....	7.40	
T. J. Taylor .....	7.30	
Oscar Phillips .....	7.30	
<hr/>		
Total .....	\$ 36.55	

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

Ratified this the 6th day of March, A. D. 1917.

### RESOLUTION No. 40

JOINT RESOLUTION UNDER SENATE BILL 1406, RELATIVE TO THE SALE OF BONDS.

*Resolved by the Senate, the House concurring:*

That the Building Commission created under Senate bill one thousand four hundred and six be and it is hereby directed to prorate the proceeds of the sale of bonds issued each year under said act according to the amount appropriated to each institution or object, and *Provided further*, that the said Building Commission shall not approve of any expenditure or contract during the years of one thousand nine hundred and seventeen and one thousand nine hundred and eighteen in excess of the appropriation for said years.

Proceeds prorated.

Limitation of expenditures and contracts.

Ratified this the 6th day of March, A. D. 1917.

**RESOLUTION No. 41**

JOINT RESOLUTION AUTHORIZING THE SECRETARY OF STATE TO MAKE USE OF THE TYPISTS AND CLERKS IN THE VARIOUS GOVERNMENTAL DEPARTMENTS IN THE ENROLLMENT OF BILLS.

Preamble.

Whereas it is necessary to enroll a large number of bills on Tuesday, March sixth, one thousand nine hundred and seventeen: Therefore, be it

*Resolved by the House of Representatives, the Senate concurring:*

Use of department clerks.

SECTION 1. That for the purpose of enrolling the bills of the General Assembly on Tuesday, March sixth, one thousand nine hundred and seventeen, the Secretary of State be and he is hereby authorized to use the typists and clerks of the various governmental departments during office hours on said day, and to pay them at the rate now provided by law.

Payment.

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

Ratified this the 6th day of March, A. D. 1917.

**RESOLUTION No. 42**

RESOLUTION IN FAVOR OF W. D. TERRY.

Preamble.

Whereas W. D. Terry has been required to attend to the mechanical ventilation of the halls of the Senate and the House, in addition to his regular duties, during the session of the Legislature: Therefore, be it

*Resolved by the Senate, the House of Representatives concurring:*

Allowance.

That W. D. Terry, for the extra services above enumerated, be allowed the sum of one dollar per day during the legislative session, to be paid by the State Treasurer upon warrant of the Auditor.

Ratified this the 6th day of March, A. D. 1917.

**RESOLUTION No. 43**

A RESOLUTION TO PAY THE EXPENSES OF THE SUBCOMMITTEE FROM THE GENERAL COMMITTEE ON PUBLIC ROADS AND TURNPIKES WHILE INSPECTING THE CONVICT CAMPS IN WESTERN NORTH CAROLINA.

*Resolved by the House of Representatives:*

SECTION 1. That the Auditor be and he is hereby authorized and Appropriation. directed to draw his warrant on the Treasurer of North Carolina for the sum of one hundred and eleven dollars and forty-five cents in favor of W. R. Matthews of Mecklenburg, chairman of the Committee on Public Roads and Turnpikes, to pay the actual expenses of the subcommittee who visited the convict camps in western North Carolina, such amount to be distributed as follows:

W. R. Matthews .....	\$ 27.50	Items.
B. S. Hurley .....	28.30	
Jones Taylor .....	25.65	
H. L. Swain .....	30.00	

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Total .....\$111.45

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

Ratified this the 6th day of March, A. D. 1917.

**RESOLUTION No. 44****RESOLUTION FOR JOINT MEETING.**

*Resolution by the Senate, the House of Representatives concurring:*

That the Senate and House meet in joint session today at two Purposo. p. m., to elect the members of the State Board of Charities and Public Welfare.

Ratified this the 6th day of March, A. D. 1917.



## RESOLUTION No. 45

JOINT RESOLUTION IN BEHALF OF THE ENGINEER AND FIREMAN OF THE CENTRAL HEATING PLANT FOR SERVICES RENDERED THE GENERAL ASSEMBLY OF NORTH CAROLINA, SESSION 1917.

Preamble. Whereas the engineer and fireman of the central heating plant have well and truly performed their duties in heating the Capitol building during this session of the General Assembly; and  
 Preamble. and whereas they have been obliged to work at night and on Sundays in order to keep the State buildings warm for the comfort of the members of the General Assembly: Now, therefore, be it

*Resolved by the Senate, the House of Representatives concurring:*

Allowance. SECTION 1. That the engineer and fireman of the central heating plant be and they are hereby allowed the sum of thirty dollars (\$30) each as extra compensation for their services in keeping the various State buildings heated during the session of the Legislature.

No further compensation. SEC. 2. That the engineer and fireman as above shall receive no further extra compensation for such services than is hereby allowed.

Vouchers. SEC. 3. That the principal clerk of the Senate is hereby authorized to issue vouchers for the above compensation.

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

Ratified this the 6th day of March, A. D. 1917.

## RESOLUTION No. 46

A RESOLUTION DIRECTING A COMMISSION TO MAKE AN EXTENSIVE INVESTIGATION OF THE SUBJECT OF TAXATION.

Preamble. Whereas the present system of taxation in force in North Carolina is one of many years standing; and whereas it is proper that the people of North Carolina should be accorded both a just and equitable and at the same time up-to-date system of taxation: Now, therefore, be it

*Resolved by the Senate, the House of Representatives concurring:*

Special-tax commission. SECTION 1. That the Governor, the chairman of the State Tax Commission, and four other persons to be appointed by the Governor, be directed as a special tax commission to make an exten-

sive investigation and submit to this or the next General Assembly a comprehensive plan or plans of taxation; that they be also requested to make an exhaustive study of the practicability of the separation of the sources of State and local revenue, and should an amendment to the Constitution be necessary, they are further requested to submit one or more forms of amendment in accordance with their recommendations; that the commission organize and begin its work by July first, one thousand nine hundred and seventeen.

Schedule of work.

Time for organization.

SEC. 2. That the members of the commission, other than the Governor and the Chairman of the State Tax Commission, be paid a per diem of four dollars (\$4) and that the necessary traveling expenses of all members of the commission, and the employment of clerical or expert assistance, if deemed necessary, shall be paid out of the general fund of the State Treasury: *Provided*, said expenses shall not exceed the sum of two thousand dollars (\$2,000).

Pay of commissioners.

Clerical and expert assistance.

Proviso: limit of expense.

SEC. 3. That this resolution shall be in force after its ratification.

Ratified this the 6th day of March, A. D. 1917.

### RESOLUTION No. 47

#### RESOLUTION TO INCREASE THE PAY OF THE LABORERS OF THE SENATE AND HOUSE OF REPRESENTATIVES.

Whereas the laborers of the Senate and the House of Representatives have faithfully performed all the duties required of them; and whereas the cost of living is so very much higher than at any previous session of the General Assembly, and whereas there has been a great deal of sickness among the laborers. Therefore, be it

Preamble.

Preamble.

Preamble.

*Resolved by the House of Representatives, the Senate concurring:*

SECTION 1. That an additional fifty cents per day and railroad fare be allowed the laborers of the Senate and the House of Representatives.

Allowance.

SEC. 2. That this resolution shall be effective from and after its ratification.

Ratified this the 6th day of March, A. D. 1917.

## RESOLUTION No. 48

## JOINT RESOLUTION RELATIVE TO THE ESTABLISHMENT OF DEFINITE LINES OF DIVISION BETWEEN FEDERAL AND STATE TAXES, AND THE APPOINTMENT OF DELEGATES TO A CONGRESS OF THE STATES TO CONSIDER JURISDICTIONS OF THE FEDERAL AND STATE GOVERNMENTS.

Preamble: extension of federal taxation.

Preamble: separation of taxable units.

Preamble: establishment of line of division.

Whereas, in the exercise of its taxing power the Federal Government is embracing the sources of revenue heretofore not availed of by that Government; and whereas there exists a line which separates the taxable units that equitably and logically may be left solely to State taxation from the units logically belonging to the broader Federal jurisdiction; and whereas the establishment of some reasonable line of division giving to the States sole taxing authority below such line, and to the Federal Government sole taxing authority above such line, would cure much of the trouble existing because of conflict of jurisdiction between States; would relieve the tension between Federal and State governments; would result in great economy in the levying and collection of taxes, and would relieve the growing dissatisfaction on the part of the taxpayer resulting from irritating and expensive duplication of accounts and reports and double taxation: Now, therefore, be it

*Resolved by the Senate, the House of Representatives concurring:*

Congress of states.

That we respectfully urge upon the Congress of the United States the need of holding a congress of the States to consider the subject of Federal and State sources of revenue, with the object of adopting and urging upon the Congress of the United States a definite policy in the segregation of State and Federal revenue; and be it

Federal representatives.

*Further Resolved*, That the President of the United States be invited to appoint a representative and that both houses of the Congress of the United States be invited to appoint representatives to attend such conferences, and be it

State delegates.

*Further Resolved*, That the Governor of the State of North Carolina is hereby authorized to appoint delegates to represent the State of North Carolina at such conference; and be it

Copies of resolution.

*Further Resolved*, That a copy of these resolutions be forthwith transmitted by the Secretary of State to the President of the Senate of the United States and to the Speaker of the House of Representatives of the United States, and a copy hereof to each member of Congress from the State of North Carolina.

Ratified this the 6th day of March, A. D. 1917.

## RESOLUTION No. 49

## JOINT RESOLUTION FOR THE COMPENSATION OF CERTAIN EMPLOYEES OF THE GENERAL ASSEMBLY.

Whereas several employees of the Senate and House of Representatives served for three days at the beginning of this session of the General Assembly, for which no provision was made for compensation: Now, therefore, be it

*Resolved by the House of Representatives, the Senate concurring:*

SECTION 1. That all employees of the Senate and House of Representatives who served at the beginning of the session during a time for which no provision was made for compensation be paid out of the State Treasury on warrant of the State Auditor for the time actually served. Preamble.  
Payment authorized.

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

Ratified this the 7th day of March, A. D. 1917.

## RESOLUTION No. 50

## A RESOLUTION AUTHORIZING THE CHANGING OF THE MARRIAGE REGISTER IN CHEROKEE COUNTY.

Whereas on the records in the office of the register of deeds of Cherokee County it appears that on November fourteenth, one thousand nine hundred and one, Samuel Robinson was married to Sarah B. Hickey, the same appearing by certificate registered in the marriage register of said county on page ninety-seven as of November fourteenth, one thousand nine hundred and one; it further appearing that by error the name was transcribed as Samuel Robertson instead of Robinson; it further appearing that the said Samuel Robinson died on April eighteenth, one thousand nine hundred and sixteen, in the said Cherokee County, and the present name and address of his widow is Sarah B. Robinson, Culberson, North Carolina; and whereas in collecting the pension due the said widow certain confusion has arisen on account of this incorrect spelling of her name on the marriage register, in order to correct the typographical error in the spelling of the name of Sarah B. Robinson: Now therefore,

*The General Assembly of North Carolina do enact:*

SECTION 1. That the register of deeds of the county of Cherokee is hereby authorized and directed to correct the name now appearing as Samuel Robertson, at page ninety-seven of the mar- Preamble.  
Correction authorized.

riage register of said county as of November fourteenth one thousand nine hundred and one, to read "Samuel Robinson."

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

Ratified this the 7th day of March, A. D. 1917.

### RESOLUTION No. 51

RESOLUTION TO PAY THE EXPENSES OF THE SUBCOMMITTEE OF THE SENATE COMMITTEE ON INSANE ASYLUMS, VISITING THE STATE HOSPITAL AT MORGANTON.

*Resolved by the Senate, the House of Representatives concurring:*

Appropriation.

SECTION 1. That the State Auditor be and he is hereby authorized and directed to draw his warrant on the Treasury of North Carolina for the sum of sixteen dollars in favor of R. S. McCain, chairman of the Senate Committee on Insane Asylums, to pay the actual expenses of the subcommittee who visited the State Hospital at Morganton, such amounts to be distributed as follows: Eight dollars to be paid John A. Oates; eight dollars to be paid R. S. McCain.

Items.

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

Ratified this the 7th day of March, A. D. 1917.

### RESOLUTION No. 52

JOINT RESOLUTION RELATIVE TO THE INDEBTEDNESS OF THE STATE TO THE STATE'S PRISON.

*Resolved by the Senate, the House of Representatives concurring:*

Payment authorized.

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 fifty-six thousand three hundred dollars (\$56,300), which sum shall be placed to the credit of the general fund.

Amount.

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

Ratified this the 7th day of March, A. D. 1917.



**RESOLUTION No. 53****JOINT RESOLUTION RELATIVE TO EXTRA COMPENSATION OF THE NIGHT WATCHMAN OF THE STATE CAPITOL.**

Whereas the night watchman of the Capitol building and grounds has had extra services to perform in looking after the lights in the Senate and House, and the Capitol building and grounds in general, during the session of the General Assembly, and in the performance of these duties he has been uniformly courteous and accommodating: Now, therefore,

*The General Assembly of North Carolina do enact:*

SECTION 1. That the night watchman of the Capitol be and he is hereby allowed the sum of one dollar per day extra for the sixty days during the General Assembly, to be paid by the State Treasurer upon the warrant of the State Auditor.

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

Ratified this the 7th day of March, A. D. 1917.

**RESOLUTION No. 54****RESOLUTION IN REGARD TO JANITORS.**

Whereas David Wright and William Jeffreys have rendered necessary services to committees of the Senate and House of Representatives which meet in the law library and other rooms of the Supreme Court building during this session of the Legislature, in preparing and keeping in order the rooms of said committees, and in other ways:

SECTION 1. *Resolved by the Senate, the House of Representatives concurring,* That each of said persons be allowed fifty cents per diem for such services rendered during the session, to be paid by the State Treasurer upon warrant of the State Auditor.

SEC. 2. This resolution to take effect from and after its ratification.

Ratified this the 7th day of March, A. D. 1917.

## RESOLUTION No. 55

## JOINT RESOLUTION FOR THE RELIEF OF MRS. W. D. JONES.

Preamble. Whereas, in the trial of the boundary line case of the State of North Carolina versus the State of Tennessee the evidence which probably determined the result in favor of the State of North Carolina was a book containing the field notes of Colonel William Davenport, one of the surveyors who ran the original line between the two States; and whereas this book was found by Mr. W. D. Jones, a grandson of Colonel Davenport, after suit had been commenced, who immediately offered it to the State to be used in evidence; and whereas Mr. Jones has since died, without having first received any compensation or reward for such service; and whereas, the State of North Carolina profited greatly by such services, and it is the desire of the present General Assembly to show proper appreciation therefor: Now, therefore,

Preamble.

Preamble.

Preamble.

*Be it resolved by the Senate, the House of Representatives concurring:*

Payment authorized.

SECTION 1. That for the services herein referred to, the State Auditor is authorized and directed to draw a warrant upon the State Treasurer for two hundred and fifty dollars (\$250) in favor of Mrs. W. D. Jones, and the Treasurer is authorized to pay the same upon presentation.

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

Ratified this the 7th day of March, A. D. 1917.

## RESOLUTION No. 56

## JOINT RESOLUTION CONCERNING THE SERGEANT-AT-ARMS AND ASSISTANT SERGEANT-AT-ARMS OF THE HOUSE OF REPRESENTATIVES AND THE SERGEANT-AT-ARMS AND ASSISTANT SERGEANT-AT-ARMS OF THE SENATE.

Preamble. Whereas the sergeant-at-arms and assistant sergeant-at-arms of the House of Representatives, and the sergeant-at-arms and assistant sergeant-at-arms of the Senate have served in their respective capacities faithfully and acceptably; and whereas they have been engaged in the discharge of their respective duties both night and day: Therefore be it

*Resolved by the House, the Senate concurring:*

Pay increased.

SECTION 1. That the pay of the sergeant-at-arms and the assistant sergeant-at-arms of the House of Representatives and the ser-

geant-at-arms and the assistant sergeant-at-arms of the Senate be and the same is hereby increased fifty cents per day for the time they have served in their respective capacities.

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

Ratified this the 7th day of March, A. D. 1917.

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### RESOLUTION No. 57

#### RESOLUTION OF THANKS TO RALEIGH POSTOFFICE.

Whereas the members of the General Assembly have received Preamble.  
from the Post office, Station A, in charge of Mr. H. L. Howell, the  
most courteous and efficient service possible; and whereas the Preamble.  
said Mr. Howell has shown active, gentlemanly, and courteous  
treatment to each member: Now, therefore, be it

*Resolved by the Senate, the House concurring:*

FIRST. That the General Assembly of North Carolina hereby Thanks extended,  
extends its thanks to the postmaster, B. M. Gatling, and to Mr.  
H. L. Howell for such efficient and courteous service.

SECOND. That a copy of this resolution be forwarded to the Copies of reso-  
Postmaster-General of the United States and to the Secretary of lution.  
State, and a copy be sent to Mr. B. M. Gatling and Mr. Howell.

Ratified this the 7th day of March, A. D. 1917.

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### RESOLUTION No. 58

#### RESOLUTION OF ADJOURNMENT OF THE GENERAL ASSEMBLY.

*Resolved by the House of Representatives, the Senate concurring:*

That this session of the General Assembly adjourn *sine die* on Adjournment  
this March the seventh. one thousand nine hundred and seventeen, *sine die*.  
at twelve o'clock m.

Ratified this the 7th day of March, A. D. 1917.

STATE OF NORTH CAROLINA,  
OFFICE OF SECRETARY OF STATE,  
RALEIGH, March 30, 1917.

I, J. Bryan Grimes, Secretary of State of the State of North Carolina, hereby certify that the foregoing (manuscript) are true copies of the original acts and resolutions on file in this office.

J. BRYAN GRIMES.  
*Secretary of State.*

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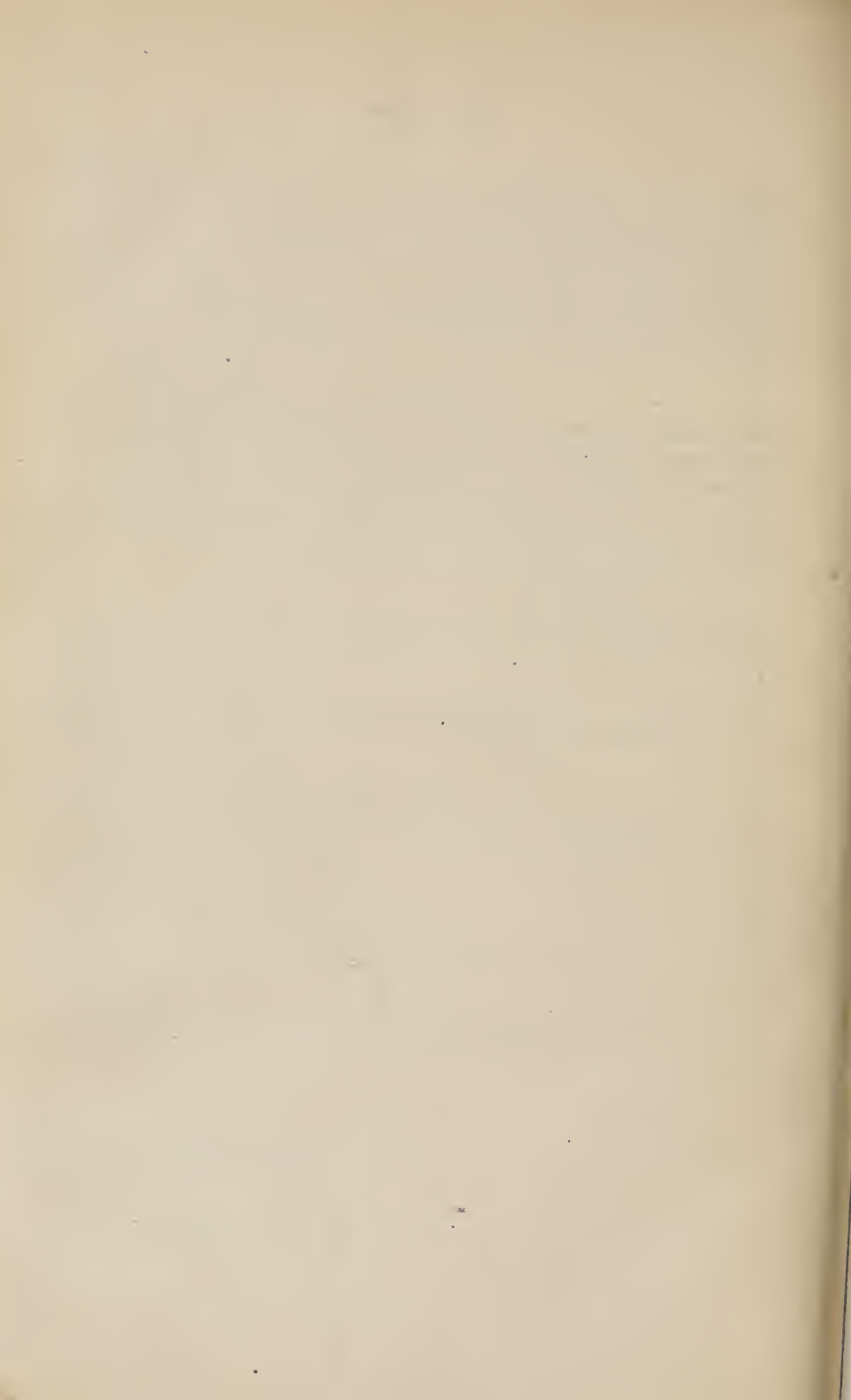
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