CAPTIONS OF THE PRIVATE LAWS
SESSION 1939

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AN ACT TO REPEAL CHAPTER TWENTY-FOUR, PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE, RELATIVE TO PAYMENT OF TAXES WITH BONDS IN THE TOWN OF SYLVA.

Section 1. That Chapter twenty-four, Private Laws of one thousand nine hundred and thirty-five, be, and the same is hereby repealed.

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 That all laws and clauses of laws in conflict herewith are hereby repealed.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 January twenty-fifth, one thousand nine hundred and thirty-nine.

In the General Assembly read three times and ratified, this the 24th day of January, 1939.

S. B. 51

AN ACT TO AUTHORIZE COMMISSIONERS OF BEAUFORT COUNTY TO SETTLE CLAIM FOR BUILDING BURNED WHILE USED AS PUBLIC SCHOOL HOUSE.

Whereas, suit is pending in the Superior Court of Beaufort County by Mrs. Katie F. Waters and N. A. Cutler against School Committeemen, Superintendent of Public Schools, and members of the Board of Education of Beaufort County for damages for burning of building used for public school purposes; and

Whereas, settlement and adjustment has been agreed upon by counsel of opposing sides and approved by Board of County Commissioners and Board of Education: Now, Therefore,
The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners of Beaufort County is hereby authorized and empowered to pay to Mrs. Katie F. Waters and N. A. Cutler not to exceed twelve hundred and fifty ($1250.00) dollars and the cost of the pending actions, in settlement of all claim for damages for burning of store building in Pinetown used as a school house and the subject of the actions above referred to.

SEC. 2. That the said Board of Commissioners is authorized and empowered to apply the above-named sum from funds accruing for school purposes for the year one thousand nine hundred and thirty-nine (1939) and to borrow such amount in anticipation of uncollected taxes, not otherwise appropriated.

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

In the General Assembly read three times and ratified, this the 7th day of February, 1939.

H. B. 164

CHAPTER 3

AN ACT TO EXEMPT MEMBERS OF FIREMEN'S ORGANIZATIONS IN PAMLICO COUNTY FROM PAYMENT OF POLL TAX FEES.

The General Assembly of North Carolina do enact:

SECTION 1. That members of all Firemen's organizations or agencies, now existing or later to be organized in Pamlico County, be and they are hereby, exempt from payment of the annual poll tax fees.

SEC. 2. That this Act shall apply to the one thousand nine hundred thirty-nine poll tax assessments and thereafter.

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.

In the General Assembly read three times and ratified, this the 14th day of February, 1939.
H. B. 255  CHAPTER 4
AN ACT TO AMEND THE CHARTER OF THE GOLDSBORO HOSPITAL, AS CONTAINED IN CHAPTER SEVENTY-FOUR OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND THREE.

The General Assembly of North Carolina do enact:

Section 1. That Section three of Chapter seventy-four of the Private Laws of one thousand nine hundred and three be, and the same is hereby, amended by adding at the end of said section the following, to-wit:

"And the trustees appointed as hereinbefore provided shall, at the first meeting held after the ratification of this Act (or at some subsequent meeting if lack of quorum or other circumstance prevents at the meeting herein designated), and biennially thereafter at the meeting in May, appoint eight trustees from the community at large, at least four of whom shall be women, to serve for the term of two years, provided the first appointees named in accordance with this Act shall serve until the first day of June, one thousand nine hundred and forty-one.

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.

In the General Assembly read three times and ratified, this the 14th day of February, 1939.

H. B. 158  CHAPTER 5
AN ACT FOR THE RELIEF OF ROY EDWARD FISHER, FORMER STATE HIGHWAY PATROLMAN, FOR INJURIES RECEIVED IN LINE OF DUTY.

Whereas, Roy Edward Fisher, on the twenty-fifth day of September, one thousand nine hundred and thirty-one, while he was about his official duties as a Highway Patrolman on State Highway number ten, at or near the Town of Burlington, in Alamance County, was thrown from his motorcycle, and suffered severe injuries to his right ankle and foot; and

Whereas, he was taken to various hospitals and doctors for treatment of the bones in said ankle and foot for a period of approximately five years; and

Whereas, the bones in the said ankle and foot being so severely crushed and mutilated that they failed to knit and heal properly that the said former highway patrolmen, due
to such constant and severe pain was compelled, in order to relieve himself of further suffering, to have his right leg amputated below the knee; and

Whereas, the said Fisher, not understanding the provisions of the Workmen's Compensation Law, and through no fault of his own, allowed the Statute of Limitations relative to the allowance of further compensation for the injury, which arose out of and in the course of his employment, to run to the extent that he now, under the Workmen's Compensation Law, cannot secure compensation for the loss of his right leg; and

Whereas, A. J. Maxwell, Commissioner of Revenue, as provided and directed by Chapter fifteen of the Private Laws of one thousand nine hundred thirty-seven, provided and has maintained an artificial limb for the said Fisher and has paid the cost of such artificial limb and the maintenance thereof out of funds from the State Department of Revenue; and

Whereas, the wound caused by the amputation of the said Fisher's leg failed to heal properly and became inflamed, necessitating a further operation in order that the difficulty might be corrected; and

Whereas, the said Fisher had an operation performed at expense to himself and which he has paid in hospital and medical bills instant to such operation, in the amount of one hundred twenty-five dollars ($125.00); Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That A. J. Maxwell, Commissioner of Revenue, is hereby authorized and directed to pay out of the funds of the State Department of Revenue, to reimburse the said Roy Edward Fisher for his actual expenses incurred incident to this further operation upon his leg in the amount of one hundred twenty-five dollars ($125.00); and the Commissioner of Revenue is further authorized and directed to pay out of the funds of said Department of Revenue any further actual hospital and medical expenses which may be in the future incurred by the said Roy Edward Fisher, by reason of the injury heretofore sustained as herein set out.

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.

In the General Assembly read three times and ratified this the 16th day of February, 1939.
H. B. 186

CHAPTER 6

AN ACT TO REPEAL THE CHARTER OF THE TOWN OF ABBOTTSBURG, IN BLADEN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter three hundred and twelve of the Private Laws of one thousand nine hundred and three entitled "An Act to Incorporate the Town of Abbottsburg, in Bladen County," be and the same is hereby repealed.

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

In the General Assembly read three times and ratified, this the 27th day of February, 1939.

H. B. 376

CHAPTER 7

AN ACT TO AUTHORIZE THE COMMISSIONERS OF WASHINGTON COUNTY TO PROVIDE FOR THE RETIREMENT OF MISS AUGUSTA CARSTARPHEN.

Whereas, Miss Augusta Carstarphen of Washington County is now eighty-three years old and has been a public school teacher in Washington County for over fifty years; and

Whereas, because of her age, Miss Augusta Carstarphen is no longer able to carry on the active duties of a public school teacher in Washington County; Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the County Commissioners of Washington County be, and they are hereby, authorized and empowered to provide for the retirement of said Miss Augusta Carstarphen and to pay her the sum of fifty dollars ($50.00) a month, to be paid from the general funds of the county.

Sec. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 27th day of February, 1939.
H. B. 394

CHAPTER 8

AN ACT TO INCORPORATE THE GROUNDS IN CONNECTION AND SURROUNDING SENTER PRIMITIVE BAPTIST CHURCH IN ASHE COUNTY AND PROVIDING FOR PROTECTION THEREFOR.

The General Assembly of North Carolina do enact:

Section 1. That a boundary constituting a mile square, with Senter Primitive Baptist Church in Ashe County, North Carolina, the center thereof, shall be and the same is hereby incorporated under the style and name of "The Senter Primitive Baptist Church Grounds."

Sec. 2. That the trustees and/or proper officers or governing body of said church shall have full and ample power and authority to make and prescribe such rules and regulations for the governing and protection of said grounds when a congregation is there assembled for the purpose of religious worship as to them may seem wise and proper: Provided, the same are not inconsistent with the Constitution of this State.

Sec. 3. That the trustees and/or officers or other governing bodies of said church are hereby authorized to appoint a special police or policemen to enforce the rules and regulation of the said body as above provided, or to arrest any person for disorderly conduct or for any offense in violation of the laws of the State committed within the limits of said incorporation, and when any person is so arrested said officer shall take said person before the nearest available Justice of the Peace, who shall upon complaint issue a warrant against such offender and proceed with the case as is provided by law.

Sec. 4. That said church grounds shall be considered as occupied for worship on each and every day during which religious services are held in said church.

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 full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 1st day of March, 1939.
H. B. 442

CHAPTER 9

AN ACT TO RELIEVE E. H. MURRAY, FORMER CLERK OF THE SUPERIOR COURT, ALAMANCE COUNTY, FROM PAYMENT OF FUNDS STOLEN BY THE COURTHOUSE JANITOR.

Whereas, Joe Glover, former courthouse janitor, of Alamance County, North Carolina, stole from the office of the Clerk of the Superior Court, county funds in the sum of nine hundred forty-six dollars and sixty-three cents ($946.63) for which offense the said Joe Glover has been sentenced by the Superior Court of Alamance County; and

Whereas, the then incumbent Board of County Commissioners for said county and State did on Monday, December fifth, one thousand nine hundred thirty-eight, pass a resolution expressing doubt of the authority of the said Board of Commissioners to relieve the said E. H. Murray, Clerk of the Superior Court, from the payment of the said sum of nine hundred forty-six dollars and sixty-three cents ($946.63), stolen by the said janitor, Joe Glover, but recommended to the incoming board that it relieve the said E. H. Murray from the payment of the said sum, if and when authority was obtained; and

Whereas, the now incumbent Board of County Commissioners has required the said E. H. Murray to obtain an Act of the legislature, authorizing and empowering them to release the said E. H. Murray from payment of the said sum, before acting favorable on the resolution passed by the former Board of County Commissioners; Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. The Board of County Commissioners of Alamance County, North Carolina, is hereby authorized, empowered and directed to fully and completely relieve, release and discharge the said E. H. Murray, former Clerk of the Superior Court of Alamance County from payment of the sum of nine hundred forty-six dollars and sixty-three cents ($946.63), representing money stolen from the office of the Clerk of the Superior Court by Joe Glover.

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and its ratification.

In the General Assembly read three times and ratified, this the 10th day of March, 1939.
H. B. 554  

CHAPTER 10

AN ACT TO PERMIT F. P. MARKHAM, JR., AND WIFE, GOLDIE LISTER MARKHAM, TO DISINTER AND REMOVE ALL BODIES AND GRAVES FROM THEIR PROPERTY ON THE NORTH SIDE OF COLONIAL AVENUE IN THE CITY OF ELIZABETH CITY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That F. P. Markham, Jr., and wife, Goldie Lister Markham, be, and they are hereby authorized to disinter and remove, or cause to be disinterred or removed, all bodies and tombstones in that burial ground located on the north side of Colonial Avenue, in the block back of the First Baptist Church, said burial ground being located on the property of the said F. P. Markham and wife, said bodies and tombstones not now enclosed by any kind of a fence, to a suitable lot in Hollywood, New Hollywood, or any other cemetery in Pasquotank County in which they are able to obtain permission to reinter said bodies: Provided, that all expense in connection with said burial ground, removal and re-interment shall be paid by the said F. P. Markham, Jr., and wife, Goldie Lister Markham.

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

In the General Assembly read three times and ratified, this the 13th day of March, 1939.

H. B. 664  

CHAPTER 11

AN ACT TO AMEND CHAPTER THREE HUNDRED AND SEVEN, PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND FIVE, AND CHAPTER THREE PRIVATE LAWS, EXTRA SESSION ONE THOUSAND NINE HUNDRED AND TWENTY-ONE, RELATING TO THE CHARTER OF LENOIR RHYNE COLLEGE AT HICKORY, CATAWBA COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That the Act incorporating the Trustees of Lenoir College, ratified March fourth, one thousand nine hundred and five, Chapter three hundred and seven, Private Laws of one thousand nine hundred and five, and amendments thereto, be amended so that said Section two of said Act or Acts shall read as follows:

"SEC. 2. That the persons named in Section one of this Act shall constitute the Board of Trustees of said corporation until their successors are respectively nominated and elected, and that said trustees or said corporation shall be
capable in law to sue and be sued in all the courts of this State, and may have and use a common seal, may take, demand, receive, and possess all lands and tenements, moneys, goods, and chattels which have been or which may be given, sold or transferred to them or it by will or otherwise for the proper use of said Lenoir Rhyne College in Hickory, and shall have power to make all needful rules and regulations not in conflict with the laws of this State and the United States for the government of themselves and of the college."

**Sec. 2.** That Chapter three hundred and seven, Private Laws of nineteen hundred and five, and that Chapter three of the Private Laws of the State of North Carolina, Extra Session, one thousand nine hundred and twenty-one, be amended by striking out Section three of said Act or Acts and inserting in lieu thereof the following:

"Sec. 3. That it shall be the duty of the United Evangelical Lutheran Synod of North Carolina to nominate and elect a Board of Trustees of Lenoir Rhyne College from the active membership of its constituent congregations, consisting of twenty-one (21) members for a term or terms as the Synod may determine, who, together with the President of said Synod and the President of said College, who are hereby made ex-officio advisory members without a vote, shall constitute the Board of Trustees of this corporation: *Provided*, that the Board of Trustees as now constituted shall be the Board of Trustees of this corporation until the said board shall be perfected under the provisions of this Act, and, *provided further*, that this Act shall not affect the terms of office to which present members of the board have been elected. Any vacancies occurring in the said Board of Trustees in the interim between the annual conventions of the said Synod shall be filled by the Executive Committee of the United Evangelical Lutheran Synod of North Carolina. The Board of Trustees of Lenoir Rhyne College and/or said corporation shall be the successor of and shall succeed to any and all rights, powers, privileges, advantages, title, and property heretofore conferred upon or which may hereafter be acquired by the Board of Trustees for Educational Institutions of the United Evangelical Lutheran Synod of North Carolina, the Board of Trustees of Lenoir College and/or Lenoir College; the Board of Trustees of Daniel Rhyne College and/or Daniel Rhyne College; the Board of Trustees of Lenoir Rhyne College and/or Lenoir Rhyne College; the Board of Trustees of Mount Amoena Seminary and/or Mount Amoena Seminary: *Provided*, that nothing contained herein shall alter, change or modify any existing contract or contracts, agreement or agreements heretofore made by Lenoir Rhyne College."
Sec. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. That this Act shall be in force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of March, 1939.

H. B. 665

CHAPTER 12

AN ACT TO DISSOLVE THE CHARTER OF MONT AMOENA FEMALE SEMINARY, MOUNT PLEASANT, NORTH CAROLINA, AND TO REPEAL CHAPTER FIFTY-EIGHT PRIVATE LAWS, ONE THOUSAND EIGHT HUNDRED NINETY-ONE, AND CHAPTER TWO, PRIVATE LAWS, EXTRA SESSION ONE THOUSAND NINE HUNDRED TWENTY-ONE.

Whereas, by proper resolution of the Board of Trustees of Mont Amoena Female Seminary, Mount Pleasant, Cabarrus County, State of North Carolina, it has been duly determined that the business and purposes for which the corporation was created, no longer exist, and in the judgment of the Board of Trustees it is for the best interest of the corporation to sell, transfer and assign to Lenoir Rhyne College, or to the Trustees of Lenoir Rhyne College, all of its rights, title and interest of every nature in and to any and all property now owned, or which may at any future time, be acquired by said corporation, or the Board of Trustees of said corporation, and that said sale and transfer has been duly made, and that said Lenoir Rhyne College, its successors and assigns, succeeds to all rights and benefits of this corporation, that the business and books of said corporation be closed, and its charter repealed: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter fifty-eight, Private Laws, one thousand eight hundred ninety-one, and Chapter two Private Laws of Extra Session, one thousand nine hundred twenty-one, of the State of North Carolina, and all Acts and amendments thereto, be and the same are hereby repealed.

Sec. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. That this Act shall be in force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of March, 1939.
H. B. 666  

CHAPTER 13

AN ACT TO AMEND CHAPTER THREE HUNDRED FIFTY-SEVEN, PRIVATE LAWS ONE THOUSAND NINE HUNDRED AND NINE, AND CHAPTER ONE, PRIVATE LAWS, EXTRA SESSION, ONE THOUSAND NINE HUNDRED AND TWENTY-ONE, RELATING TO THE CHARTER OF NORTH CAROLINA COLLEGE, MOUNT PLEASANT, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That the Act incorporating the Trustees of North Carolina College, ratified, the eighth day of March, one thousand nine hundred and nine, Chapter three hundred fifty-seven, Private Laws of one thousand nine hundred and nine, and Chapter one, Private Laws of the State of North Carolina, extra session, one thousand nine hundred and twenty-one, be amended by striking out all of Section two of the Act of one thousand nine hundred and nine, which section is the second paragraph of Chapter one of the Private Laws of the extra session, one thousand nine hundred twenty-one, and inserting in lieu thereof the following:

"Sec. 2. That it shall be the duty of the United Evangelical Lutheran Synod of North Carolina to nominate and elect a Board of Trustees of North Carolina College, from the active membership of its constituent congregations, consisting of twenty-one (21) members for a term or terms as said synod may determine, who, together with the President of said synod and the President of said college, who are hereby made ex officio advisory members without a vote, shall constitute the Board of Trustees of this corporation: Provided, that the Board of Trustees as now constituted shall be the Board of Trustees of this corporation until the said board shall be perfected under the provisions of this Act: Provided, further, that this Act shall not affect the terms of office to which present members of the board have been elected. Any vacancies occurring in said Board of Trustees in the interim between the annual conventions of the said synod shall be filled by the Executive Committee of the United Evangelical Lutheran Synod of North Carolina. The Board of Trustees of North Carolina College and/or North Carolina College shall be the successor of and shall succeed to any and all the rights, powers, privileges, advantages, title and property heretofore conferred upon or which may hereafter be acquired by the Board of Trustees of Western North Carolina Academy, and/or Western North Carolina Academy, the Board of Trustees of North Carolina College and/or North Carolina College: Provided, that nothing contained herein shall alter, change
or modify any existing contract or contracts, agreement or agreements heretofore made by North Carolina College.'"
gasoline in the manufacture of furniture, on which the refund tax amounted to two hundred forty-four dollars and sixty-five cents ($244.65); and

Whereas, claim for gasoline tax refund was prepared prior to April fifteen, one thousand nine hundred thirty-eight, and was not filed for the reason that an officer of the corporation, as required by the law, was not available to sign the claim until the morning of April sixteen, and that the said officer signing the claim was the first officer of the corporation who could sign the claim to return to the office after the report had been prepared; that April fifteen, one thousand nine hundred thirty-eight was on a Friday, and had the claim been mailed on that day, it could not have possibly been received by the Commissioner of Revenue before the close of business at noon on Saturday, April sixteen; the following Monday being April eighteen, was a legal holiday, and all offices of the Revenue Department were closed on that day, and the records of the Revenue Commissioner show that it was handled on the following day, April nineteen, one thousand nine hundred thirty-eight: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That the Commissioner of Revenue is hereby authorized and directed to refund to the Drexel Furniture Company, Drexel, North Carolina, the sum of two hundred forty-four dollars and sixty-five cents ($244.65), or so much thereof as may be due as per application for refund filed with the Revenue Commissioner and received by him on April nineteen, one thousand nine hundred thirty-eight, as would have been paid had said application been received on April fifteen, one thousand nine hundred thirty-eight, according to law; the said amount being the gasoline tax at five cents per gallon on four thousand eight hundred ninety-three gallons of tax paid gasoline used by it on the quarter ending March thirty-first, one thousand nine hundred thirty-eight in the manufacture of furniture.

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

In the General Assembly read three times and ratified, this the 28th day of March, 1939.
CHAPTER 16

AN ACT TO AMEND CHAPTER FOUR HUNDRED TWENTY PRIVATE LAWS ONE THOUSAND NINE HUNDRED AND ONE RELATING TO THE INCORPORATION OF THE FARMERS MUTUAL FIRE INSURANCE ASSOCIATION OF EDGECOMBE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Section six, Chapter four hundred twenty, Private Laws of North Carolina, session of one thousand nine hundred and one be and the same is hereby repealed.

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

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

In the General Assembly read three times and ratified, this the 31st day of March, 1939.

H. B. 1073

CHAPTER 17

AN ACT TO AUTHORIZE AND DIRECT THE BOARD OF COUNTY COMMISSIONERS OF ALAMANCE COUNTY TO PAY COMPENSATION TO THE WIDOW OF SHERIFF M. P. ROBERTSON, DECEASED.

 Whereas, on December seventh, one thousand nine hundred thirty-eight, M. P. Robertson, Sheriff of Alamance County, and S. W. Vaughn, City Policeman of the City of Burlington, were slain in the line of duty when attempting the arrest of robbers at a business establishment in the City of Burlington; and

 Whereas, the two officers aforesaid had served as police officers for many years together upon the police force of the City of Burlington, and that two days before their death the said M. P. Robertson had been sworn in as duly elected Sheriff of Alamance County; and

 Whereas, the death of the said S. W. Vaughn was and is compensable under the Workmen's Compensation Act of North Carolina because he was serving in an appointive office, and his widow and dependents are receiving compensation therefor; and

 Whereas, the death of said M. P. Robertson is not compensable under the Workmen's Compensation Act because of the fact that he was serving in an elective office; and
Whereas, the said M. P. Robertson had never received any compensation as the Sheriff of Alamance County, and his widow having received pay for only the two days which he served as Sheriff: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners of Alamance County be, and they are hereby, authorized, empowered and directed to pay to Sallie B. Robertson, widow of M. P. Robertson, weekly payments equal to two-thirds of the amount which she would have received by virtue of the North Carolina Workmen’s Compensation Act, had such death of M. P. Robertson been compensable under the Act, and that the same be appropriated for and paid out of the general funds of Alamance County for the period provided in the Act.

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

In the General Assembly read three times and ratified, this the 31st day of March, 1939.

S. B. 487

CHAPTER 18

AN ACT TO DIRECT THE DEPARTMENT OF REVENUE TO REFUND TO DORSEY RHYNE OF LINCOLN COUNTY THIRTY-FIVE DOLLARS OVERPAYMENT OF SERVICE STATION LICENSE TAX.

Whereas, Dorsey Rhyne, of Lincoln County, made overpayment of five dollars each for the ten years from one thousand nine hundred and twenty-seven to one thousand nine hundred and thirty-seven for service station license taxes; and

Whereas, the Department of Revenue refunded fifteen dollars for the years one thousand nine hundred and thirty-four to one thousand nine hundred and thirty-seven but on account of the statute of limitations running out in three years for filing claim, could not make refund for previous years amounting to thirty-five dollars: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the Department of Revenue be and is hereby authorized and directed to refund to Dorsey Rhyne, of Lincoln County, the sum of thirty-five dollars ($35.00) for overpayment of service station license taxes for the years one thousand nine hundred and twenty-seven to one thousand nine hundred and thirty-four.

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

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.
H. B. 310

CHAPTER 19

AN ACT TO REIMBURSE W. S. WILLIAMS LOSSES RESULTING FROM A COLLISION WITH A SCHOOL BUS IN NASH COUNTY.

Whereas, on the morning of January three, one thousand nine hundred and thirty-eight, a disc harrow drawn by two mules, driven by an employee of W. S. Williams, and owned by said Williams, was struck by a school bus traveling in the same direction on the Middlesex-Bailey Road, in Nash County; and

Whereas, as a result of said collision, the driver of the harrow was injured, necessitating medical attention, one of the mules severely hurt, necessitating being taken to a veterinarian, and the harrow damaged; Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. The State School Commission is hereby authorized to investigate the claim of W. S. Williams, referred to in the preamble of this Act, and if found to be meritorious and just it is authorized to pay to W. S. Williams such loss and damage as said State School Commission may determine, not to exceed, however, the sum of three hundred forty-seven dollars and twenty-five cents. Such payment, if any, as is made shall be made from the funds appropriated for maintenance of the eight months school term.

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.

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

H. B. 471

CHAPTER 20

AN ACT TO PROVIDE COMPENSATION TO THE PARENTS OF HAZEL LEE STEWART, DECEASED, WHO WAS KILLED BY A SCHOOL BUS AT COOLEEMEE IN DAVIE COUNTY.

Whereas, on the twenty-ninth day of September, one thousand nine hundred thirty-seven, Hazel Lee Stewart, age eight, a student at Cooleemee School in Davie County, with other children, was standing in front of said school building near a school bus being operated by J. W. Everhardt. Said Hazel Lee Stewart was awaiting to board said school bus to transport her, with other children, from said school to their homes, and without fault on her part, the driver of said school bus negligently, without first giving
warning and without looking, caused said school bus to start a forward motion, at which said time the said Hazel Lee Stewart was struck by said school bus and thrown under the right rear dual wheel of said bus, said wheel passing over the abdomen of said Hazel Lee Stewart, inflicting serious and permanent injuries which resulted in death on the same date; and

Whereas, the parents of the said Hazel Lee Stewart were and are unable to defray the expenses of said child; and

Whereas, on October eighteenth, one thousand nine hundred thirty-seven, the parents of said Hazel Lee Stewart, filed the statement of an account with the State School Commission, Raleigh, North Carolina, reporting the expenses incurred in the treatment and burial of the said Hazel Lee Stewart; and

Whereas, by Chapter two hundred forty-five of Public Laws of North Carolina, one thousand nine hundred thirty-five, the State School Commission was authorized and directed to set up in its budget for the operation of public schools of the State, a sum of money which it deemed sufficient to pay to parents, guardians, executors and administrators of any school child who might be injured and/or whose death results from injuries received while such child is riding on a school bus to and from the public schools of the State, medical, surgical and hospital and funeral expenses incurred on account of such injuries and/or death of such child in an amount not to exceed the sum of six hundred dollars ($600.00); and

Whereas, by Section six of said Act, it was provided that the State should not be liable, among other things, for personal injuries sustained while not actually riding on the bus to and from the school, and from personal injuries received otherwise than by reason of the operation of said bus; and

Whereas, after said claim was filed by the said parents of said Hazel Lee Stewart with the State School Commission as aforesaid, for the sum of five hundred dollars ($500.00), representing the expenses incurred in the treatment and burial of said Hazel Lee Stewart, the State School Commission while not rejecting, has failed to approve and pay the same due to the fact that the said Hazel Lee Stewart was not actually riding on said bus at the time of the accident; and

Whereas, the parents of the said Hazel Lee Stewart have no remedy at law: Now, therefore,
The General Assembly of North Carolina do enact:

Section 1. That the State School Commission of North Carolina is hereby authorized to pay to H. N. Stewart, of Davie County, North Carolina, the father of said Hazel Lee Stewart, who was killed as set out in the preamble of this Act, the bona fide actual expenses incurred in the medical treatment and burial of said Hazel Lee Stewart, resulting from the accident above described, not to exceed the sum of five hundred dollars ($500.00): Provided, that the amount of said burial and medical expenses paid by said School Commission to have been actual and bona fide, not to exceed five hundred dollars ($500.00), may be paid from the Contingency and Emergency Fund in the discretion of the Director of the Budget in the event that the necessary funds are not available out of the appropriations for the Public Schools.

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.

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

H. B. 546

CHAPTER 21

AN ACT TO REMUNERATE JEFF CARROLL FOR DAMAGES TO HIS FILLING STATION INCURRED ON THE SEVENTH DAY OF DECEMBER, ONE THOUSAND NINE HUNDRED THIRTY-SEVEN, BY A COLLISION THEREWITH BY A STATE-OWNED SCHOOL BUS DRIVEN BY A STUDENT OF THE TAR HEEL HIGH SCHOOL IN BLADEN COUNTY.

Whereas, on the seventh day of December, one thousand nine hundred thirty-seven, a State-owned school bus driven by one Clifton Allen, a student in the Tar Heel High School, collided with and damaged a filling station belonging to one Jeff Carroll in Bladen County; and

Whereas, it has been proven by court action that the driver of the school bus was entirely responsible for the collision and the damages resulting therefrom; and

Whereas, the damages resulting from the collision herein referred to amount to one hundred dollars ($100.00); Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That the State School Commission is hereby authorized and empowered, immediately upon the ratification of this Act, to reimburse Jeff Carroll, upon production of satisfactory proof and evidence as to negligence and
damages, in an amount not in excess of one hundred dollars ($100.00), which amount shall be in full settlement for all damages incurred by him as a result of the accident herein referred to.

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.

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

H. B. 794  
CHAPTER 22

AN ACT FOR THE RELIEF OF MRS. W. J. RASBERRY.

That Whereas, on the third day of March, one thousand nine hundred thirty-six one Brady, an employee of the State Highway and Public Works Commission, while working on the State highway near Cary on a road under construction or improvement by the State, carelessly and negligently caused or allowed fire to get out on property belonging to Mrs. W. J. Rasberry and as a direct result of such carelessness and negligence on the part of said employee of the State Highway and Public Works Commission, a tenant house on said property, valued at six hundred dollars ($600.00) was totally destroyed, and there was one hundred dollars ($100.00) damage done by said fire to the growing timber on said land, and fifty dollars ($50.00) damage done to stored crops; Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That the Highway Commission is authorized to investigate this loss, and in the event they find the loss was caused by the negligence of its employee, acting in the scope of his employment, they are herewith authorized to pay Mrs. Rasberry the actual loss which they find she has sustained, but in no event is the amount to exceed seven hundred fifty dollars ($750.00).

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.

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.
CHAPTER 23

AN ACT TO PROVIDE FOR RETIREMENT COMPENSATION FOR W. DAN TERRY, SUPERINTENDENT OF PUBLIC BUILDINGS AND GROUNDS.

Whereas, W. Dan Terry has served the State of North Carolina faithfully and well for forty-six years in the capacity of Superintendent of Public Buildings and Grounds; and

Whereas, the said W. Dan Terry recently suffered a stroke of paralysis which has totally incapacitated him and he is no longer physically able to perform his duties in such capacity; and

Whereas, the said W. Dan Terry is no longer able to pursue any gainful occupation; Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That the said W. Dan Terry shall be paid the sum of nine hundred dollars ($900.00) per annum during the term of his natural life, the same to be paid in equal monthly installments of seventy-five dollars ($75.00) per month, out of the State Treasury upon warrants duly drawn thereon.

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 July first, one thousand nine hundred thirty-nine.

In the General Assembly read three times and ratified, this the 3rd day of April, 1939.

S. B. 246

CHAPTER 24

AN ACT TO REIMBURSE DAVID H. JONES FOR LOSS OF A HORSE KILLED BY A STATE OF NORTH CAROLINA HIGHWAY AND PUBLIC WORKS COMMISSION TRUCK IN ROBESON COUNTY.

Whereas, on March twenty-eight, one thousand nine hundred and thirty-eight, on the public highway leading from United States Highway Number three hundred and one to Barker Ten Mile School in Robeson County, a Percheron mare, the property of David H. Jones, was struck by a State of North Carolina Highway and Public Works Commission truck operated in a careless and negligent manner and the mare injured to such an extent that it had to be killed; and
Whereas, it appears that there was no negligence on the part of the agent of said Jones who was leading the mare on the proper side of the highway: Now, therefore,  

The General Assembly of North Carolina do enact:

Section 1. That the State Highway and Public Works Commission is hereby authorized to pay to David H. Jones the sum of three hundred dollars to reimburse him in full for the loss sustained in the fatal injury and death of his mare in the aforesaid accident. Provided, that if upon investigation by the State Highway and Public Works Commission it is determined that the injury to said mare was caused by the carelessness and negligence of the agent of the State Highway and Public Works Commission, then the said State Highway and Public Works Commission may reimburse the said David H. Jones for such injury to an amount not exceeding three hundred dollars.

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

Sec. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1939.

S. B. 414

CHAPTER 25

AN ACT TO PROVIDE RELIEF FOR MRS. E. E. BELL, A CITIZEN OF THE CITY OF POLLOCKSVILLE, COUNTY OF JONES, STATE OF NORTH CAROLINA.

Whereas, Mrs. E. E. Bell, a citizen of Jones County, North Carolina, suffered damage to her automobile as the result of a collision with a school bus, the property of the State of North Carolina and operated for the Jones County Public Schools, said accident being the proximate result of careless and reckless driving by the operator of said school bus, and it being admitted that there was no contributory negligence on the part of the said Mrs. E. E. Bell; and

Whereas, as result of the said automobile collision, Mrs. E. E. Bell sustained actual cash damage in the sum of ninety-eight ($98.00) dollars: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That the State School Commission be, and they are hereby, authorized to investigate and determine the validity of the claim of Mrs. E. E. Bell of Pollocksville, Jones County, North Carolina, which grew out of a collision with a school truck operated for Jones County, North
Payment of claim. Carolina, public schools. Said claim, if allowed, not to exceed ninety-eight ($98.00) dollars and said commission is hereby authorized to pay said claim, if and when established, the amount to be determined by them.

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

Sec. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1939.

S. B. 496

CHAPTER 26

AN ACT TO PROVIDE FOR THE COMPENSATION FOR THE INJURY OF ARA REBECCA DAVIS, A SCHOOL CHILD OF CHATHAM COUNTY, RECEIVED WHILE BEING TRANSPORTED TO SCHOOL ON A SCHOOL BUS.

Whereas, Ara Rebecca Davis, a school child of Chatham County, North Carolina, in January, one thousand nine hundred thirty-six, while in the act of getting on a school bus at the school house grounds to return to her home, was pushed under another school bus which was in motion, and as a result said school bus ran over and caused her right leg to be crushed to the end that she had to spend several days at Watts Hospital in Durham, and incurred considerable hospital expense and doctors' expense; Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the State School Commission of North Carolina is hereby authorized to pay to C. C. Davis, the father of Ara Rebecca Davis, such sum, or sums, as it may find necessary to compensate the said C. C. Davis for such sum, or sums, as he expended for hospital and doctors' bills in the treatment of the injury received by his said daughter, Ara Rebecca Davis; provided, further, that the said C. C. Davis shall furnish to said State School Commission receipted and itemized bills showing amounts which he has expended on account of said injury received by his said daughter, Ara Rebecca Davis.

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.

In the General Assembly read three times and ratified, this the 4th day of April, 1939.
H. B. 784

CHAPTER 27

AN ACT TO REIMBURSE E. O. CHANDLER FOR LOSSES SUSTAINED RESULTING FROM A COLLISION WITH A SCHOOL BUS IN ROCKINGHAM COUNTY.

Whereas, on the first day of March, one thousand nine hundred and thirty-nine a school bus being operated by an employee of Rockingham County Board of Education stopped his bus on a public highway in Rockingham County without giving any warning or signal whatever immediately in front of said E. O. Chandler; and

Whereas, as a result of said collision the automobile being operated by the said E. O. Chandler was completely demolished: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That the State School Commission is hereby authorized and empowered to pay to E. O. Chandler such damages as he may have sustained as a result of said collision not exceeding six hundred eight dollars and fifty-four cents, provided said State School Commission finds that said collision was solely and proximately caused by the negligence of the driver of said school bus without contributory negligence on the part of said E. O. Chandler.

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

Sec. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1939.

H. B. 933

CHAPTER 28

AN ACT TO AMEND CHAPTER FORTY-SEVEN, OF THE PRIVATE LAWS OF THE GENERAL ASSEMBLY OF ONE THOUSAND EIGHT HUNDRED SEVENTY-NINE, KNOWN AS "AN ACT TO INCORPORATE THE TRUSTEES OF BALL'S CREEK METHODIST CHURCH AND CAMP GROUND, IN THE COUNTY OF CATAWBA, NORTH CAROLINA."

The General Assembly of North Carolina do enact:

Section 1. That Section one, of Chapter forty-seven, of the Private Laws of one thousand eight hundred seventy-nine, be and the same is hereby amended, by striking out the following words at the end of Section one, namely: "such officers as they shall deem necessary," and by inserting in lieu thereof, the following: "their officers, consisting of a Chairman, Vice-Chairman, Secretary and Treasurer."
Sec. 2. That Chapter forty-seven of the Private Laws of one thousand eight hundred seventy-nine, be and the same is hereby further amended by striking out Section two of said Act, and by inserting in lieu thereof the following, namely: "That the number of trustees of the said Ball's Creek Methodist Church and Camp Ground, in the County of Catawba, State of North Carolina, shall not be less than five, nor more than ten; and that the following persons are hereby named, designated, and constitute the Trustees of Ball's Creek Methodist Church and Camp Ground, in the County of Catawba, State of North Carolina, and shall hold their terms as follows, namely: H. F. Jones and D. E. Drum shall serve for five years; C. P. Detter and J. B. Drum shall serve for four years; R. I. Love and J. E. Coulter shall serve for three years; Z. W. Wilkinson and W. F. Cline shall serve for two years; and N. W. Jones and W. O. Rone shall serve for one year, each and all of the aforesaid terms shall begin the first Monday in July, one thousand nine hundred thirty-nine, and two members of said trustees shall be elected on the first Monday of July, one thousand nine hundred forty, who shall serve for five years, and two members shall be elected annually thereafter, each and every year, on the first Monday of July, who shall serve for five years; that in case of death or refusal to act, or for removal, or for any other cause there becomes a vacancy, the said vacancy shall be filled by the remaining trustees, to fill out the unexpired term."

Sec. 3. That Chapter forty-seven of the Private Laws of one thousand eight hundred seventy-nine, be, and the same is hereby further amended by adding a new section thereto, in the following words:

"Sec. 10-a. That the trustees of said Ball's Creek Camp Ground and Church shall have control of and are hereby empowered to regulate the sales of all food and drink of all kinds, for the convenience, use and comfort of those attending the services of said camp ground, on the grounds, or within one mile of the camp ground, while the same is occupied for worship, and any person who shall sell, or attempt to sell any food of any kind or drink of any kind, at or on said camp ground, or within one mile of same, while said camp ground is occupied for worship, without first obtaining permission from said trustees, shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars or imprisoned not more than thirty days. Each and every sale, or attempted sale, shall constitute a separate offense."

Application of Act. This section not to apply to any person or persons operating or conducting their regular business within the above limits and territory.
Sec. 4. If any part or section of this Act shall be declared unconstitutional or invalid by the Supreme Court of North Carolina, it shall in no wise affect the remainder of said Act, and the remainder shall remain in full force and effect.

Sec. 5. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1939.

STATE OF NORTH CAROLINA
OFFICE OF SECRETARY OF STATE
RALEIGH, N. C., APRIL 4, 1939

I, THAD EURE, Secretary of State of the State of North Carolina, hereby certify that the foregoing (manuscript) are true copies of the original Acts on file in this office.

Thad Eure
Secretary of State.